

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 25, 1991

The Senate convened at 11:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Kerry Stastny, First United Methodist Church, Bismarck.

The roll was called and all members were present except Senators Freborg, Tallackson, Mushik, Redlin, Yockim, Satrom, Robinson, Kelly, Lindaas, Lips, Thane, Naaden, Nething, Ingstad, Goetz.

A quorum was declared by the President.

REQUEST

SEN. HEIGAARD REQUESTED that the records show that the members of the Committee on Appropriations (Sens. Tallackson, Mushik, Redlin, Yockim, Satrom, Robinson, Kelly, Lindaas, Lips, Thane, Naaden, Nething, Ingstad, Goetz) are excused as they are in a committee meeting, which motion prevailed.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2023, SB 2036, SB 2041, SB 2067, SB 2090, SB 2115, and SB 2118, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2023: Sens. Maxson; Graba; Holmberg
SB 2036: Sens. Meyer; Krauter; Moore
SB 2041: Sens. Meyer; Tomac; DeKrey
SB 2067: Sens. Kelsh; O'Connell; Hanson, O.
SB 2090: Sens. Mathern; Jerome; Bowman
SB 2115: Sens. Marks; Bowman; Freborg
SB 2118: Sens. Mathern; Hanson, E.; Nalewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2338, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2338: Sens. Schoenwald; Mathern; David

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

MR. PRESIDENT: The House has failed to pass: SB 2030, SB 2062, SB 2225, SB 2257, SB 2260, SB 2533.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3067.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2431, SCR 4001, SCR 4003, SCR 4033, SCR 4061.

HOUSE AMENDMENTS TO SB 2431

Page 1, line 4, after "popcorn" insert "intended for consumption on the premises where purchased"

Page 1, line 6, after "butter" insert "or unless the word butter, or derivative of the word butter, is a part of the commercial brand name of the topping product" and after the period insert "The allowable use under this section of the word butter, or any derivative of the word

butter, as part of the commercial brand name of a topping product is limited to use in that manner and popcorn with such a topping may not be described as buttered popcorn."

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4001

Page 1, line 2, after "laws" insert ", including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures"

Page 1, line 12, after "laws" insert "and indicating that the laws relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures may be inadequate"

Page 1, line 15, after "laws" insert ", including the laws relating to the financing of election campaigns and the reporting of election campaign expenditures"

Page 1, line 16, replace the second "and" with a comma

Page 1, line 17, after "procedures" insert ", and on establishing more adequate provisions relating to the financing of election campaigns and the reporting of election campaign contributions and expenditures"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SCR 4003

Page 1, line 3, remove ", including a determination of whether state government is competing"

Page 1, remove line 4

Page 1, line 5, remove "restricting that governmental competition"

Page 1, line 21, remove "or unnecessarily competes with private"

Page 1, line 22, remove "enterprise"

Page 2, line 9, remove ", including a"

Page 2, remove lines 10 and 11

Page 2, line 12, remove "governmental competition"

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4033

Page 1, line 17, replace "any" with "its access and" and replace "that has resulted" with "implications"

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4061

Page 2, line 2, after "offenders" insert "and child abuse victims"

Renumber accordingly

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

MR. PRESIDENT: The House has passed unchanged: SCR 4059, SCR 4060, SCR 4062, SCR 4063, SCR 4065, SCR 4066.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2354, SB 2512.

HOUSE AMENDMENTS TO ENGROSSED SB 2354

Page 1, line 12, after "horse" insert "racing"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2512

Page 1, line 14, overstrike "institutions" and insert immediately thereafter "the department of corrections and rehabilitation, or a designee of the director of the department of corrections and rehabilitation, the director of the office of management and budget, or a designee of the director of the office of management and budget"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2031, SB 2483, SB 2543.

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

MR. PRESIDENT: The House has passed unchanged: SB 2011, SB 2013, SB 2014, SB 2066, SB 2103, SB 2117, SB 2119, SB 2121, SB 2142, SB 2146, SB 2161, SB 2163, SB 2166, SB 2167, SB 2171, SB 2172, SB 2177, SB 2183, SB 2184, SB 2197, SB 2200, SB 2221, SB 2223, SB 2235, SB 2236, SB 2238, SB 2239, SB 2240, SB 2245, SB 2253, SCR 4005, SCR 4009, SCR 4037, SCR 4040, SCR 4044, SCR 4046, SCR 4049, SCR 4053, SCR 4055, SCR 4056.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2038, SB 2040, SB 2057, SB 2076, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2212, SB 2213, SB 2266, SB 2279, SB 2378, SB 2416, SB 2494, SB 2498, SB 2506, SB 2508, SB 2526, SB 2530, SB 2539, SB 2556, SB 2559, SB 2096, SB 2333, SB 2357, SB 2472, SB 2492, SB 2493, and SB 2520 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do concur in the House amendments to Engrossed SB 2038 as printed on SJ page 1102, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while being afield with a gun or other firearm or bow and arrow: to create and enact a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; to amend and reenact sections 20.1-01-02 and 20.1-01-06 of the North Dakota Century Code, relating to being afield with a gun or other firearm or bow and arrow while intoxicated; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 2 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E., Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Solberg; Stenehjerm; Streibel; Teneffos; Tomac; Traynor; Vosper; Wogsland

NAYS: Maxson; Schoenwald

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2038 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do concur in the House amendments to Engrossed SB 2040 as printed on SJ page 926, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to orders and proclamations of the governor; to amend and reenact section 20.1-12-05 of the North Dakota Century Code, relating to the operation of shooting preserves; and to repeal section 20.1-01-10 of the North Dakota Century Code, relating to the hours for hunting game birds and protected animals.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2040 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2057 as printed on SJ pages 1003-1004, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to amend and reenact section 55-08-06.2 of the North Dakota Century Code, relating to senior citizen entrance permits to state parks.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 4 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Dotzenrod; Evanson; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Wogsland

NAYS: Bowman; Freborg; Peterson; Vosper

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2057 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2076 as printed on SJ page 1004, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2076 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Engrossed SB 2106 as printed on SJ page 950, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to amend and reenact subsections 1 and 2 of section 15-47-46 of the North Dakota Century Code, relating to the attainment of certification to teach kindergarten, elementary school, or middle school.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Heigaard

SB 2106 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Engrossed SB 2108 as printed on SJ pages 950-951, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to amend and reenact sections 15-27.1-11 and 15-40.2-09 of the North Dakota Century Code, relating to foundation aid payments for attendance of students at out-of-state schools.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2108 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2134, and SB 2180 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2158 as printed on SJ page 952, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to amend and reenact section 23-16-11 of the North Dakota Century Code, relating to civil penalties for violating nursing facility licensing requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 11 NAYS, 14 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Keller; Kelsh; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Nalewaja; Nelson; Schoenwald; Stenehjelm; Tomac; Traynor; Vosper; Wogsland

NAYS: David; DeKrey; Hanson, O.; Kinnoin; Meyer; Moore; Mutch; O'Connell; Solberg; Streibel; Tennefos

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Jerome; Peterson

SB 2158 lost for want of a Constitutional majority.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Engrossed SB 2173 as printed on SJ page 952, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact sections 6-02-01, 6-03-02.2, 6-05-01, 6-05-03, 6-06-06.1, and 7-02-08.1 of the North Dakota Century Code, relating to a trust company engaging in bank business, issuance of certificates of deposits, and application information and capital requirements for the organization of a trust company; and to repeal section 6-05-08.1 of the North Dakota Century Code, relating to certificates of deposit.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2173 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2181 as printed on SJ page 952, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2181: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to the costs of prosecution by the board of medical examiners.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2181 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Reengrossed SB 2212 as printed on SJ page 926, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2212: A BILL for an Act to amend and reenact subsection 5 of section 57-38-34, subsections 1, 2, and 4 of section 57-38-42, sections 57-38-62, 57-38-63, and 57-38-64 of the North Dakota Century Code, relating to the requirements for information at the source tax returns, clarification of the requirements for the payment of estimated income tax, clarification of the requirements for the application for a quick refund of overpaid estimated tax by a corporation; 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 39 YEAS, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjøm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2212 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Reengrossed SB 2213 as printed on SJ page 1038, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to create and enact a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of operators' licenses; to amend and reenact section 39-06-43 and subsection 5 of section 39-06.1-10 of the North Dakota Century Code, relating to the extension of an operator's license suspension or revocation and the constructive delivery of a notice of suspension of a person's driving privilege; and to repeal paragraphs 5, 6, and 7 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessments of points for convictions of driving under the influence or being in actual physical control of a motor vehicle while under the influence.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjøm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2213 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Reengrossed SB 2266 as printed on SJ pages 952-953, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to create and enact a new subsection to section 26.1-01-07, a new subsection to section 26.1-03-17, and a new section to chapter 26.1-08 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, and the comprehensive health association; to amend and reenact subsections 15 and 16 of section 26.1-01-07, subsection 2 of section 26.1-03-17, sections 26.1-04-11, 26.1-07-04, subdivision c of subsection 2 of section 26.1-10-02, sections 26.1-16-24, 26.1-17-23, 26.1-17-31, 26.1-19-10, 26.1-26-03, subdivision b of subsection 4 of section 26.1-31.2-01 of the North Dakota Century Code as created by section 12 of House Bill No. 1242, as approved by the fifty-second legislative assembly, section 26.1-33-02, subsections 9 and 13 of

section 26.1-33-05, sections 26.1-33-12, 26.1-33-37, subdivisions e and o of subsection 1 of section 26.1-36-04, sections 26.1-36-29, 26.1-36-36.2, subsections 1 and 2 of section 26.1-38.1-01, subsections 2, 3, and 4 of section 26.1-38.1-05, subsection 2 of section 26.1-38.1-16, sections 26.1-42-01, 32-12.1-05, and subsection 1 of section 32-12.1-15 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, collection of insurance premium taxes, immunity from prosecution, investments of domestic insurance companies, insurance company annual statement filing date, licensing of sales representatives of nonprofit health service corporations, filing date for annual statements of nonprofit health service corporations, licensing of sales representatives of prepaid legal service organizations, penalty for selling insurance without a license, credit allowed a domestic ceding insurer, solicitation of life insurance, interest on death claims, group life policy conversion privileges, suicide defense to life policy or certificates, accident and health insurance policy provisions, coordination of benefits in individual and group accident and health policies, noncustodial care coverage, life and health insurance guaranty association, property and casualty insurance guaranty association, and purchase of liability insurance and participation in self-insurance pools by political subdivisions and state agencies; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 2 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Tennefos; Tomac; Traynor; Wogsland

NAYS: David; Streibel

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Vosper

SB 2266 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do concur in the House amendments to Reengrossed SB 2279 as printed on SJ page 1109, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to definitions for purposes of the oil extraction tax, conditions affecting the rate of the oil extraction tax, and conditions affecting exemptions to the oil extraction tax.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 2 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

NAYS: Heinrich; Krauter

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2279 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2378 as printed on SJ page 1064, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to create and enact a new section to chapter 36-21.1 of the North Dakota Century Code, relating to unattended animals in motor vehicles; to amend and reenact subsection 1 of section 36-21.1-06 of the North Dakota Century Code, relating to removing an unattended animal from a motor vehicle; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 12 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Mathern; Maxson; Nalewaja; O'Connell; Peterson; Schoenwald; Stenehjem; Traynor; Vosper; Wogsland

NAYS: David; DeKrey; Hanson, O.; Marks; Meyer; Moore; Mutch; Nelson; Solberg; Streibel; Tennesfos; Tomac

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2378 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2416 as printed on SJ pages 1038-1039, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to amend and reenact section 39-21-18.1 of the North Dakota Century Code, relating to flashing signals on rural mail vehicles.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennesfos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2416 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2494 as printed on SJ page 1109, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2494: A BILL for an Act to amend and reenact section 50-24.4-27 of the North Dakota Century Code, relating to medicare certification and charges by nursing homes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Heigaard

SB 2494 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do concur in the House amendments to Engrossed SB 2498 as printed on SJ page 1036, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2498: A BILL for an Act to amend and reenact section 14-02.4-01, subsection 3 of section 14-02.4-02, sections 14-02.4-03, 14-02.4-06, 14-02.4-08, 14-02.4-09, 14-02.4-18, and 34-14-02 of the North Dakota Century Code, relating to discriminatory employment practices and direct deposit of wages.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 7 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Tennefos; Tomac; Vosper; Wogsland

NAYS: Bowman; David; DeKrey; Krebsbach; Mutch; Streibel; Traynor

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

ABSENT AND NOT VOTING: Heigaard

SB 2498 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2506 as printed on SJ page 1040, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2506: A BILL for an Act to amend and reenact sections 15-47-06, 16.1-07-05, subsection 1 of section 16.1-07-08, and subsection 1 of section 16.1-07-08.1, and section 40-21-13 of the North Dakota Century Code, relating to absentee ballots; and to declare an emergency.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2506 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2508 as printed on SJ pages 1109-1110, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2508: A BILL for an Act to amend and reenact subdivision c of subsection 2 of section 16.1-11-11 and section 40-21-07 of the North Dakota Century Code, relating to signature requirements for nomination petitions.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2508 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2526 as printed on SJ page 1110, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2526: A BILL for an Act to amend and reenact subsection 3 of section 40-05-06 of the North Dakota Century Code, relating to the penalty for the violation of city ordinances enforcing United States environmental protection agency regulations.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2526 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Reengrossed SB 2530 as printed on SJ page 1039, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2530: A BILL for an Act to amend and reenact sections 24-09-05 and 39-10-43 of the North Dakota Century Code, relating to exemptions from required stops at railroad grade crossings.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2530 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Reengrossed SB 2539 as printed on SJ page 1039, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2539: A BILL for an Act to create and enact a new section to chapter 39-06.1 of the North Dakota Century Code, relating to alternative disposition of traffic offenses.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 1 NAY, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

NAYS: Heinrich

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2539 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2556 as printed on SJ page 1110, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2556: A BILL for an Act to provide for fuel cost line item and fuel cost adjustment clause inclusion in any construction contract entered by the state or a political subdivision.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2556 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2557 be moved to the bottom of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2559 as printed on SJ page 1104, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2559: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the membership of the state board of higher education.

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, 0 NAYS, 14 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nothing; Redlin; Robinson; Satrom; Tallackson; Thane; Yockim

SB 2559 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2054, SB 2211, SB 2083, SB 2096, SB 2205, SB 2333, SB 2357, SB 2422, SB 2425, SB 2472, SB 2492, SB 2493, SB 2590, and SB 2542 be placed at the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2054 as printed on SJ page 1105 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2054: Sens. Keller, Heinrich, Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2211 as printed on SJ page 1108 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2211: Sens. Wogsland, Tomac, Moore.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do not concur in the House amendments to Engrossed SB 2083 as printed on SJ page 1101 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2083: Sens. Mathern, O'Connell, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SCHOENWALD MOVED that the Senate do concur in the House amendments to Engrossed SB 2096 as printed on SJ pages 1102-1103, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2096: A BILL for an Act to amend and reenact subsection 1 of section 39-04-36, section 39-26-05, and subsection 1 of section 39-26-08 of the North Dakota Century Code, relating to the removal of license plates prior to purchase of an abandoned vehicle.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 0 NAYS, 14 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David, DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Wogsland

EXCUSED: Goetz; Ingstad; Kelly; Lindaas; Lips; Mushik; Naaden; Nething; Redlin; Robinson; Satrom; Tallackson; Thane, Yockim

ABSENT AND NOT VOTING: Vosper

SB 2096 passed and the title was agreed to.

MOTION

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

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

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 1023, HB 1029, HB 1111, HB 1151, HB 1176, HB 1185, HB 1188, HB 1189, HB 1227, HB 1293, HB 1318, HB 1324, HB 1370, HCR 3037.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2067: Reps. Schindler; Muhs; Kroeber

SB 2115: Reps. Bateman; Miller; Kerzman

SB 2118: Reps. Trautman; St. Aubyn; Scherber

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1073, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1073: Reps. Price; Delzer; Mutzenberger

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to SB 2205 as printed on SJ page 1103 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2205: Sens. Heinrich, Evanson, Jerome.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2333 as printed on SJ pages 891-892, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to amend and reenact sections 11-09.1-03 and 11-09.1-04 of the North Dakota Century Code, relating to the submission of a proposed county home rule charter to a vote of qualified electors at a special election and the time of taking effect of an approved county home rule charter.

ROLL CALL

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

YEAS: Bowman; 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; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Tallackson; Teneffos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; DeKrey; Moore; Naaden; O'Connell; Solberg; Streibel

ABSENT AND NOT VOTING: Heigaard; Satrom

SB 2333 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do concur in the House amendments to Engrossed SB 2357 as printed on SJ page 1040, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to provide for the creation of the northwest area water supply advisory committee and to authorize the state water commission to develop and construct a northwest area water supply project; and to declare an emergency.

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

ABSENT AND NOT VOTING: Heigaard; Satrom

SB 2357 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SB 2422 as printed on SJ page 954, which motion lost on a verification vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2425 as printed on SJ page 907 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2425: Sens. Krauter, Keller, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2472 as printed on SJ pages 1036, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2472: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to certificated teachers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

SB 2472 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2492 as printed on SJ page 1033, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2492: A BILL 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 amended bill, which has been read, the roll was called and there were 50 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Maxson; Thane

ABSENT AND NOT VOTING: Satrom

SB 2492 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2493 as printed on SJ page 1109, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2493: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to recording fees charged by the register of deeds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Solberg; Yockim

ABSENT AND NOT VOTING: Satrom

SB 2493 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do concur in the House amendments to Engrossed SB 2520 as printed on SJ page 1039, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to amend and reenact section 4-28-03 of the North Dakota Century Code, relating to voting entitlement for the North Dakota wheat commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

SB 2520 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2542 as printed on SJ pages 1036-1037, which motion lost.

MOTIONS

SEN. TENNEFOS MOVED that the Senate reconsider its action whereby HB 1226 failed to pass, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1266, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. STENEHJEM MOVED that the Senate reconsider its action whereby HB 1603 failed to pass, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1603, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. O. HANSON MOVED that the Senate reconsider its action whereby HB 1383 failed to pass, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1383, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2134 as printed on SJ page 891, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to create and enact a new section to chapter 54-44.5 of the North Dakota Century Code, relating to a continuing appropriation to the office of intergovernmental assistance; to provide 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, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

SB 2134 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2180 as printed on SJ page 876, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to create and enact a new subsection to section 38-14.2-04 of the North Dakota Century Code, relating to creation of an abandoned mine reclamation set-aside trust account.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

SB 2180 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2557, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1439, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1439: Sens. Langley, Schoenwald, David.

MOTION

SEN. WOGSLAND MOVED that HB 1608 be moved to the bottom of the Tenth order, which motion prevailed.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1175: A BILL for an Act to amend and reenact subsection 33 of section 38-14.1-02 and subsection 13 of section 38-14.1-24 of the North Dakota Century Code, relating to the definition of surface coal mining operations and notice of the use of explosives.

HB 1182: A BILL for an Act to amend and reenact section 18-01-08 of the North Dakota Century Code, relating to the fee paid for fire reports.

- HB 1187: A BILL for an Act to create and enact two new sections to chapter 39-03.1 of the North Dakota Century Code, relating to federal limitations on retirement benefits under the highway patrolmen's retirement system; to amend and reenact section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits under the highway patrolmen's retirement system; and to provide for application of this Act.
- HB 1199: A BILL for an Act to amend and reenact sections 15-43-01, 15-43-02, and 15-43-03 of the North Dakota Century Code, relating to conditions for sales of textbooks to school districts; and to repeal sections 15-43-04 and 15-43-06 of the North Dakota Century Code, relating to textbook lists and inducements to purchase textbooks.
- HB 1306: A BILL for an Act to provide for the establishment of multitownship boards of officers for the consolidation of up to and including five township boards.
- HB 1389: A BILL for an Act to amend and reenact section 54-40-07 of the North Dakota Century Code, relating to the authority of political subdivisions to enter into agreements with other political subdivisions.
- HB 1422: A BILL for an Act to amend and reenact subsection 1 of section 23-30-02 of the North Dakota Century Code, relating to the area to be included in a hospital district.
- HB 1489: A BILL for an Act to amend and reenact section 28-21-12 of the North Dakota Century Code, relating to service of the sheriff's notice of levy.
- HB 1536: A BILL for an Act to amend and reenact section 13-01-04 of the North Dakota Century Code, relating to the rights of creditors and marshaling funds.

ROLL CALL

The question being on the final passage of the bills, which have been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

So the bills passed and the titles were agreed to.

MOTION

SEN. WOGSLAND MOVED that HCR 3052 be moved to the bottom of the Tenth order, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3001: A concurrent resolution directing the Legislative Council to monitor the continued development of a continuum of services for the mentally ill and chemically dependent including expanded community services and related changes in the role of the State Hospital

HCR 3002: A concurrent resolution directing the Legislative Council to study the implementation of federal Family Support and Medicare Catastrophic

Coverage Acts of 1988, as amended, to determine the financial impact of the Acts during the 1993-95 biennium and to review the effectiveness of changes to the system of delivering public assistance to North Dakota families and individuals.

- HCR 3010: A concurrent resolution directing the Legislative Council to study the need for and feasibility of adopting and implementing a state health policy for the purpose of providing basic medical and health care to all citizens of the state.
- HCR 3015: A concurrent resolution directing the Legislative Council to study the feasibility of improving the efficiency of political subdivision government structure and services.
- HCR 3019: A concurrent resolution directing the Legislative Council to study the impact of state mandates on political subdivisions and to develop a procedure for the funding of new programs, services, or functions that the Legislative Assembly mandates on political subdivisions.
- HCR 3020: A concurrent resolution directing the Legislative Council to study North Dakota laws relating to the joint exercise of governmental powers by political subdivisions to determine whether those laws unnecessarily inhibit the broad authority conferred by the state constitution for joint powers agreements among political subdivisions.
- HCR 3021: A concurrent resolution urging Congress to adopt legislation to overturn the 1967 United States Supreme Court National Bellas Hess decision.
- HCR 3029: A concurrent resolution urging the President and the Congress of the United States to develop expeditiously a sound and comprehensive national energy policy utilizing renewable agricultural commodities, such as ethanol, in the production of energy and lubrication products.
- HCR 3033: A concurrent resolution urging Congress to provide assistance for the education of all handicapped children, as provided for in Public Law 94-142.
- HCR 3034: A concurrent resolution urging continued funding for library resources and services dedicated to the needs of blind and physically handicapped persons.
- HCR 3040: A concurrent resolution directing the Legislative Council to study the feasibility of having governmental entities conduct meetings through the use of telecommunications systems.
- HCR 3041: A concurrent resolution directing the Legislative Council to study recycling and the use of recycled materials by state agencies and institutions.
- HCR 3047: A concurrent resolution directing the Legislative Council to study levy limitations for political subdivisions.
- HCR 3049: A concurrent resolution directing the Legislative Council to study the statutes and rules concerning the propagation of captive wildlife and exotic wildlife in North Dakota and the authority of the Game and Fish Commissioner and the Board of Animal Health to regulate this industry.
- HCR 3050: A concurrent resolution directing the Legislative Council to study laws governing licensing and regulation of various occupations and professions.
- HCR 3054: A concurrent resolution directing the Legislative Council to study the current and future role of the North Dakota early childhood tracking system.

- HCR 3055: A concurrent resolution directing the Legislative Council to study the enrollment of North Dakota students in public schools or institutions of bordering states.
- HCR 3058: A concurrent resolution directing the Legislative Council to study the use of flexible curricula in North Dakota high schools and the team approach to course selections.
- HCR 3059: A concurrent resolution directing the Legislative Council to study the introduction of nonnative fish species into this state and the interbasin transfer of water, fish species, and aquatic plant species between or among drainage basins located in this state.
- HCR 3060: A concurrent resolution directing the Legislative Council to study the need for a long-term energy policy for North Dakota.
- HCR 3062: A concurrent resolution directing the Legislative Council to study the feasibility of establishing a collection and disposal program for agricultural pesticides, hazardous household chemicals, and their containers.
- HCR 3065: A concurrent resolution directing the Legislative Council to study privatization of and contracting for services by the Department of Human Services to provide services that the department is obligated to provide.
- HCR 3069: A concurrent resolution directing the Legislative Council to study state transportation aid to school districts.
- HCR 3052: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a one-call excavation notice system.

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

The resolutions were declared adopted on a voice vote.

SECOND READING OF HOUSE BILL ON CONSENT CALENDAR

- HB 1608: A BILL for an Act to amend and reenact section 2 of chapter 701 of the 1989 Session Laws of North Dakota, relating to an expiration date for withdrawals from school district special reserve funds.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

So the bill passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that SCR 4006, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. ROBINSON MOVED that the Senate reconsider its action whereby SB 2158 failed to pass, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to amend and reenact section 23-16-11 of the North Dakota Century Code, relating to civil penalties for violating nursing facility licensing requirements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Hanson, O.; Kinnoin; Meyer; Moore; Mutch; Naaden; Solberg; Streibel; Teneffos

ABSENT AND NOT VOTING: Satrom

SB 2158 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1027, HB 1103, HB 1190, HB 1462, HB 1555, HB 1591, HB 1609, HCR 3056, HCR 3061, HCR 3066, HCR 3068.

SECOND READING OF SENATE BILL

SB 2596: A BILL for an Act to provide for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; to provide an appropriation; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

SB 2596 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1001, HB 1060, HB 1061, HB 1242, HB 1534, HB 1572, HB 1599, and HB 1606 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1001: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 1147 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

HB 1001 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF AMENDMENTS

HB 1060: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ pages 1200-1201 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to create and enact a new subsection to section 23-29-02, four new subsections to section 23-29-04, and eleven new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to amend and reenact subsections 3 and 5 of section 23-20.2-02, section 23-29-03, subsection 8 of section 23-29-04, sections 23-29-05, 23-29-06, 23-29-12, and subsection 1 of section 39-10-59 of the North Dakota Century Code, relating to solid waste management; to repeal sections 23-29-15 and 24-12-03 of the North Dakota Century Code, relating to a short title and to the deposit of garbage; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; Hanson, O.; Langley; Meyer; Mutch; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Satrom

HB 1060 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1119, HB 1265.

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

MR. SPEAKER: The Senate has failed to pass: HB 1524, HB 1533.

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

MR. SPEAKER: The Senate has passed unchanged and the emergency clause carried on HB 1610.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1507, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1507: Reps. Grosz; Freier; Linderman

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2023: Reps. Kretschmar; Porter; Flaagan

SB 2036: Reps. Tollefson; Henegar; Hanson

SB 2041: Reps. Schindler; Olsen, D.; Snyder

SB 2090: Reps. Olson, A.; Urlacher; Erickson

SB 2338: Reps. Timm; Delzer; Huether

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

MR. SPEAKER: The President has signed: HB 1044, HB 1047, HB 1108, HB 1137, HB 1141, HB 1159, HB 1161, HB 1164, HB 1203, HB 1208, HB 1216, HB 1231, HB 1245, HB 1248, HB 1270, HB 1277, HB 1484.

MOTION

SEN. WOGSLAND MOVED that pursuant to Senate Rule 330, that HB 1061 not be rereferred to the Committee on Appropriations.

REQUEST

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

ROLL CALL

The question being "That pursuant to Senate Rule 330, that HB 1061 not be rereferred to the Committee on Appropriations", the roll was called and there were 27 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Satrom

The motion not to rerefer HB 1061 to the Committee on Appropriations passed.

CONSIDERATION OF AMENDMENTS

HB 1061: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1201 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to provide a penalty; to provide an appropriation; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Redlin; Robinson; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Langley; Meyer; Moore; Mutch; Naaden; Nelson; Nothing; O'Connell; Peterson; Solberg; Stenehjelm; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Satrom

HB 1061 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2024.

Page 1, line 5, after the second comma insert "35-17-01,"

Page 1, line 9, remove "the destruction of"

Page 1, line 15, after "penalty" insert "; to provide an appropriation"

Page 2, after line 21, insert:

"SECTION 3. AMENDMENT. Section 35-17-01 of the North Dakota Century Code is amended and reenacted as follows:

35-17-01. Agister's lien authorized. Any person to whom any ~~horses, mules, cattle, or sheep~~ animal is entrusted by the owner thereof for the purpose of feeding, herding, pasturing, or ranching has a lien upon the ~~horses, mules, cattle, or sheep~~ animals for the amount that may be due for feeding, herding, pasturing, or ranching, and is authorized to retain possession of the ~~horses, mules, cattle, or sheep~~ animal until the amount is paid. ~~these provisions may~~ This section does not be construed to apply to stolen stock."

Page 2, line 25, overstrike "horses, mules, cattle,"

Page 2, line 26, overstrike "or sheep are" and insert immediately thereafter "animal is"

Page 2, line 28, overstrike "horses, mules, cattle, or sheep" and insert immediately thereafter "animal"

Page 3, line 2, overstrike "horses, mules, cattle, or sheep" and insert immediately thereafter "animal" and underscore the period

- Page 3, line 3, remove the underscore under the period
- Page 3, line 3, replace "horses, mules, cattle, or sheep" with "animal"
- Page 3, line 11, overstrike "horses, mules, cattle, or sheep" and insert immediately thereafter "animal"
- Page 3, line 18, overstrike "horses, mules,"
- Page 3, line 19, overstrike "cattle, or sheep" and insert immediately thereafter "animals"
- Page 3, line 25, replace "horses," with "animals"
- Page 3, line 26, remove "mules, cattle, or sheep"
- Page 18, line 5, replace "The principal and interest of the computerized" with "and may be spent within the limits of legislative appropriations"
- Page 18, remove line 6
- Page 18, line 7, remove "a continuing appropriation to the secretary of state"
- Page 23, after line 14, insert:

"SECTION 22. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are appropriated out of any moneys in the computerized Uniform Commercial Code central filing system fund in the state treasury, not otherwise appropriated, to the secretary of state for the purpose of implementing, maintaining, updating, and administering the computerized Uniform Commercial Code central filing data base system, the computerized central notice system, and the computerized statutory lien data base system for the period beginning with the effective date of this Act and ending June 30, 1993, as follows:

Salaries and wages	\$ 212,959
Information services	343,900
Operating expenses	186,210
Equipment	269,600
Grants, benefits, and claims	418,000
Contingency	53,713
Total special funds appropriation	<u>\$1,484,382"</u>

- Page 23, line 15, replace "16 and 18" with "17, 19, and 22"
- Page 23, line 16, replace "15, 17, 19, and 20" with "16, 18, 20, and 21"
- Renumber accordingly

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2009, SB 2188, SB 2579, SB 2591.

- HOUSE AMENDMENTS TO SB 2009
- Page 1, line 16, replace "46,848" with "51,700"
- Page 1, line 18, replace "691,251" with "745,386"
- Page 1, line 19, replace "1,292.516" with "1,351,503"
- Page 1, line 22, replace "101,462" with "169,602"
- Page 2, line 3, replace "all" with "special", after "funds" insert "appropriation", and replace "170,682" with "238,822"

Page 2, remove lines 4 and 5

Page 2, line 6, replace "1,346,651" with "1,351,503"

Page 2, line 7, replace "116,547" with "438,822"

Page 2, line 8, replace "1,463,198" with "1,790,325"

Page 2, line 11, replace "the agency funded under each subdivision of" with "each agency to which funds are appropriated in"

Page 2, line 12, replace "is fiscally responsible for the moneys appropriated to" with "must operate within the limits of legislative appropriations included in each subdivision in section 1."

Page 2, remove line 13

Page 2, after line 13, insert:

"SECTION 3. SOIL CONSERVATION COMMITTEE - AUTHORITY TO TRANSFER FUNDS. The soil conservation committee may transfer \$195,971, or so much thereof as may be necessary, from the general fund for 5.5 FTE positions for the soil survey digitizing center included in the salaries and wages line item in subdivision 1 of section 1 of this Act to the operating expenses line item to pay for contract personnel for the soil survey digitizing center or to the grants, benefits, and claims line item to provide additional grants in the soil conservation technician grants program.

SECTION 4. CENTENNIAL TREES PROGRAM - CENTENNIAL TREES PROGRAM TRUST FUND. The total special funds appropriation line item in subdivision 2 of section 1 of this Act includes \$116,547, or so much thereof as may be necessary, from the centennial trees program trust fund for operating costs of the centennial trees commission for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 5. CENTENNIAL TREES PROGRAM - APPROPRIATION. The sum of \$200,000, or so much thereof as may be necessary, of special funds, derived from sales income, gifts, grants, and donations, is hereby appropriated to the centennial trees commission for defraying the expenses of the commission for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

This amendment increases the operating expenses line item by \$4,852 from the general fund to provide additional funding for travel, postage, and printing costs.

The grants line item is increased by \$54,135, from \$691,251 to \$745,386, from the general fund for additional funding for the soil conservation technician grants program.

A section is added to the bill allowing the Soil Conservation Committee to transfer up to \$195,971 provided for 5.5 FTE positions for the soil survey digitizing center from the salaries and wages line item to the operating expenses line item to contract for personnel for the soil survey digitizing program or to the grants line item to provide additional funding for the soil conservation technician grants program.

DEPARTMENT 711 - CENTENNIAL TREES PROGRAM

The salaries and wages line item is increased by \$68,140, \$40,000 of which is from federal funds and \$28,140 of which is from other funds to be raised by the Centennial Trees Commission, for one FTE volunteer coordinator position (\$60,000) for the federal America the Beautiful tree planting program and for temporary salaries (\$8,140).

The estimated income line item is increased by \$54,135 of other funds to be raised by the Centennial Trees Commission for the operating costs of the commission and the general fund appropriation of \$54,135 is removed.

An appropriation section is added to the bill authorizing the receipt and expenditure of up to \$200,000 of other funds received from sales income, gifts, grants, and donations to pay for operating costs of the commission for the 1991-93 biennium.

HOUSE AMENDMENTS TO ENGROSSED SB 2188

Page 3, line 20, replace "counties" with "county"

Page 5, line 16, remove "not less than one"

Page 5, line 17, remove "thousand dollars and" and replace "twenty-five" with "fifteen"

Page 5, line 21, after the period insert "The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the civil fines established in this subdivision."

Page 5, line 29, after the period insert "The state and its political subdivisions and employees of the state or a political subdivision acting within the scope of their employment are not subject to the penalty established in this subdivision."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2579

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for disposition of excess assessments for escrow accounts on residential real estate mortgage loans."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. In this Act, unless the context or subject matter otherwise requires:

1. "Borrower" means the obligor under a residential mortgage held by a secondary mortgagee.
2. "Excess amount" means any amount received in an escrow account during a calendar year in excess of three hundred dollars plus the amount necessary to pay real estate taxes, special assessments, and insurance premiums during that calendar year.
3. "Secondary mortgagee" means a successor mortgagee not residing or domiciled in this state who purchased the interest originally belonging to the mortgagee who originated a loan, under which an escrow is required to assure payment of obligations including property taxes, special assessments, and insurance premiums, if that loan is secured by a first lien real estate mortgage or equivalent security interest in a dwelling that the borrower uses as a principal place of residence in this state, not including a mobile home.
4. "Servicer" means a person or entity maintaining an escrow account for a secondary residential mortgagee.

SECTION 2. Notice of excess escrow payments. If an escrow account is maintained by the servicer of a secondary residential mortgage for a secondary mortgagee, and the account contains an excess amount, the servicer shall provide written notice to the borrower, on or before March first of the following year, of the escrow account status. The information provided to the borrower must include the balance in the escrow account after the annual payment of taxes and special assessments.

SECTION 3. Application of excess escrow payments. Upon receipt of the written notice under section 2 of this Act, the borrower may, within thirty days after the date of the notice, elect in a written request to the servicer one of the following options:

1. Refund of all or part of the excess amount; or
2. Retention of all or part of the excess amount in the escrow account.

If the borrower does not advise the servicer in writing within the time provided in this section, the servicer may continue maintenance of the escrow account in the same manner until the next report to the borrower under this Act. If the borrower advises the servicer of an election within the time prescribed in this Act, the servicer must comply with the borrower's election within thirty days of the election."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2591

Page 1, line 14, remove "This penalty may"

Page 1, remove lines 15 and 16

Renumber accordingly

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

MR. PRESIDENT: The House has passed unchanged: SB 2144, SB 2294, SB 2311, SB 2348, SB 2409, SB 2410, SB 2411, SB 2429, SB 2430, SB 2433, SB 2434, SB 2440, SB 2444, SB 2450, SB 2454, SB 2484, SB 2485, SB 2504, SB 2519, SB 2522, SB 2524, SB 2531, SB 2548.

CONSIDERATION OF AMENDMENTS

HB 1242: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 1202-1203 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to create and enact chapter 26.1-06.1, sections 26.1-10-03.1 and 26.1-10-10.1, chapters 26.1-26.2, 26.1-26.3, 26.1-31.1, and 26.1-31.2 of the North Dakota Century Code, relating to rehabilitation and liquidation of insurance companies, insurance broker-controlled property and casualty insurance companies, managing general agents, reinsurance intermediaries, and credit for reinsurance; to amend and reenact subsections 2 and 4 of section 26.1-10-02, subsections 4 and 5 of section 26.1-10-03, sections 26.1-10-04, 26.1-10-05, 26.1-10-10, and 26.1-10-11, relating to insurance holding company systems; to repeal sections 26.1-07-08, 26.1-07-09, 26.1-07-10, 26.1-07-11, 26.1-07-12, 26.1-07-13, 26.1-07-14, 26.1-07-15, 26.1-07-16, 26.1-07-17, 26.1-07-18, 26.1-07-19, and 26.1-07-20, relating to rehabilitation and liquidation of insurance companies; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Heigaard; Satrom; Yockim

HB 1242 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1534: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1203-1204 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1534: A BILL for an Act to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-05, 40-57.1-06, and 40-57.1-07 of the North Dakota Century Code, relating to tax exemptions for new and expanding industries; and to repeal section 40-57.1-04.2 of the North Dakota Century Code, relating to the definition of a local development corporation.

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

ABSENT AND NOT VOTING: Ingstad; Satrom

HB 1534 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1387 be moved to the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to amend and reenact sections 40-57.1-03 and 40-57.1-04.1 of the North Dakota Century Code, relating to the length of time for which property and income tax exemptions may be granted for agricultural processing or manufacturing facilities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 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; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson;

Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane;
Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Peterson; Satrom

HB 1387 lost.

CONSIDERATION OF AMENDMENTS

HB 1572: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 1204 be adopted with DO PASS, which motion lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1572: A BILL for an Act to amend and reenact section 54-44.3-03 of the North Dakota Century Code, relating to membership on the state personnel board by a county commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 13 YEAS, 39 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Hanson, E.; Hanson, O.; Heigaard; Kelsh; Krauter; Langley; Maxson; Meyer; Tallackson; Tomac; Wogsland

NAYS: David; DeKrey; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kinnoin; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper; Yockim

ABSENT AND NOT VOTING: Satrom

HB 1572 lost.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1014, HB 1072, HB 1083, HB 1095, HB 1098, HB 1112, HB 1132, HB 1193, HB 1215, HB 1219, HB 1255, HB 1256, HB 1261, HB 1262, HB 1296, HB 1300, HB 1310, HB 1321, HB 1329, HB 1333, HB 1338, HB 1375, HB 1378, HB 1384, HB 1431, HB 1433, HB 1477, HB 1488, HB 1516, HB 1538, HB 1604, HCR 3038, HCR 3042, HCR 3043.

CONSIDERATION OF AMENDMENTS

HB 1599: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 1204 be adopted with DO PASS, which motion prevailed

SECOND READING OF HOUSE BILL

HB 1599: A BILL for an Act to create and enact a new subsection to section 23-11-11 of the North Dakota Century Code, relating to the powers of housing authorities; and to amend and reenact section 54-17-07.6 of the North Dakota Century Code, relating to the acceptance of grants, contributions, loans, and other aid by the state housing finance agency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Evanson; Graba; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Lips; Marks; Mathern; Moore;

Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Peterson; Robinson; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Tomac; Vosper; Wogsland

NAYS: Bowman; DeKrey; Freborg; Goetz; Hanson, E.; Hanson, O.; Heigaard; Keller; Krauter; Krebsbach; Lindgren; Maxson; Meyer; Nelson; Redlin; Solberg; Tallackson; Traynor; Yockim

ABSENT AND NOT VOTING: Satrom

HB 1599 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1606: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1204-1207 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1606: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to sales tax exemptions and use tax rates; to amend and reenact subsections 2 and 3 of section 57-60-02 of the North Dakota Century Code, relating to exemption from the privilege tax on coal facilities during the first five years of production from a new electrical generating plant; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

HB 1606 passed and the title was agreed to.

HB 1009: A BILL for an Act making an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

HB 1009 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1380, HB 1613, and HCR 3026, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 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; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjelm; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Streibel

ABSENT AND NOT VOTING: Satrom

HB 1013 passed and the title was agreed to.

HB 1177: A BILL for an Act to create and enact a new subsection to section 11-11.1-03, a new section to chapter 11-11.1, a new subsection to section 40-57.4-03, and a new section to chapter 40-57.4 of the North Dakota Century Code, relating to county and city jobs development authorities; and to amend and reenact subsection 4 of section 11-11.1-01 and subsection 29 of section 57-15-06.7 of the North Dakota Century Code, relating to the membership of the county jobs development authority.

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 38 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman, David; DeKrey; Hanson, O.; Kinnoin; Moore; Mutch; Naaden; Nelson; Solberg; Stenehjelm; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Satrom

HB 1177 passed and the title was agreed to.

HB 1596: A BILL for an Act to create and enact a new section to title 6, a new section to title 7, and a new section to title 47 of the North Dakota Century Code, allowing banking institutions, credit unions, savings and loan associations, and other persons to pay interest on escrow accounts related to mortgages on residences

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; Evanson; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Mathern; Maxson; Meyer; Mushik; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjelm; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Moore; Mutch; Nalewaja; Nelson; Nething; Solberg; Streibel; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Naaden; Satrom

HB 1596 passed and the title was agreed to.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2054, SB 2083, and SB 2211, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2054: Sens. Keller; Heinrich; Stenehjelm

SB 2083: Sens. Mathern; O'Connell; Mutch

SB 2211: Sens. Wogsland; Tomac; Moore

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1139.

SECOND READING OF HOUSE BILL

HB 1597: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to rent limits for twenty-one and charitable gaming ticket sites.

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 46 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Goetz; Marks; Mathern; Stenehjelm; Yockim

ABSENT AND NOT VOTING: Naaden; Satrom

HB 1597 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1116, HB 1471, and HB 1566, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to amend and reenact subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the establishment of child support guidelines; to provide for the use of arbitration in child support disputes; to direct the legislative

council to study the impact of various child support guideline models; and to provide an effective date.

MOTION

SEN. MEYER MOVED the previous question, which motion prevailed.

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 23 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Dotzenrod; Hanson, E.; Hanson, O.; Jerome; Keller; Kelsh; Kinnoin; Krauter; Lips; Maxson; Moore; O'Connell; Redlin; Robinson; Schoenwald; Solberg; Streibel; Tennefos; Thane; Tomac; Vosper

NAYS: Bowman; Evanson; Freborg; Goetz; Graba; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mathern; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Stenehjelm; Tallackson; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Peterson; Satrom

HB 1428 lost.

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

MR. PRESIDENT: The House has failed to pass: SB 2250, SB 2305, SB 2312, SB 2362, SB 2386, SB 2407, SB 2414, SB 2499, SB 2549, SB 2561, SB 2576, SCR 4054, SCR 4068.

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

MR. PRESIDENT: The House has passed unchanged: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585, SCR 4020, SCR 4023, SCR 4041, SCR 4042, SCR 4045, SCR 4069.

SECOND READING OF HOUSE BILL

HB 1543: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to a grant program to assist counties in developing a uniform accounting and records maintenance system; and to provide an 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 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; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Peterson; Satrom

HB 1543 passed and the title was agreed to.

MOTIONS

SEN. MEYER MOVED that the vote by which HB 1428 lost be reconsidered and the motion to reconsider be laid on the table, which motion lost on a verification vote.

SEN. LINDGREN MOVED that Engrossed HCR 3035 be amended as follows:

Page 1, line 14, replace "primary" with "general"

Page 2, line 8, replace "July" with "January" and replace "1992" with "1993"

Renumber accordingly

SEN. WOGSLAND MOVED that the rules be suspended and that HCR 3035 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 2 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; Nothing; O'Connell; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Meyer; Yockim

ABSENT AND NOT VOTING: Langley; Peterson; Satrom

HCR 3035 was declared adopted.

MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 10.00 a.m., Tuesday, March 26, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1003, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1003 was placed on the Fourteenth order on the calendar.

HB 1015, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1015 was placed on the Fourteenth order on the calendar.

HB 1017, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, replace "1,264,715" with "1,340,550"

Page 1, line 14, replace "573,664" with "623,664"

Page 1, line 18, replace "7,071,699" with "7,197,534"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

The salaries and wages line item is increased by \$75,835 from the state lands maintenance fund to provide 1.5 FTE for the Foreclosed Property Division as provided for in the executive budget recommendation.

The operating expenses line item is increased by \$50,000 from the state lands maintenance fund to provide the funds for mineral management studies of \$20,000 and \$30,000 which are to be used to account for minerals acquired through foreclosed properties.

HB 1020, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, replace "55,000" with "85,000"

Page 1, line 11, replace "363,772" with "393,772"

Page 1, line 12, replace "418,772" with "478,772"

Page 1, line 13, replace "\$55,000" with "\$65,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 704 - INTERNATIONAL PEACE GARDEN

The capital improvements line item is increased by \$10,000 from the general fund to restore funding for the addition to the administration building to the executive budget recommended level.

The grants line item is increased by \$30,000 from the general fund for increased utility costs associated with the increased need for irrigation of the formal gardens and greenhouse nursery operations.

The capital improvements line item is increased by \$20,000 from the general fund to repair the cement mosaic pattern in the formal gardens.

HB 1022: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1022 was placed on the Fourteenth order on the calendar.

HB 1043, as reengrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace "Introduction of" with "Action on"

Page 1, line 12, replace "introduced" with "considered for final passage"

Page 1, line 19, replace "considered" with "received"

Page 1, line 20, replace "a standing committee" with "either house"

Page 1, line 22, after "The" insert "legislative council may exempt any legislative measure or amendment from the requirements of this Act. If required, the"

Page 2, line 22, remove "- Rulemaking" and replace "Every" with "A"

Page 2, line 23, remove "or an amendment of a legislative measure,"

Page 2, line 24, remove "as" and replace ", must" with "may"

Page 2, line 25, replace "required under" with "as provided in"

Page 2, line 26, after "Act" insert "and for the council's review and recommendation" and replace "adopt a procedure whereby all" with "afford"

Page 2, line 27, remove "are afforded"

Page 3, line 2, remove "Following receipt of"

Page 3, remove lines 3 through 5

ReNUMBER accordingly

HB 1180, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Fourteenth order on the calendar.

HB 1515, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1515 was placed on the Fourteenth order on the calendar.

HB 1579, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1579 was placed on the Fourteenth order on the calendar.

HCR 3064, as engrossed: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO PASS (8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3064 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3067: A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules. 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