

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, March 21, 1991

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Roger Russell, McCabe United Methodist Church, Bismarck.

The roll was called and all members were present except Senators Graba, E. Hanson, Heigaard, Maxson, Dotzenrod, Holmberg, Peterson, Lindgren, Nalewaja.

A quorum was declared by the President.

## REQUEST

SEN. WOGSLAND REQUESTED that the records show that the members of the Committee on Political Subdivisions (Graba, E. Hanson, Maxson, Dotzenrod, Holmberg, Peterson, Lindgren, Nalewaja) are excused as they are in a committee meeting, which request was granted.

## REPORTS OF STANDING COMMITTEES

HB 1027, as engrossed: 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 16, replace "four" with "two"

Renumber accordingly

HB 1296, 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 6, after "a" insert "minor patient or a"

Page 2, line 7, after "a" insert "minor patient or a"

Page 2, line 16, remove "If there are more than two individuals in the same"

Page 2, remove lines 17 and 18

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

Page 2, line 28, replace the comma with a semicolon and after the first "or" insert "for"

Page 2, line 29, after "facility" insert "for a period of more than forty-five days without a mental health proceeding or other court order" and remove "No effective consent"

Page 3, remove lines 1 and 2

Renumber accordingly

HB 1477, 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 "A BILL" replace the remainder of the bill with "for an Act to provide for utilization review of health care services; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Purpose. The purpose of this Act is to:

1. Promote the delivery of quality health care in a cost-effective manner;
2. Assure that utilization review agents adhere to reasonable standards for conducting utilization review;
3. Foster greater coordination and cooperation between health care providers and utilization review agents;
4. Improve communications and knowledge of benefits among all parties concerned before expenses are incurred; and
5. Ensure that utilization review agents maintain the confidentiality of medical records in accordance with applicable laws.

SECTION 2. Definitions. For purposes of this Act, unless the context requires otherwise:

1. "Commissioner" means the commissioner of insurance.
2. "Enrollee" means an individual who has contracted for or who participates in coverage under an insurance policy, a health maintenance organization contract, a health service corporation contract, an employee welfare benefit plan, a hospital or medical services plan, or any other benefit program providing payment, reimbursement, or indemnification for health care costs for the individual or the individual's eligible dependents.
3. "Provider of record" means the physician or other licensed practitioner identified to the utilization review agent as having primary responsibility for the care, treatment, and services rendered to an individual.
4. "Utilization review" means a system for prospective and concurrent review of the necessity and appropriateness in the allocation of health care resources and services given or proposed to be given to an individual within this state. Utilization review does not include elective requests for clarification of coverage.
5. "Utilization review agent" means any person or entity performing utilization review, except:
  - a. An agency of the federal government; or
  - b. An agent acting on behalf of the federal government, but only to the extent that the agent is providing services to the federal government.

SECTION 3. Certification. A utilization review agent may not conduct utilization review in this state unless the utilization review agent has certified to the commissioner in writing that the agent is in compliance with section 4 of this Act. Certification must be made annually on or before March first of each calendar year. In addition, a certification review agent must file the following information:

1. The name, address, telephone number, and normal business hours of the utilization review agent;
2. The name and telephone number of a person for the commissioner to contact; and
3. A description of the appeal procedures for utilization review determinations.

Any material changes in the information filed in accordance with this section must be filed with the commissioner within thirty days of the change.

SECTION 4. Minimum standards of utilization review agents. All utilization review agents must meet the following minimum standards:

1. Notification of a determination by the utilization review agent must be mailed or otherwise communicated to the provider of record or the enrollee or other appropriate individual within two business days of the receipt of the request for determination and the receipt of all information necessary to complete the review.
2. Any determination by a utilization review agent as to the necessity or appropriateness of an admission, service, or procedure must be reviewed by a physician or, if appropriate, a licensed psychologist, or determined in accordance with standards or guidelines approved by a physician or licensed psychologist.
3. Any notification of a determination not to certify an admission or service or procedure must include the principal reason for the determination and the procedures to initiate an appeal of the determination.
4. Utilization review agents shall maintain and make available a written description of the appeal procedure by which enrollees or the provider of record may seek review of determinations by the utilization review agent. The appeal procedure must provide for the following:
  - a. On appeal, all determinations not to certify an admission, service, or procedure as being necessary or appropriate must be made by a physician or, if appropriate, a licensed psychologist.
  - b. Utilization review agents shall complete the adjudication of appeals of determinations not to certify admissions, services, and procedures no later than thirty days from the date the appeal is filed and the receipt of all information necessary to complete the appeal.
  - c. Utilization review agents shall provide for an expedited appeals process for emergency or life-threatening situations. Utilization review agents shall complete the adjudication of expedited appeals within forty-eight hours of the date the appeal is filed and the receipt of all information necessary to complete the appeal.
5. Utilization review agents shall make staff available by toll-free telephone at least forty hours per week during normal business hours.
6. Utilization review agents shall have a telephone system capable of accepting or recording incoming telephone calls during other than normal business hours and shall respond to these calls within two working days.

7. Utilization review agents shall comply with all applicable laws to protect confidentiality of individual medical records.
8. Physicians or psychologists making utilization review determinations shall have current licenses from a state licensing agency in the United States.
9. Utilization review agents shall allow a minimum of twenty-four hours following an emergency admission, service, or procedure for an enrollee or the enrollee's representative to notify the utilization review agent and request certification or continuing treatment for that condition.

However, the commissioner may find that the standards in this section have been met if the utilization review agent has received approval or accreditation by a utilization review accreditation organization.

**SECTION 5. Utilization review agent violations - Penalty.** Whenever the commissioner has reason to believe that a utilization review agent subject to this Act has been or is engaged in conduct that violates section 3 or 4 of this Act, the commissioner shall notify the utilization review agent of the alleged violation. The utilization review agent has thirty days from the date the notice is received to respond to the alleged violation.

If the commissioner believes that the utilization review agent has violated this Act, or is not satisfied that the alleged violation has been corrected, the commissioner shall conduct a hearing on the alleged violation in accordance with chapter 28-32.

If, after the hearing, the commissioner determines that the utilization review agent has engaged in violations of this Act, the commissioner shall reduce the findings to writing and shall issue and cause to be served upon the utilization review agent a copy of the findings and an order requiring the utilization review agent to cease and desist from engaging in the violations. The commissioner may also, at the commissioner's discretion, order:

1. Payment of a penalty of not more than ten thousand dollars for a violation that occurred with such frequency as to indicate a general business practice; or
2. Suspension or revocation of the authority to do business in this state as a utilization review agent if the utilization review agent knew that the act was in violation of this Act."

Renumber accordingly

#### CONSIDERATION OF AMENDMENTS

HB 1072: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1054 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1095: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1055 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1098: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1069-1070 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1132: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 1070 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

- HB 1139: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 1055 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1193: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 1055 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1255: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 988 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1261: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 988-989 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1262: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 997 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1310: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1070 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1329: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1056 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1338: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 1070 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1378: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 997-998 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1380: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 1027 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## MOTION

SEN. EVANSON MOVED that Engrossed HB 1380 be further amended as follows, which motion prevailed.

In addition to the amendments printed on page 1027 of the Senate Journal, Engrossed House Bill No. 1380 is further amended as follows:

Page 1, after line 13, insert:

"If as a result of passage of Senate Bill No. 2245 by the fifty-second legislative assembly the office of the director of institutions ceases to exist, the office of management and budget shall perform the powers and duties of the director of institutions under this Act."

Renumber accordingly

## CONSIDERATION OF AMENDMENTS

- HB 1384: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1071 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1433: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 1071-1072 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1516: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 1029-1031 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1538: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 1057 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed on a verification vote.

HB 1613: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 1072-1073 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HCR 3026: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 1073 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HCR 3038: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1059 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HCR 3042: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 1073 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HCR 3043: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1074 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SB 2594: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1094 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SCR 4006: SEN. O'CONNELL (Joint Constitutional Revision Committee) MOVED that the amendments on SJ pages 1094-1095 be adopted and then be placed on the Eleventh order with DO PASS.

#### REQUEST

SEN. YOCKIM REQUESTED that the Senate divide the amendments to SCR 4006, which request was granted.

#### DIVISION I

Page 1, line 3, replace "common schools trust" with "petroleum reserve"

Page 1, line 5, after "the" insert "petroleum reserve fund and the"

Page 1, line 8, after "measure" insert "creates a petroleum reserve fund and", after "of" insert "the state's share of", and after "revenues" insert ", without reduction of any revenue allocated by law to political subdivisions,"

Page 1, line 9, replace "common schools trust" with "petroleum reserve"

Page 1, line 10, replace ", with" with ". A portion of the" and after the second "the" insert "petroleum reserve fund and the"

Page 1, line 11, after "fund" insert "is"

Page 2, line 4, replace "common schools trust" with "petroleum reserve" and after the second period insert "The state treasurer shall transfer sixty percent of the interest and income of the petroleum reserve fund from the most recently ended fiscal year to the general fund in the state treasury before August first of each year. The principal and the retained interest and income of the petroleum reserve fund may not be appropriated for any purpose."

Page 2, line 6, remove "in the state treasury, the interest income of which must be"

Page 2, line 7, replace "transferred to the state general fund on July" with ". The state treasurer shall transfer sixty percent of the interest and income of the foundation aid stabilization fund from the most recently ended fiscal year to the general fund in the state treasury before August"

Renumber accordingly

#### DIVISION II

Page 1, line 12, after "of" insert "the state's share of oil and gas gross"

Page 1, line 19, replace "general" with "primary"

Page 2, line 1, after "of" insert "the state's share of"

Page 2, line 3, after "allocated" insert ", without reduction of any oil and gas gross production tax revenue allocated by law to or for the benefit of political subdivisions,"

Renumber accordingly

#### REQUEST

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

#### ROLL CALL

The question being on the adoption of Division I of the proposed amendments to SCR 4006, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Goetz; Hanson, O.; Holmberg; Ingstad; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Solberg; Streibel; Traynor; Vosper

NAYS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Meyer; Mushik; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

Division I of the proposed amendments to SCR 4006 lost.

The question being on the adoption of Division II of the proposed amendments to SCR 4006.

Division II of the proposed amendments to SCR 4006 was adopted.

#### CONSIDERATION OF AMENDMENTS

HB 1009: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1095 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1014: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 1077-1078 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1215: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1078 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1300: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1096 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1414: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1096-1098 be adopted with DO PASS, which motion prevailed.

## MOTION

SEN. KINNAIN MOVED that the rules be suspended and that HB 1414 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 1414: A BILL for an Act to amend and reenact subsections 5 and 6 of section 57-51.1-01 and sections 57-51.1-02 and 57-51.1-03 of the North Dakota Century Code, relating to an exemption from the oil extraction tax for production from secondary or tertiary recovery projects; and to provide an effective date.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

HB 1414 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1428: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 1098-1100 be adopted and then be placed on the Fourteenth order with DO PASS.

## REQUEST

SEN. MAXSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1428, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to HB 1428, the roll was called and there were 17 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Kelsh; Lindgren; Mathern; Nalewaja; Nelson; Satrom; Stenehjelm; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Holmberg; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Nothing

The motion to adopt the amendments to HB 1428 lost.

## CONSIDERATION OF AMENDMENTS

HB 1431: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1078 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1558: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ page 1100 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.



HB 1083: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1069 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1119: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1040 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

HB 1243: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 1024-1025 be adopted and then be placed on the CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

#### MOTION

SEN. MAXSON MOVED that the rules be suspended and that HB 1243 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 1243: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to requiring employers to pay certain claims for workers' compensation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Ingstad; Krebsbach; Langley; Lindgren; Meyer; Moore; Mutch; Nalewaja; Nelson; Peterson; Stenehjelm; Tennefos; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Naaden; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Nothing

HB 1243 lost.

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#### CONSIDERATION OF AMENDMENTS

HB 1256: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1040 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1265: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 1025 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion prevailed.

HB 1266: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1056 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed

HB 1321: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 1026-1027 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1375: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 1070-1071 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1383: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 1040-1042 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1488: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1072 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1561: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ page 999 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

#### MOTION

SEN. HOLMBERG MOVED that the rules be suspended and that HB 1561 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 1561: A BILL for an Act to amend and reenact section 27-11-22 of the North Dakota Century Code, relating to annual license fees to practice law.

#### ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, 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; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Nothing

HB 1561 passed and the title was agreed to.

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#### APPOINTMENT OF CONFERENCE COMMITTEES

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1152, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1152: Sens. Schoenwald, O'Connell, Tennefos.

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1157, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1157: Sens. Schoenwald, O'Connell, Tennefos.

SEN. SCHOENWALD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1167, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1167: Sens. O'Connell, Mathern, Tennefos.

SEN. HEINRICH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1234, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1234: Sens. Graba, Kelsh, Peterson.

SEN. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1313, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1313: Sens. Tomac, Krauter, Traynor.

#### MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2594 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

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

#### MOTION

SEN. SOLBERG MOVED that Engrossed SB 2594 be amended as follows:

Page 1, line 2, remove "; to amend and reenact sections 4-01-21,"

Page 1, remove lines 3 through 8

Page 1, line 9, remove "state auditor, state treasurer, attorney general, and tax commissioner;"

Page 6, line 2, remove "average employee"

Page 6, line 3, replace "of two percent" with "for each permanent full-time employee earning less than twenty-five thousand dollars per year,"

Page 6, line 4, replace "permanent full-time" with "such"

Page 6, remove lines 5 through 28

Remove pages 7 through 10

ReNUMBER accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes Section 2 of the bill to provide that compensation increases be provided only employees earning less than \$25,000 per year, with a minimum of \$50 per month for each such employee. Sections 3 through 16 of the bill are removed which amended the statutory references to compensation levels for elected officials and district and supreme court judges.

#### MOTION

SEN. WOGSLAND MOVED that the Senate vote on the amendments to SB 2594 no later than 11:45 a.m., which motion prevailed on a verification vote.

#### REQUEST

SEN. SOLBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2594, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2594, the roll was called and there were 20 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanston; Freborg; Hanson, O.; Kinnoin; Krebsbach; Marks; Meyer; Moore; Mutch; Naaden; Nelson; Solberg; Streibel; Teneffos; Tomac; Traynor; Vosper

NAYS: Dotzenrod; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Nothing

The proposed amendments to Engrossed SB 2594 lost.

## MOTION

SEN. TENNEFOS MOVED that SB 2594, which is on the Fourteenth order, be laid over one legislative day, which motion lost on a verification vote.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanston; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Kinnoin; Meyer; Moore; Nelson; Solberg; Teneffos; Vosper

ABSENT AND NOT VOTING: Heigaard; Nothing

SB 2594 passed and the title was agreed to.

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## MOTIONS

SEN. WOGSLAND MOVED that the vote by which SB 2594 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

SEN. MARKS MOVED that the Senate recess the regular business of the session for the purpose of conducting the Memorial Service, which motion prevailed.

THE PRESIDENT REQUESTED that Sens. Marks and DeKrey escort the guests into the Chambers.

## SENATE MEMORIAL SERVICE

## MEMORIAL SERVICE COMMITTEE

Senator Dale Marks, Chairman

Senator Aaron Krauter, Senator Duane DeKrey

## PROGRAM

Life is too short to be little  
To harbor resentment for long  
To nourish our hates and our grudges  
To never forgive a wrong.

In our lives we are forging daily  
The bonds we eternally wear  
With hate our heart is too crowded  
For Christ the Savior to share.

As a sunflower turns to the light  
And grows in the beams of the sun  
May Christ in our heart find a home  
Ere life's little moment is gone.

Written by: Representative Ralph Dotzenrod, Deceased

INVOCATION: Reverend Jon Buuck, James Valley Lutheran Parish, Montpelier

MUSICAL SELECTION: Jamestown College Choir - Richard Smith, Director

FIRST AND SECOND READING OF MEMORIAL RESOLUTION

MUSICAL SELECTION: Jodi Heigaard "Thy Will Be Done"  
Accompanist - Cynthia Krauter

MEMORIAL ADDRESS: Senator Aaron Krauter

INTRODUCTION OF GUESTS: Lt. Gov. Lloyd Omdahl

MUSICAL SELECTION: Jamestown College Choir

BENEDICTION: Reverend Jon Buuck

## FIRST READING OF SENATE MEMORIAL RESOLUTION

Committee on Memorial Resolutions introduced:

SMR 1: A memorial resolution for deceased members of the Senate of North Dakota.

Was read the first time.

## MOTION

SEN. MARKS MOVED that the rules be suspended, that SMR 1 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Committee on Memorial Resolutions introduced:

## SENATE MEMORIAL RESOLUTION NO. 1

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

JOHN E. DAVIS, who served in the 33rd and 34th Legislative Assemblies, from the 35th District, died May 12, 1990.

CLARK EWEN, who served in the 51st Legislative Assembly, from the 20th District, died September 23, 1990.

J. GARVIN JACOBSON, who served in the 40th through the 46th Legislative Assemblies, from the 36th District, died February 22, 1990.

R. V. "DICK" SHEA, who served in the 49th through the 51st Legislative Assemblies, from the 43rd District, died March 16, 1990.

WHEREAS, today, as members of the Senate of the 52nd Legislative Assembly of North Dakota, we pause to mourn the passing of our former colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased Senators.

#### SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 1: A memorial resolution for deceased members of the Senate of North Dakota.

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

SMR 1 was declared adopted.

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#### REQUEST

SEN. MARKS REQUESTED that Rev. Buuck's prayer and Sen. Krauter's remarks be printed in the Journal, which request was granted.

#### PRAYER BY REVEREND JON BUUCK

Almighty and gracious God, we come to You today and we thank and we praise You for the lives of service of Senators Davis, Jacobson, Ewen, and Shea. We thank You for their service to the state of North Dakota and to their country. We pray that You would welcome them into your kingdom and help us who mourn their loss. We also pray for our troops, we pray that they may return home safely soon, and we are mindful of all those families who mourn the loss of loved ones who died in battle. Lord, in your mercy, come to our aid. Amen.

#### REMARKS OF SENATOR KRAUTER

Mr. President, members of the Senate, and guests: Today we give memorial to past elected State Senators who have left us during the biennium. Those elected officials had made decisions in their day. Some great, some small, and some very bold decisions. Decisions that affected not only the Badlands in the west, the Red River Valley in the east, the Peace Gardens in the north, and the Standing Rock Indian Reservation in the south; but decisions that affected everyone in North Dakota including you and I, members of the North Dakota State Senate of the 52nd Legislative Assembly.

In their days of decisionmaking, they looked to the future and today we are part of their future. We must continue to look ahead and strive to make things better than they are today.

Along with the decisions that these officials have had to make, I often think of the sacrifices they made, from private life to public life, from compromise to victory. It has been a give and take situation, and we all here know that sacrifice.

It is not easy to be in an elected position, and I don't think anyone here would disagree. We know that we are not doing it for the money. We are here because we care, just like those before us who cared.

To be a leader and not a follower takes sacrifice. Sacrifice where you are put in the constant public's eye. Sacrifices where you are made available for public scrutiny. It takes sacrifice of family and loved ones, missed meals, a sandwich on the run, early morning phone calls, late night calls, or another meeting this week. Sacrifices where tough controversial decisions must be made and as leaders we make them.

I ask all my colleagues here today to take a minute and thank those Senators who have gone before us for their sacrifices and that our sacrifices be as special as theirs were.

THE PRESIDENT REQUESTED the Escort Committee to escort the guests from the Chambers.

#### MOTIONS

SEN. MARKS MOVED that the Memorial Service be dissolved, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

#### APPOINTMENT

THE PRESIDENT APPOINTED a committee of Senators E. Hanson and Stenehjem to escort the honored guest into the chamber.

#### REMARKS OF CAROL BOCKENFELD, LACROSSE, WISCONSIN 1991 AMERICAN HONEY PRINCESS

Lieutenant Governor Omdahl, members of the Senate, and guests, it gives me great pleasure to address this body of the North Dakota Legislature on this important occasion, National Agriculture Day. I understand that there are 33,500 farms in North Dakota and that agriculture is the mainstay of the Flickertail State. I am proud to represent an industry that is so important to this nation and indeed to the top honey producing state - North Dakota.

In recent years, North Dakota bees have produced an annual average of 17,600,000 pounds of honey, contributing an estimated \$9 million to the economy of your fair state. Greater yet is the revenue from increased yields of food and feed crops arising from the pollinating activities of the honeybee. An example being cucumbers whose crop yield can be increased 98 percent by insect pollination. Other crops include sunflowers, buckwheat, alfalfa and sweet clover seed, soybeans, fruit crops, and vegetable gardens.

Nationally, the honeybee is responsible for \$11 billion worth of agricultural pollination annually. That is why she is such a valuable asset to agriculture. The honeybee has been honored in the 17 states which have designated her as their state insect. The Beehive State, Utah; my home state, Wisconsin; and the state bordering North Dakota to the south. I hope that North Dakota will follow the example set by these states and give due honor to the insect which is necessary to our food supply.

#### REQUESTS

SEN. WOGSLAND REQUESTED that 1991 American Honey Princess Carol Bockenfeld's remarks be printed in the Journal, which request was granted.

THE PRESIDENT REQUESTED that Senators E. Hanson and Stenehjem escort the honored guest from the chamber.

#### SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to establishment and duties of a prescriptive authority committee, and to amend and reenact subsection 5 of section 43-12.1-02 and subsection 16 of section 43-12.1-08 of the North Dakota Century Code, relating to definition of

the practice of nursing as a registered nurse and the powers and duties of the board of nursing.

#### ROLL CALL

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

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; 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; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Hanson, O.; Nothing

HB 1110 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that HB 1112, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

#### 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; Evanson; Freborg; Goetz; Graba; 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; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Hanson, E.; Hanson, O.; Nothing

HB 1004 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1007, HB 1247, HB 1292, HB 1343, HB 1420, HB 1461, HB 1483, HB 1507, HB 1556, HCR 3032, HCR 3039.

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

MR. SPEAKER: The Senate has passed unchanged and the emergency clause carried on HB 1370.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause failed: HB 1439.

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

MR. SPEAKER: The Senate has failed to pass: HB 1168, HB 1468, HB 1476, HB 1495, HB 1506.



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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1512.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1152: Sens. Schoenwald; O'Connell; Tennefos

HB 1157: Sens. Schoenwald; O'Connell; Tennefos

HB 1167: Sens. O'Connell; Mathern; Tennefos

HB 1234: Sens. Graba; Kelsh; Peterson

HB 1313: Sens. Tomac; Kinnoin; Traynor

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

MR. SPEAKER: The Senate has passed unchanged: HB 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1196, HB 1227, HB 1293, HB 1318, HB 1324.

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

MR. SPEAKER: The Senate has failed to pass: HB 1385.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4067.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2560.

Page 1, line 3, after "organizations" insert "; to amend and reenact subsections 1 and 2 of section 12.1-28-02 of the North Dakota Century Code, relating to the penalty for illegal gambling; and to provide a penalty"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsections 1 and 2 of section 12.1-28-02 of the 1989 Supplement to the North Dakota Century Code are amended and reenacted as follows:

1. It ~~shall be~~ is an infraction to engage in gambling on private premises where the total amount wagered by an individual player exceeds twenty-five dollars per individual hand, game, or event.
2. It ~~shall be~~ is a class A misdemeanor to:
  - a. Sell, purchase, receive, or transfer a chance to participate in a lottery; or
  - b. Disseminate information about a lottery with intent to encourage participation in it; or
  - c. Engage in gambling on private premises where the total amount wagered by an individual player exceeds five hundred dollars per individual hand, game, or event."

Page 1, line 7, replace "Certified financial" with "Financial", underscore "statements. Every eligible organization receiving", and insert immediately thereafter "gaming"

Page 1, line 8, underscore "gross proceeds of two hundred thousand dollars or more in" and replace "any calendar year" with "the organization's annual accounting period"

Page 1, line 9, underscore "shall file with the", replace "licensing authority" with "attorney general", underscore "on or before", replace

"April" with "the", underscore "fifteenth" and insert immediately thereafter "day", and underscore "of the" and insert immediately thereafter "fifth month following the end of the accounting period"

Page 1, line 10, remove "next calendar year", underscore "a financial statement", and replace "certified by a notary public" with "and a copy of the internal revenue service's form 990 titled return of organization exempt from income tax required to be filed under section 501(c) of the Internal Revenue Code", and underscore ". The"

Page 1, replace lines 11 through 17 with "financial statement must at least include a schedule of the sources of total revenue, total expenses, listing of the names of nongaming and gaming employees who received any form of compensation amounting to thirty thousand dollars or more during the accounting period, including specific sources of the compensation paid to each employee, and any information as required by the attorney general."

Renumber accordingly

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1322, HB 1328, HB 1382, HB 1409, HB 1410, HB 1434, and HB 1451 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1497, HB 1504, and HB 1513 and subsequently passed the same.

#### MOTION

SEN. WOGSLAND MOVED that HB 1005 be placed at the bottom of the Fourteenth order, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner.

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

ABSENT AND NOT VOTING: Dotzenrod; Hanson, O.; Mutch; Nothing

HB 1011 passed and the title was agreed to.

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HB 1186: A BILL for an Act to amend and reenact sections 54-52-02.6, 54-52-06.1, 54-52-17, subsection 1 of section 54-52.1-03.2, and 54-52.1-03.3 of the North Dakota Century Code, relating to retirement benefits for supreme and district court judges and refunds of contributions under the public employees retirement system and the inclusion of members of the judges retirement program as recipients of retiree health benefits under the uniform group insurance program; to provide an expiration date; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Dotzenrod; Hanson, O.; Mutch; Nothing

HB 1186 passed and the title was agreed to.

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## RULING BY PRESIDENT

THE PRESIDENT RULED that the amendments to HB 1271 proposed by Sen. Kelsh were germane.

## APPEAL

SEN. NELSON APPEALED the decision of the President.

The question being on "Shall the decision of the President stand as the judgment of the Senate?"

## MOTIONS

SEN. WOGSLAND MOVED to table the appeal, which motion prevailed on a verification vote.

SEN. KELSH MOVED that Engrossed HB 1271 be amended as follows, which motion lost on a verification vote:

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 54-01-26 of the North Dakota Century Code, relating to rules for determining residence; and"

Page 3, after line 25, insert:

"SECTION 4. A new subsection to section 54-01-26 of the North Dakota Century Code is created and enacted as follows:

Except for determining resident status for tuition purposes at institutions under the control of the state board of higher education, the act of voting in this state is prima facie evidence that the voter intends to be a resident of the state for all other purposes."

Renumber accordingly

## SECOND READING OF HOUSE BILLS

HB 1271: A BILL for an Act to amend and reenact sections 4-02-30, 4-22-48, and 23-18-03 of the North Dakota Century Code, relating to vote requirements on certain ballot questions.

## 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; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden;

Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Nothing

HB 1271 passed and the title was agreed to.

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HB 1327: A BILL for an Act to amend and reenact section 6-09.4-06 of the North Dakota Century Code, relating to lending and borrowing powers of the municipal bond bank.

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

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

NAYS: Krauter

ABSENT AND NOT VOTING: Nothing

HB 1327 passed and the title was agreed to.

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HB 1336: A BILL for an Act to amend and reenact sections 57-02-08.2 and 57-20-09 of the North Dakota Century Code, relating to a discount for early payment of property taxes to persons sixty-five years of age or older or permanently and totally disabled with limited income upon payment of property taxes in installments; to provide an appropriation; to provide for application; 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 34 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjelm; Tallackson; Thane; Traynor; Vosper; Yockim

NAYS: Dotzenrod; Goetz; Hanson, O.; Jerome; Kinnoin; Langley; Lips; Meyer; Moore; Mutch; Naaden; Nelson; Satrom; Solberg; Streibel; Tennefos; Tomac; Wogsland

ABSENT AND NOT VOTING: Nothing

HB 1336 passed and the title was agreed to.

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HB 1391: A BILL for an Act to provide an appropriation to the national guard tuition trust 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, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Nothing

HB 1391 passed and the title was agreed to.

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HB 1392: A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivision a of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the normal retirement date and computation of benefits; 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 40 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Robinson; Satrom; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper

NAYS: Freborg; Heinrich; Keller; Krauter; Langley; Maxson; Moore; Redlin; Schoenwald; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Nothing

HB 1392 passed and the title was agreed to.

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HB 1395: A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for motor vehicles acquired by 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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Jerome; Kelsh; Nothing

HB 1395 passed and the title was agreed to.

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HB 1400: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the annual observance of workers' memorial day.

## ROLL CALL

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

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

ABSENT AND NOT VOTING: Jerome; Nothing

HB 1400 passed and the title was agreed to.

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## MOTION

SEN. YOCKIM MOVED that the Senate reconsider its action whereby HB 1285 failed to pass, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1285: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to purchase of paper or paper products containing recycled material for use by state entities.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 29 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Goetz; Hanson, O.; Holmberg; Krebsbach; Langley; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Jerome; Nothing

HB 1285 passed and the title was agreed to.

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HB 1404: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code to eliminate the option of members of the legislative assembly to receive meals reimbursement in lieu of a portion of compensation and to receive monthly amounts as reimbursement for uncompensated expenses rather than as compensation and to create an option for members of the legislative assembly to receive compensation in approximately equal monthly installments spread throughout their terms of office; to provide an effective 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 NOT PASS, the roll was called and there were 0 YEAS, 51 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Jerome; Nothing

HB 1404 lost.

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HB 1408: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to dispensing alcoholic beverages on an election day.

## 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 27 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Hanson, E.; Heigaard; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Lindgren; Lips; Meyer; Moore; Mushik; Nalewaja; O'Connell; Peterson; Satrom; Schoenwald; Stenehjem; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Ingstad; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mutch; Naaden; Nelson; Redlin; Robinson; Solberg; Streibel; Tallackson; Tennefos; Tomac

ABSENT AND NOT VOTING: Jerome; Nothing

HB 1408 passed and the title was agreed to.

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HB 1416: A BILL for an Act providing an appropriation to North Dakota state university to provide funds for a study to determine the economic benefits to North Dakota from public lands

## 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, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Moore

ABSENT AND NOT VOTING: Jerome; Nothing

HB 1416 passed and the title was agreed to.

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HB 1425: A BILL for an Act to amend and reenact section 26.1-17-21 of the North Dakota Century Code, relating to limitations on dental and optometric service contracts.

## 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, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Jerome; Nething; Tallackson

HB 1425 passed and the title was agreed to.

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## MOTIONS

SEN. STENEHJEM MOVED that the vote by which HB 1408 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 3:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Omdahl presiding.

SEN WOGSLAND MOVED that HB 1005 be placed at the top of the Fourteenth order, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station, and to provide a contingent appropriation.

## 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, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething

HB 1005 passed and the title was agreed to.

\*\*\*\*\*

HB 1443: A BILL for an Act to provide for certification of domestic community development corporations and providing income tax credits for the purchase of shares of stock, memberships, payments of dues, or making contributions by individuals and corporations to certified



domestic development corporations; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for purchase of shares of stock, memberships, payments of dues, or making contributions by individuals to certified domestic development corporations; to amend and reenact section 57-38-01.17 of the North Dakota Century Code, relating to income tax credits for purchase of shares of stock, memberships, payments of dues, or making contributions by individuals and corporations to certified domestic development corporations; 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 0 YEAS, 52 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nothing

HB 1443 lost.

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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 1024, HB 1026, HB 1140, HB 1156, HB 1178, HB 1212, HB 1217, HB 1232, HB 1252, HB 1319, HB 1320, HB 1365, HB 1367, HB 1376, HB 1405, HB 1427, HB 1430, HB 1449, HB 1478, HB 1481, HB 1482.

## SECOND READING OF HOUSE BILLS

HB 1446: A BILL for an Act to amend and reenact section 39-06-32 of the North Dakota Century Code, relating to expungement from drivers' records of certain drivers' license suspensions.

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

ABSENT AND NOT VOTING: Nothing

HB 1446 passed and the title was agreed to.

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HB 1454: A BILL for an Act to amend and reenact sections 4 and 11 of chapter 394 of the 1989 Session Laws of North Dakota, relating to notice of designation of homesteads and expiration of the homestead protection provisions.

## 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 47 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Naaden; Nelson; Solberg

ABSENT AND NOT VOTING: Heigaard; Nothing

HB 1454 passed and the title was agreed to.

\*\*\*\*\*

HB 1467: A BILL for an Act to amend and reenact section 32-08.1-13 of the North Dakota Century Code, relating to care of property and collection of debts under attachment.

## 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; Evanson; Freborg; Goetz; Graba; Hanson, E.; 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; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Nothing

HB 1467 passed and the title was agreed to.

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HB 1472: A BILL for an Act to amend and reenact sections 14-02.4-19 and 14-02.4-21 of the North Dakota Century Code, relating to claims of discriminatory employment practices adjudicated by the department of labor.

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

ABSENT AND NOT VOTING: Nothing

HB 1472 passed and the title was agreed to.

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HB 1487: A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code, relating to service of the garnishee summons and notice to a defendant.

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

ABSENT AND NOT VOTING: Dotzenrod; Nothing

HB 1487 passed and the title was agreed to.

\*\*\*\*\*

HB 1492: A BILL for an Act to repeal section 39-06.2-13 of the North Dakota Century Code, relating to availability of commercial driver record information; 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; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Nothing

HB 1492 passed, the title was agreed to, and the emergency clause carried.

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HB 1499: A BILL for an Act to provide for an organ or tissue transplant trust fund to be administered by a private nonprofit organization for the purpose of providing financial assistance to transplant patients; to amend and reenact subsection 1 of section 57-38-35.1 of the North Dakota Century Code, relating to disposition of certain revenues not refunded to income taxpayers; to provide a standing 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 PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Dotzenrod; Nothing

HB 1499 passed and the title was agreed to.

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HB 1500: A BILL for an Act to create and enact a new subsection to section 38-08-08 of the North Dakota Century Code, relating to the imposition of a risk penalty on leasehold owners who elect not to pay in advance their proportionate share of the costs of drilling an oil or gas well.

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

NAYS: Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Nothing

HB 1500 passed and the title was agreed to.

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#### MOTION

SEN. TENNEFOS MOVED that Reengrossed HB 1511 be amended as follows:

Page 1, line 10, replace "on" with "within ten days after the effective date of this Act"

Page 1, line 11, remove "or before April 1, 1991"

Page 2, line 8, replace "The negotiation required by this subsection" with:

"SECTION 2. NEGOTIATION OF LEASES FOR HUMAN SERVICES CENTERS.  
Negotiation for renewal of any lease by a regional human service center"

Page 2, line 10, replace "red river human services foundation" with "the regional human services foundation or other entity negotiating the lease on behalf of the regional human services center"

Page 2, line 12, after "showing" insert "with respect to the foundation or other entity"

Page 2, line 13, after the first "foundation" insert "or other entity" and remove the second "foundation"

Page 2, line 14, remove "foundation" in both places it appears

Page 2, line 16, remove "foundation"

Page 2, line 17, remove "foundation"

Page 3, line 17, replace "2" with "3"

Renumber accordingly

## REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed HB 1511, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1511, the roll was called and there were 15 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Hanson, O.; Kinnoin; Maxson; Mutch; Naaden; Nelson; Peterson; Solberg; Streibel; Tennefos; Traynor; Vosper

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

ABSENT AND NOT VOTING: Dotzenrod; Nothing

The proposed amendments to Reengrossed HB 1511 lost.

## MOTIONS

SEN. MATHERN MOVED that Reengrossed HB 1511 be amended as follows, which motion prevailed.

Page 1, line 6, remove "and"

Page 1, line 7, after the word "date" insert "; and to declare an emergency"

Page 3, after line 23, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1511 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1511: A BILL for an Act to direct the department of human services to negotiate a new lease; to authorize the industrial commission, acting as the state building authority, to issue loan notes to make funds available for the acquisition of lands and the construction and equipping of a regional human service center facility or the purchase of an existing facility; to provide for the termination of a current lease; to provide an appropriation; to provide for an effective date; 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 29 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanston; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Ingstad; Jerome; Krauter; Krebsbach; Maxson; Meyer; Moore; Mutch; Naaden; Nelson; O'Connell; Solberg; Streibel; Tennefos; Tomac; Traynor; Vosper

ABSENT AND NOT VOTING: Langley; Nothing

HB 1511 passed, the title was agreed to, but the emergency clause lost.

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HB 1519: A BILL for an Act to amend and reenact subsection 3 of section 43-39-02 of the North Dakota Century Code, relating to audits of the board of athletic trainers.

#### 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, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Nothing

HB 1519 passed and the title was agreed to.

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HB 1522: A BILL for an Act to amend and reenact subsections 11, 12, and 13 of section 26.1-26-42 of the North Dakota Century Code, relating to grounds for revocation of an insurance agent's license.

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

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Nothing; Yockim

HB 1522 passed and the title was agreed to.

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HB 1525: A BILL for an Act for an Act to amend and reenact subsection 19 of section 43-12 1-08 of the North Dakota Century Code, relating to the powers and duties of the board of nursing to issue temporary licenses; 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 NOT PASS, the roll was called and there were 8 YEAS, 40 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: DeKrey; Hanson, O.; Kinnoin; Mutch; Naaden; Nalewaja; Thane; Vosper

NAYS: Bowman; David; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald;

Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Tomac; Traynor;  
Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Mushik; Nothing

HB 1525 lost.

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HB 1529: A BILL for an Act to amend and reenact subsection 3 of section 15-47-38 of the North Dakota Century Code, relating to causes for immediate dismissal of a teacher.

#### 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, 46 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Langley; Meyer; Mushik; Nothing; Tallackson

HB 1529 lost.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1611.

#### SECOND READING OF HOUSE BILL

HB 1530: A BILL for an Act to create and enact a new section to chapter 18-10 of the North Dakota Century Code, relating to firebreaks.

#### 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, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

NAYS: DeKrey; Keller; Krauter; Marks; Naaden; Tomac

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Langley; Meyer; Nothing; Tallackson

HB 1530 passed and the title was agreed to.

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#### MOTION

SEN. WOGSLAND MOVED that HB 1566, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1567: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of haystacks or hay bales during daylight hours on any day of the week.

## 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 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Langley; Meyer; Nething; Tallackson

HB 1567 passed and the title was agreed to.

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HB 1568: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees, and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund; 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 44 YEAS, 3 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Moore; Tennefos; Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Langley; Meyer; Nething; Tallackson

HB 1568 passed and the title was agreed to.

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HB 1574: A BILL for an Act to allow imposition of a city option sales tax at a regular or special city election; 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.

## 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 14 YEAS, 34 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Graba; Heinrich; Holmberg; Ingstad; Kelly; Lips; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Stenehjelm; Tallackson



NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Marks; Mathern; Maxson; Moore; Mutch; Nelson; Satrom; Schoenwald; Solberg; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Naaden; Nothing

HB 1574 lost.

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HB 1577: A BILL for an Act to provide for an interim legislative redistricting committee of the legislative council to recommend legislative district boundaries based on the 1990 federal census; 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 25 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

NAYS: Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Nothing

HB 1577 lost for want of a Constitutional majority.

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HB 1581: A BILL for an Act to amend and reenact section 16.1-08-02 of the North Dakota Century Code, relating to campaign contributions by corporations, cooperative corporations, and associations; 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; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Nothing

HB 1581 passed and the title was agreed to.

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HB 1584: A BILL for an Act to create and enact a new subsection to section 54-09-04 and a new section to chapter 54-09 of the North Dakota Century Code, relating to fees for services performed by the secretary of state and to service of process upon the secretary when an agent cannot be found; and to amend and reenact subsection 5 of section 54-09-04 of the

North Dakota Century Code, relating to fees for searching records and archives of the state.

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

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Nothing

HB 1584 passed and the title was agreed to.

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HB 1590: A BILL for an Act relating to the establishment of alternative health care services pilot projects.

#### 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; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heinrich; Langley; Meyer; Nothing

HB 1590 passed and the title was agreed to.

\*\*\*\*\*

HB 1591: A BILL for an Act to amend and reenact section 50-24.1-02.3 of the North Dakota Century Code, relating to exemption of pre-need funeral plan from eligibility determination.

#### 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 25 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeKrey; Graba; Hanson, E.; Heigaard; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Traynor; Vosper; Wogsland

NAYS: Bowman; David; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Jerome; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Solberg; Stenehjerm; Streibel; Tennefos; Thane; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Langley; Meyer; Nothing

HB 1591 lost for want of a Constitutional majority.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1486 and subsequently passed the same.

## REQUEST

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

## REMARKS BY SENATOR WOGSLAND

Thank you Mr. President and members of the Senate. HCR 3027 asks the Legislative Council to study feasibility and ramifications of reducing ground pollution in North Dakota landfills with an emphasis on recycling. That is what the resolution does Mr. President and members of the Senate. But what this resolution really was, was an effort by the sixth grade class at Miller Elementary School who had the good representative from Grand Forks introduce this study and these young people have taken this study through the House, through the Senate, and bring it before you today. In the few years that I have been in the Senate, I have never seen such a wonderful display of testimony in my entire life. They did the most magnificent job that I have ever seen. They gave visual aids, goodness knows we can use those, and not only that, they did it with class and with style and I think they are to be very much commended and congratulated. So therefore Mr. President, members of the Senate, I would urge that the Senate do adopt this resolution and I would hope that the Legislative Council follow through and study this. It is a worthy cause and the most wonderful civics lesson you could ever have and I would congratulate that class and that school and that teacher for taking such time and effort to do this. I would hope that the Senate would adopt this resolution.

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3027: A concurrent resolution directing the Legislative Council to study the current conditions and the feasibility of reducing ground pollution in North Dakota's landfills.

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

HCR 3027 was declared adopted.

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HCR 3031: A concurrent resolution directing the Legislative Council to study the impact and potential benefits to be derived from the use of electronic communications in government services.

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

HCR 3031 was declared adopted.

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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.

## ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tennesfos; Thane; Tomac; Traynor; Wogslund; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Kelsh; Kinnoin; Langley; Meyer; Nething; Satrom; Tallackson; Vosper

HCR 3035 was declared adopted.

\*\*\*\*\*

HCR 3051: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of community ownership and control or privatization of the state higher education institutions.

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

HCR 3051 lost.

\*\*\*\*\*

HCR 3053: A concurrent resolution directing the Legislative Council to study various methods of delivering medical care to students with disabilities.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3053 lost.

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#### 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 be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 9:00 a.m., Friday, March 22, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

SB 2593: Committee on Education (Sen. Heinrich, 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 1. line 6. after the comma insert "if an impasse has been declared and final offer resolution is in effect,"

Page 1. line 7. replace "beginning teacher contract" with "submitting its final offer. The subject of the meeting must be limited to the determination of the board's final offer. Before holding the meeting, the board must, by a majority vote in a public meeting, decide to hold the executive session to determine its final offer. The time of commencement and place of the executive session must be announced at the public meeting. A written roll of members and all other persons present at the executive session must be made available to the public after the executive session. The proceedings of the executive session must be recorded on tape by the board and must be preserved for two years after the contract is signed. Minutes of the executive session must also be kept, and the minutes and the tape recording must be made available to the public after the negotiated contract is signed by the board"

Page 1, line 8, remove "negotiations"

Renumber accordingly

SB 2596: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2596 was placed on the Eleventh order on the calendar.

HB 1001: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 20, replace "2,881,408" with "2,981,408"

Page 2, line 2, replace "4,107,093" with "4,207,093"

Page 2, line 3, replace "10,302,730" with "10,402,730"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 160 - LEGISLATIVE COUNCIL

The amendment adds \$100,000 from the general fund to salaries and wages to provide funding for necessary salary adjustments.

HB 1013, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "317,718" with "350,000"

Page 1, line 11, replace "527,718" with "560,000"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### DEPARTMENT 665 - STATE FAIR ASSOCIATION

The premiums line item is increased by \$32,282 from the general fund, from \$317,718 to \$350,000. The change is an increase of \$20,758 over the executive budget recommendation for premiums of \$329,242.

HB 1117: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma

Page 1, line 4, after "sections" insert "57-43.2-03." and replace "and" with a comma

Page 1, line 9, after "bond" insert "; and to provide an effective date"

Page 4, line 14, remove "outlets" and overstrike "When a wholesale"

Page 4, line 15, overstrike "dealer in motor vehicle fuels makes a sale to a retail". remove "outlet", and overstrike "the"

Page 4, line 16, overstrike "wholesale dealer shall credit the retail", remove "outlet", and overstrike "with one percent of"

Page 4, overstrike lines 17 through 19

Page 4, line 20, overstrike "and the", remove "retail outlet's", and overstrike "costs of collection of the tax. On making"

Page 4, overstrike line 21

Page 4, line 22, overstrike "deduct the total credit allowance granted on sales to retail" and remove "outlets"

Page 4, overstrike lines 23 and 24

Page 4, after line 24, insert:

- "1. A motor vehicle fuel dealer who has a valid license issued by the commissioner shall collect the tax imposed by section 57-43.1-02 on sales to a retail dealer and shall remit the tax to the commissioner. For purposes of this section, a retail dealer is a person engaged in the business of purchasing motor vehicle fuel for resale to fuel users at retail and who does not have a valid license issued by the commissioner.
2. In consideration of evaporation and shrinkage, the licensed dealer shall credit the retail dealer with one percent of the total state motor vehicle fuel tax applied to the gallons of fuel delivered to the retail dealer. The credit must be documented on the delivery invoice and the licensed dealer may deduct the gallons credited from taxable gallons sold and used as reported on the licensed dealer's tax return.
3. If a licensed dealer makes a sale of motor vehicle fuel to a retail dealer based upon the number of gallons sold by the retail dealer rather than the number of gallons delivered to the retail dealer, the total gallonage is accounted for with no loss to the retail dealer and the licensed dealer may not credit the retail dealer with the one percent allowance in consideration of evaporation and shrinkage authorized by this section.
4. Licensed dealers may not apply the one percent credit authorized by this section against their own anticipated or actual losses but may qualify for an allowance under section 57-43.1-26."

Page 5, after line 13, insert:

"SECTION 8. AMENDMENT. Section 57-43.2-03 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.2-03. Tax levied. A special excise tax of two percent is imposed on all sales of special fuels, which are exempted from the tax imposed under section 57-43.2-02, if the special fuels are sold to a special fuels user in this state, and the same rate of tax is imposed if the special fuel is imported for use in this state by a special fuels user. The rate applies to the sale price of the special fuels less any discounts for any purposes allowed and taken on the sales. The tax levied under this section does not apply to state or political subdivisions when that fuel is used for purposes set forth in section 57-43.1-08. The special excise tax applies to all sales of special fuels taxed under section 57-43.2-02 for which taxes are later refunded to a special fuels user. For purposes of this section, "use" means the consumption of fuel for heating, agricultural, or railroad purposes, or for industrial purposes other than in the performance of a contract with any unit of government. If any fuel subject to tax by this section was subject to tax in any other state or its political subdivisions, the tax in this section applies but at a rate measured by

the difference between the rate imposed in this section and the rate imposed by the other state or its political subdivisions. If the tax imposed by the other state or its political subdivisions is the same or greater than the tax imposed by this section, no tax is due. ~~The provisions for credit in this section apply only if the other state or its political subdivisions allow a credit with respect to the tax imposed by this section which is substantially similar in effect to the credit provided in this section-~~"

Page 8, after line 26, insert:

"SECTION 13. EFFECTIVE DATE. Section 8 of this Act is effective for taxable events occurring after December 31, 1990."

Renumber accordingly

HB 1177: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 11, remove "irrevocably"

Page 2, line 14, remove "Any tax irrevocably dedicated under this"

Page 2, remove lines 15 and 16

Page 2, line 27, remove "irrevocably"

Page 3, line 1, remove "Any tax irrevocably dedicated under this"

Page 3, remove lines 2 and 3

Renumber accordingly

HB 1190: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1190 was placed on the Fourteenth order on the calendar.

HB 1219, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 1 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 54-45 of the North Dakota Century Code, relating to the civil air patrol;" and remove "54-45-01, 54-45-02,"

Page 1, line 3, replace "section" with "sections 54-45-01, 54-45-02, and"

Page 1, replace lines 8 through 22 with:

"SECTION 1. A new section to chapter 54-45 of the North Dakota Century Code is created and enacted as follows:

"Civil air patrol" defined - Declaration of policy. "Civil air patrol" means the private nonprofit corporation chartered under federal law [36 U.S.C. 201-208]. It is the purpose of this chapter to declare the intent of the state of North Dakota to continue to provide financial support to the North Dakota wing of the civil air patrol to enable the civil air patrol to continue to provide to the state of North Dakota communications services, cadet training, disaster relief, search and rescue missions or assistance, and other related functions within the scope of the activity of the civil air patrol and administrative support personnel necessary to support these services and functions."

Page 2, remove lines 1 through 3

Page 3, after line 12, insert:

"SECTION 6. REPEAL. Sections 54-45-01, 54-45-02, and 54-45-04 of the North Dakota Century Code are repealed."

ReNUMBER accordingly

HB 1333, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 3, replace "sixty-five" with "seventy-five"

Page 2, line 5, replace "sixty-five" with "seventy-five"

Page 4, line 4, replace "sixty-five" with "seventy-five"

ReNUMBER accordingly

HB 1387, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, remove "; and to provide for application of this Act"

Page 1, line 13, remove the overstrike over "five" and remove "ten"

Page 1, line 14, overstrike "Provided, however, that the" and insert immediately thereafter "The period for which an exemption may be granted under this section and section 40-57.1-04 is ten years from the date of commencement of project operations for a project that commences project operations after the effective date of this Act and which processes or manufactures a product from agricultural commodities that are normally grown in this state. The"

Page 2, line 18, remove the overstrike over "five" and remove "ten"

Page 2, line 19, after the period insert "The period for which an exemption may be granted under this section and section 40-57.1-04 is ten years from the date of commencement of project operations for a project that commences project operations after the effective date of this Act and which produces or manufactures a product from agricultural commodities that are normally grown in this state."

Page 3, remove lines 4 through 7

ReNUMBER accordingly

HB 1462, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1462 was placed on the Fourteenth order on the calendar.

HB 1543, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1543 was placed on the Fourteenth order on the calendar.

HB 1555, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1555 was placed on the Fourteenth order on the calendar.

HB 1571, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (8 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING). HB 1571 was placed on the Fourteenth order on the calendar.



HB 1596: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after the first comma insert "credit unions,"

Page 1, line 9, after "institution" insert "and credit union"

Page 1, line 10, replace "Every banking institution may pay interest on the" with "Before the mortgage is executed by the mortgagor, each"

Page 1, remove lines 11 and 12

Page 1, line 13, after the first "institution" insert "and credit union intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence", replace "its mortgagors" with "the mortgagor", and after the second "institution" insert "or credit union"

Page 1, line 14, after "on" insert "the", replace "accounts under this section" with "account funds", and remove "Interest must be paid"

Page 1, remove lines 15 and 16

Page 1, line 17, remove "accounts of the banking institution." and after the second "institution" insert "and credit union that maintains an escrow account"

Page 1, line 19, after "interest" insert ", if interest is offered"

Page 2, line 2, replace "Every savings and loan association" with "Before the mortgage is executed by the mortgagor, every"

Page 2, remove lines 3 and 4

Page 2, line 5, remove "mortgagor's residence. Every", after "association" insert "intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence", and replace "its" with "the"

Page 2, line 6, replace "mortgagors" with "mortgagor", after "on" insert "the", and replace "accounts under" with "account funds."

Page 2, remove lines 7 and 8

Page 2, line 9, remove "is compounded on savings accounts of the savings and loan association."

Page 2, line 10, after "association" insert "that maintains an escrow account"

Page 2, line 12, after "interest" insert ", if interest is offered"

Page 2, line 16, replace "Every person or other legal entity, including any insurance" with "Before the mortgage is executed by the mortgagor, every residential mortgagee, including any insurance company whose articles of incorporation are filed under section 26.1-01-03 or who is required to obtain a certificate of authority under section 26.1-01-05, intending to maintain an escrow account for the payment of taxes, assessments, insurance premiums, and other charges upon the mortgagor's residence"

Page 2, remove lines 17 through 20

Page 2, line 21, remove "mortgagor's residence. Each person or other legal entity" and replace "its" with "the"

Page 2, line 22, replace "mortgagors" with "mortgagor", after "on" insert "the", and replace "accounts under this section" with "account funds"

Page 2, remove line 23

Page 2, replace line 24 with "The mortgagee"

Page 2, line 25, remove "other legal entity"

Page 2, line 27, after "interest" insert ", if interest is offered"

Re-number accordingly

HB 1597: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~one~~" and remove "two"

Page 1, line 11, overstrike "fifty" and insert immediately thereafter "seventy-five"

Page 1, line 20, replace "two" with "one"

Page 2, line 1, replace "three" with "two"

Re-number accordingly

HB 1603: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1603 was placed on the Fourteenth order on the calendar.

HB 1604, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike ", for the"

Page 1, line 8, overstrike "purchase of fuel,"

Page 1, line 14, after the period insert "For the purchase of fuel when the amount exceeds four thousand dollars, the board of county commissioners shall seek bids either by telephone solicitation from at least two suppliers, or by an advertisement for bids to be published at least once each week for two successive weeks in the official newspaper of the county and in such other newspapers as the board deems advisable."

Re-number accordingly

HB 1610, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1610 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF HOUSE BILL

HB 1611: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements.

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

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

MARION HOUN, Secretary