

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, March 8, 1991  
The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Bruce Vadnais, Wesleyan Church, Bismarck.

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

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 1593, HCR 3007, HCR 3023, HCR 3024, HCR 3057.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1163.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1108, HB 1152, HB 1157, HB 1159, HB 1161, HB 1313, HB 1317.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:28 a.m., March 8, 1991: 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.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:39 a.m., March 8, 1991: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:50 a.m., March 8, 1991: 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.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 10:15 a.m., March 8, 1991: SCR 4024.

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

MR. PRESIDENT: The House has failed to pass: SB 2475.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2425.

Page 1, line 15, after the period insert "A nurse authorized to transmit a prescription drug order may only transmit an order for a refill of that drug."

Page 1, line 22, replace "drugs" with "a prescription drug refill"

Renumber accordingly

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

MR. PRESIDENT: The House has passed unchanged: SB 2059, SB 2060, SB 2089, SB 2143, SB 2182, SB 2189, SB 2355, SB 2381, SB 2393, SB 2406, SB 2437, SB 2555, SCR 4064.

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 1154, HB 1181, HB 1209, HB 1307, HB 1366, HB 1371, HB 1390, HB 1398, HB 1399, HB 1501, HB 1580.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Forty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 889, line 12, after "Freborg" insert "Kelsh"

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

#### REPORTS OF STANDING COMMITTEES

HB 1207, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1207 was placed on the Fourteenth order on the calendar.

HB 1376, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Fourteenth order on the calendar.

HB 1567: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1567 was placed on the Fourteenth order on the calendar.

#### CONSIDERATION OF AMENDMENTS

HB 1051: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 892 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1053: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 901 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1138: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 901 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1145: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 901-902 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1164: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 902 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### MOTION

SEN. WOGSLAND MOVED that HB 1165, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

HB 1234: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 902-903 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1245: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 903 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

- HB 1291: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 893 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1309: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 903-904 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1373: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 904 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1409: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 904 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1410: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 904-905 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1523: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 905 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## MOTION

SEN. WOGSLAND MOVED that the Senate reprint 200 copies of Engrossed SB 2054 and Engrossed SB 2058, which motion prevailed.

## SECOND READING OF HOUSE BILLS

- HB 1277: A BILL for an Act to repeal sections 50-24.3-04 and 50-24.3-05 of the North Dakota Century Code, relating to preadmission assessment of persons prior to admission to a skilled nursing facility, intermediate care facility, or a hospital swing-bed facility; to provide a statement of legislative intent; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Satrom

HB 1277 passed and the title was agreed to, and the emergency clause carried.

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- HB 1314: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for property owned by the department of housing and urban development and leased to a nonprofit corporation for providing housing for the homeless; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Ingstad; Kelly; Moore; Mushik; Nalewaja; O'Connell; Redlin; Schoenwald; Solberg; Streibel

**NAYS:** David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mutch; Naaden; Nelson; Nething; Peterson; Robinson; Stenehjerm; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Hanson, E.; Satrom

HB 1314 lost.

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HB 1508: A BILL for an Act to prohibit issuance of evidences of indebtedness by any state agency, institution, or instrumentality without prior specific authorization by the legislative assembly.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 40 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; David; DeKrey; Moore; Mutch; Naaden; Nelson; Solberg; Streibel; Vosper

**NAYS:** 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; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjerm; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Hanson, E.; Nalewaja; Satrom

HB 1508 lost.

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HB 1086: A BILL for an Act to amend and reenact section 65-06.2-01 of the North Dakota Century Code, relating to the definition of an inmate.

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

**YEAS:** Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, O.; 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; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Hanson, E.; Heigaard; Satrom

HB 1086 passed and the title was agreed to.

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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.

## 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 22 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Freborg; Goetz; Graba; Hanson, O.; Jerome; Krebsbach; Lindgren; Lips; Mathern; Naaden; Nalewaja; Nelson; Nething; Peterson; Robinson; Solberg; Streibel; Tallackson; Traynor

NAYS: DeKrey; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Maxson; Meyer; Moore; Mushik; Mutch; O'Connell; Redlin; Schoenwald; Stenehjelm; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Satrom

HB 1091 lost.

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HB 1092: 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 mortgage loan finance program.

## 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 37 YEAS, 14 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjelm; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Marks; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Hanson, E.; Satrom

HB 1092 passed and the title was agreed to.

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HB 1100: A BILL for an Act to adopt the Uniform Statutory Rule Against Perpetuities; and to repeal sections 47-02-27, 47-02-31, 47-04-11, 47-04-12, and 59-05-36 of the North Dakota Century Code, relating to the rule against perpetuities.

## 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; 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: Hanson, E.; Meyer

HB 1100 passed and the title was agreed to.

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HB 1101: A BILL for an Act to adopt the Uniform Foreign-Money Claims Act; 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; 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: Hanson, E.; Meyer

HB 1101 passed and the title was agreed to.

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HB 1102: A BILL for an Act to create and enact chapter 30.1-31 of the North Dakota Century Code, relating to nonprobate transfers on death; to amend and reenact sections 6-03-67 and 30.1-17-04 of the North Dakota Century Code, relating to protection of financial institutions and bonds of personal representatives; to repeal the present chapter 30.1-31 of the North Dakota Century Code, relating to nonprobate transfers; and to provide for application of this 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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: Hanson, E.

HB 1102 passed and the title was agreed to.

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HB 1130: A BILL for an Act to establish procedures upon enrollment of children in schools, licensed day care facilities, or home-based instruction to aid in the identification and location of missing children.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: O'Connell; Peterson

ABSENT AND NOT VOTING: Hanson, E.; Kelsh

HB 1130 passed and the title was agreed to.

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HB 1155: A BILL for an Act to create and enact a new section to chapter 13-05 of the North Dakota Century Code, relating to collection agency branch offices; and to amend and reenact section 13-05-04 of the North Dakota Century Code, relating to an annual fee for collection agency branch offices.

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

ABSENT AND NOT VOTING: Hanson, E.; Ingstad

HB 1155 passed and the title was agreed to.

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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.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Moore; 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.

HB 1192 passed and the title was agreed to.

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HB 1213: A BILL for an Act to amend and reenact subsection 4 of section 6-01-07.1, subsection 8 of section 6-01-17.1, sections 6-03-12, 6-03-28, 6-03-36, and 6-03-63 of the North Dakota Century Code, relating to department of banking and financial institutions' records, application fees, transfer of assets on consolidation or merger of a bank or trust company, bank capital and dividends, and interest on deposits.

## 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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: Hanson, E.

HB 1213 passed and the title was agreed to.

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HB 1226: A BILL for an Act to create and enact a new subsection to section 40-18-01 of the North Dakota Century Code, relating to the jurisdiction of municipal courts to try alcohol-related traffic offenses.

## 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 48 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Langley; Meyer; Tomac

ABSENT AND NOT VOTING: Hanson, E.

HB 1226 passed and the title was agreed to.

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HB 1229: A BILL for an Act to create and enact sections 26.1-25-02.1, 26.1-25-10.1, 26.1-25-10.2, 26.1-25-10.3, 26.1-25-10.4, 26.1-25-10.5, 26.1-25-19, and 26.1-30.1-03.1 of the North Dakota Century Code, relating to the recognition of an advisory organization's ratemaking-related activities; to amend and reenact sections 26.1-03-11, 26.1-25-01, subsections 1 and 2 of section 26.1-25-03, sections 26.1-25-04, 26.1-25-05, 26.1-25-09, 26.1-25-12, 26.1-25-13, 26.1-25-14, 26.1-25-17, 26.1-25-18, 26.1-30.1-02, 26.1-30.1-03, 26.1-30.1-06, subsection 3 of section 26.1-40-01, section 26.1-40-17, and subsection 1 of section 26.1-40-17.1 of the North Dakota Century Code, relating to the recognition of an advisory organization's ratemaking-related activities, cancellation and nonrenewal of commercial insurance, automobile policies, and policies covering rental vehicles; and to repeal sections 26.1-25-06, 26.1-25-07, 26.1-25-08, 26.1-25-10, and 26.1-25-11 of the North Dakota Century Code, relating to property and casualty insurance ratemaking.

## 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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: Hanson, E.

HB 1229 passed and the title was agreed to.

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HB 1249: A BILL for an Act to amend and reenact sections 15-47-26 and 15-47-38 of the North Dakota Century Code, relating to the definition of teacher and discharge of teachers; and to repeal section 15-47-38.1 of the North Dakota Century Code, relating to evaluation and renewal of first year teachers and superintendents.

#### 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, 2 NAYS, 0 EXCUSED, 1 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; 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: Meyer; Moore

ABSENT AND NOT VOTING: Hanson, E.

HB 1249 passed and the title was agreed to.

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HB 1276: A BILL for an Act to amend and reenact sections 50-24.4-01 and 50-24.4-10 of the North Dakota Century Code, relating to definition of terms and reimbursement for nursing home operating costs after January 1, 1990; 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.; 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: Hanson, E.; Heigaard

HB 1276 passed and the title was agreed to.

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HB 1290: 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 conduct and

play of the game of paddlewheels; and to amend and reenact subsection 1 of section 53-06.1-07, section 53-06.1-07.1, and subsection 3 of section 53-06.1-14 of the North Dakota Century Code, relating to allowing eligible organizations to conduct the game of paddlewheels, player age restriction, hours of conduct, and state gaming stamp requirement.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 29 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Graba; Heigaard; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Maxson; Meyer; Mushik; Mutch; Nalewaja; Peterson; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Lindaas; Marks; Mathern; Moore; Naaden; Nelson; Nething; O'Connell; Redlin; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Hanson, E.

HB 1290 passed and the title was agreed to.

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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.

#### 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heigaard; Heinrich; 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; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Holmberg

ABSENT AND NOT VOTING: Hanson, E.; Stenehjem

HB 1294 passed and the title was agreed to.

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HB 1304: A BILL for an Act to amend and reenact section 16.1-12-03 of the North Dakota Century Code, relating to the nomination and election of a person to more than one office.

#### 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: 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; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin;

Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Traynor;  
Wogsland; Yockim

NAYS: Bowman; David; Hanson, D.; Moore; Mutch; Naaden; Solberg; Streibel;  
Tennefos; Vosper

ABSENT AND NOT VOTING: Hanson, E.; Stenehjem

HB 1304 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that HB 1319, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1353: A BILL for an Act to amend and reenact section 50-25.1-05.05 of the North Dakota Century Code, relating to interviews on school property.

#### 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, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Solberg; Traynor

NAYS: 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Streibel; Tallackson; Tennefos; Thane; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Stenehjem; Tomac

HB 1353 lost.

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HB 1402: A BILL for an Act to create and enact a new section to chapter 15-27.2 of the North Dakota Century Code, relating to school district boundary changes.

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

YEAS: Bowman; Ingstad; Keller; Kelsh; Maxson; Nelson; Solberg

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

ABSENT AND NOT VOTING: Hanson, E.; Stenehjem

HB 1402 lost.

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HB 1426: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to authorization of

physicians to be employed by hospitals incorporated as nonprofit corporations.

#### 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Stenehjem

HB 1426 passed and the title was agreed to.

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HB 1458: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to support levels for unaccredited elementary schools.

#### 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 29 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krebsbach; Lindgren; Lips; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Tennefos; Traynor

NAYS: Bowman; Dotzenrod; Hanson, O.; Heigaard; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Meyer; Moore; Naaden; O'Connell; Streibel; Tallackson; Thane; Tomac; Vosper; Wogsland

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

HB 1458 passed and the title was agreed to.

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HB 1479: A BILL for an Act to create and enact six new sections to chapter 43-05 of the North Dakota Century Code, relating to the board of podiatric medicine; to amend and reenact sections 43-05-01, 43-05-03, 43-05-04, 43-05-05, 43-05-06, 43-05-09, 43-05-10, 43-05-11, 43-05-12, 43-05-13, 43-05-14, 43-05-15, 43-05-16, and 43-05-17 of the North Dakota Century Code, relating to regulation of the practice of podiatric medicine; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane

HB 1479 passed and the title was agreed to.

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HB 1491: A BILL for an Act to amend and reenact section 26.1-36-37.1 of the North Dakota Century Code, relating to health insurance proof of loss forms and claim payment time limits.

#### 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, 0 NAYS, 0 EXCUSED, 4 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane

HB 1491 passed and the title was agreed to.

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HB 1539: A BILL for an Act relating to health insurance coverage to small employers.

#### 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, 0 NAYS, 0 EXCUSED, 4 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane

HB 1539 passed and the title was agreed to.

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HB 1553: A BILL for an Act to amend and reenact sections 50-01-01, 50-02-05, 50-03-01, 50-03-02, 50-03-03, 50-03-04, 50-03-05, 50-03-06, 50-03-07, 50-06.2-05, and subsection 34 of section 57-15-06.7 of the North Dakota Century Code, relating to the human services 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 48 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom;

Schoenwald; Solberg; Streibel; Tennefos; Tomac; Traynor; Vosper;  
Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Tallackson; Thane

HB 1553 passed and the title was agreed to.

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#### MOTION

SEN. KELSH MOVED that the vote by which HB 1290 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILLS

HB 1565: A BILL for an Act to amend and reenact section 13-01-15 of the North Dakota Century Code, relating to statements to be furnished by a creditor before imposing late payment charges on accounts receivable.

#### 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, 0 NAYS, 0 EXCUSED, 4 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane

HB 1565 passed and the title was agreed to.

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HB 1049: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to payment of a license fee in lieu of property taxes on leasehold interests and improvements on state-owned property when used for tourism or concession purposes; 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 31 YEAS, 17 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Traynor; Wogsland

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane; Yockim

HB 1049 passed and the title was agreed to.

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HB 1094: A BILL for an Act to amend and reenact subsection 2 of section 4-09-15 of the North Dakota Century Code, relating to recordkeeping requirements for sellers of seed or grain.

## 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 46 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tomac; Traynor; Vosper; Wogsland

NAYS: David

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Tennefos; Thane; Yockim

HB 1094 passed and the title was agreed to.

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HB 1150: A BILL for an Act to create and enact a new subsection to section 57-38-12 and a new section to chapter 57-38.1 of the North Dakota Century Code, relating to the gain or loss on the sale of partnership interest when the partnership income or loss was previously determined to be nonbusiness income when taxing the income of a corporation; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Hanson, E.; Redlin; Stenehjerm; Thane; Yockim

HB 1150 passed and the title was agreed to.

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## MOTION

SEN. INGSTAD MOVED that SB 2586 be returned to the Senate floor from the Committee on Education for the purpose of withdrawal, which motion prevailed.

## REQUEST

SEN. INGSTAD REQUESTED the unanimous consent of the Senate to withdraw SB 2586. There being no objection, it was so ordered by the President.

## MOTIONS

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Monday, March 11, 1991, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

SCR 4045: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 22, after the comma insert "the National Electrical Contractors Association, the North Dakota Apartment Association, the North Dakota Association of Counties, the North Dakota Association of Plumbing, Heating and Mechanical Contractors, the North Dakota Association of Realtors, the North Dakota Building Construction Trade Council, the North Dakota Building Trades, the North Dakota Chapter of the American Institute of Architects, the North Dakota Consulting Engineers Council, Inc., the North Dakota Electrical Workers Council, the North Dakota Land Improvement Contractors, the North Dakota League of Cities, the North Dakota Manufactured Housing Association, the North Dakota Minority Contractors Association, the North Dakota Society of Professional Engineers, the North Dakota Society of Professional Land Surveyors, the North Dakota State Boiler Inspector, the North Dakota State Electrical Board, the North Dakota State Plumbing Board, the State Fire Marshal, the Systems Builders Association, Dakota Chapter,"

Renumber accordingly

SCR 4058: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4058 was placed on the Eleventh order on the calendar.

SCR 4065: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4065 was placed on the Eleventh order on the calendar.

HB 1120: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1120 was placed on the Tenth order.

HB 1146: 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 1146 was placed on the Tenth order.

HB 1208: Committee on Finance and Taxation (Sen. Dotzenrod, 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 57-36 of the North Dakota Century Code, relating to allowing cigarette distributors to retain a portion of tax collections for administrative expenses;"

Page 3, line 17, overstrike "in the"

Page 3, line 18, overstrike "sum of not less than one thousand dollars or more than five thousand dollars"

Page 4, line 8, remove the overstrike over "~~if the cigarettes are to be sold to an enrolled tribal member~~"

Page 4, remove the overstrike over lines 9 through 11

Page 4, line 12, after "~~4~~-" insert "3."

Page 10, after line 13, insert:



"SECTION 8. A new section to chapter 57-36 of the North Dakota Century Code is created and enacted as follows:

Deduction to reimburse licensed distributor for administrative expenses.

1. A licensed distributor who pays the tax due under this chapter within the time limitations prescribed may deduct and retain one and one-half percent of the tax due to reimburse the distributor for expenses incurred in keeping records, preparing and filing returns, remitting the tax, and supplying information requested by the commissioner.
2. The total deduction allowed by this section may not exceed one hundred dollars per month for each licensed distributor."

Page 11, line 4, replace "January" with "September"

Page 11, line 5, replace "1992" with "1991"

ReNUMBER accordingly

HB 1284, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1284 was placed on the Fourteenth order on the calendar.

HB 1377: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Tenth order.

HB 1441, as engrossed: 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 26, remove the overstrike over "~~A policy may not be issued covering property~~"

Page 2, remove the overstrike over line 27

Page 2, line 28, remove the overstrike over "~~unless-~~"

Page 3, remove the overstrike over lines 1 through 7

Page 3, line 8, remove the overstrike over "~~limits of any incorporated city with a population of less than~~" and after "~~two~~" insert "five"

Page 3, line 9, remove the overstrike over "~~thousand~~" and remove the overstrike over "~~located within the territory comprised in the~~"

Page 3, remove the overstrike over lines 10 through 12

Page 3, line 13, remove the overstrike over "~~company~~"

ReNUMBER accordingly

HB 1448: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1448 was placed on the Tenth order.

HB 1455: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1455 was placed on the Tenth order.

HB 1566, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1566 was placed on the Fourteenth order on the calendar.

HB 1568, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1568 was placed on the Fourteenth order on the calendar.

HB 1574, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, 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 2, after "election" insert "; and to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to exemption from local sales taxes of sales of items subject to a reduced rate of state sales and use taxes"

Page 1, line 4, after "in" insert "sections 1 through 6 of"

Page 1, line 9, after "provisions" insert "of sections 1 through 6"

Page 1, line 19, after "under" insert "sections 1 through 6 of"

Page 1, line 22, after "to" insert "sections 1 through 6 of"

Page 2, line 2, after "under" insert "sections 1 through 6 of"

Page 2, line 13, after "authority" insert "of sections 1 through 6"

Page 2, line 16, after "by" insert "sections 1 through 6 of"

Page 2, after line 16, insert:

"SECTION 7. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Local sales tax exemption for items subject to a reduced rate of state sales and use taxes. Sales or use of any tangible personal property subject to taxes under this chapter or chapter 57-40.2 at a rate of less than five percent are exempt from any local sales taxes imposed under sections 1 through 6 of this Act, or chapters 11-09.1 or 40-05.1."

Renumber accordingly

HCR 3022: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 1 ABSENT AND NOT VOTING). HCR 3022 was placed on the Tenth order.

HCR 3031: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3031 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3035: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a Bicentennial trust fund; and to provide an effective date.

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

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

MARION HOUN, Secretary