

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, March 8, 1995

The Senate convened at 1:00 p.m., with President Pro Tempore Streibel presiding.

The prayer was offered by Rev. James Murphy, Assemblies of God, Mandan.

The roll was called and all members were present except Senators Lips and Yockim.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully examined the Journal of the Fortieth and Forty-second Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 793, after line 22, insert:

"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2120."

Page 828, line 42, after "1092" insert ", as engrossed"

Page 828, line 43, after the period insert "Engrossed"

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

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:39 a.m., March 8, 1995: SCR 4003, SCR 4016, SCR 4020, SCR 4022.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:16 p.m., March 7, 1995: SB 2040, SB 2086, SB 2116, SB 2128, SB 2151.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2069, SB 2122, SB 2224, SB 2252, SB 2286, SB 2291, SB 2292, SB 2314, SB 2322, SB 2331.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2069, SB 2122, SB 2224, SB 2252, SB 2286, SB 2291, SB 2292, SB 2314, SB 2322, SB 2331.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1023, HB 1057, HB 1080, HB 1092, HB 1108, HB 1115, HB 1119, HB 1125, HB 1139, HB 1147, HB 1148, HB 1157, HB 1181, HB 1203, HB 1232, HB 1233, HB 1272.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1189, HB 1199, HB 1216.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1312, HB 1336.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The Speaker has signed: SB 2158, SB 2163, SB 2210, SB 2240, SB 2244, SB 2250, SB 2258, SB 2261, SB 2262, SB 2265, SB 2284, SB 2285.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House has failed to pass: SB 2232.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House has passed unchanged: SB 2034, SB 2079, SB 2444, SB 2450.

## 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 2093.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2093

Page 1, line 2, after "records" insert "; and to declare an emergency"

Page 2, line 7, remove the underscored comma

Page 2, line 8, remove the underscored comma

Page 3, after line 2, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House has amended and subsequently passed: SB 2087, SB 2133, SB 2278, SB 2338, SB 2354.

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2087

Page 1, line 12, remove "The term does"

Page 1, remove lines 13 and 14

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2133

Page 1, line 8, remove the overstrike over "~~, no person~~"

Page 1, line 10, overstrike the comma, remove "a journeyman, class B, or", and overstrike "master electrician"

Page 1, line 15, replace "may" with ", partnership, company, corporation, limited liability company, or association may advertise to contract for electrical services without being licensed as or being associated with a class B or master electrician"

Page 1, remove line 16

Page 1, line 17, remove "licensed to perform"

Re-number accordingly

## HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2278

Page 2, line 11, remove "to chemically dependent persons"

Page 2, line 16, after the period insert "A person to whom controlled substances are prescribed or administered for intractable pain is not exempt from section 39-08-01 or 39-20-04.1."

Renumber accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2338

Page 1, line 10, remove "before", overstrike "January 1,", and replace "1990" with "at least five years before the validity or legality of the instrument is formally challenged"

Renumber accordingly

## HOUSE AMENDMENTS TO SENATE BILL NO. 2354

Page 2, line 7, after "contributed" insert "more than" and remove "or more"

Renumber accordingly

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1094 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1094: Reps. Timm; Grosz; Dobrinski

## 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 1047, HB 1104, HB 1110, HB 1111, HB 1112, HB 1162, HB 1193, HB 1226, HB 1237, HB 1270, HB 1283, HB 1312, HB 1336, HB 1351, HB 1359, HB 1372, HB 1383, HB 1395, HB 1396, HB 1433.

## MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1047, HB 1104, HB 1110, HB 1111, HB 1112, HB 1162, HB 1193, HB 1226, HB 1237, HB 1270, HB 1283, HB 1312, HB 1336, HB 1351, HB 1359, HB 1372, HB 1383, HB 1395, HB 1396, HB 1433.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Employment Committee (Sen. Naaden, Chairman) recommends the following two employees to replace two Page and Bill Book Clerks who resigned during the Fifty-fourth Legislative Assembly: Tom Middlekamp and Amy Jo Kunz.

## MOTION

SEN. NAADEM MOVED that the report be adopted.

## ROLL CALL

The question being on the motion to adopt the report of the Employment Committee, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

The motion to adopt the report of the Employment Committee prevailed.

## CONSIDERATION OF AMENDMENTS

HB 1064, as engrossed: SEN. KELSH (Transportation Committee) MOVED that the



amendments on SJ pages 852-853 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1184**, as engrossed: **SEN. TENNEFOS (Transportation Committee)** **MOVED** that the amendments on SJ pages 853-854 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1314**: **SEN. LEE (Political Subdivisions Committee)** **MOVED** that the amendments on SJ page 854 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1141**: **SEN. KREBSBACH (Government and Veterans Affairs Committee)** **MOVED** that the amendments on SJ page 853 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1141**: A BILL for an Act to amend and reenact section 54-14-04.3 of the North Dakota Century Code, relating to state employee severance pay; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS**: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING**: Tallackson

**HB 1141**, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1183**: A BILL for an Act to amend and reenact sections 43-42-01, 43-42-02, 43-42-03, and subsection 2 of section 43-42-05 of the North Dakota Century Code, relating to respiratory care practitioners and licensure requirements of temporary respiratory care practitioners.

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

**YEAS**: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING**: Tallackson

**HB 1183**, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1054:** A BILL for an Act to require every state agency and institution to prepare a written analysis documenting the decision to acquire the use of any asset as the result of a lease; and to create and enact a new subsection to section 54-44.1-06 of the North Dakota Century Code, relating to the contents of budget data prepared by the director of the budget.

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1054, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1058:** A BILL for an Act to rename the state department of health and consolidated laboratories the state department of health; and to amend and reenact section 23-01-01.1 of the North Dakota Century Code, relating to changing references to the state department of health and consolidated laboratories to the state department of health.

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1058, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1239:** A BILL for an Act to amend and reenact subsection 2 of section 39-04-12 of the North Dakota Century Code, relating to trailer number plates.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1239, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1300: A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to burial of the dead by county social service boards.

#### 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 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Andrist; Heinrich; Kinnoin; Langley; Lindaas; Redlin; Robinson; Tomac; Yockim

Engrossed HB 1300, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1346: A BILL for an Act to amend and reenact section 57-24-07 of the North Dakota Century Code, relating to notice by the county auditor of tax sales.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch

HB 1346, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1368: A BILL for an Act to amend and reenact subsection 2 of section 39-09-02 of the North Dakota Century Code, relating to speed limitations.



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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1368, as amended, passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to payments to state agencies, boards, or commissions, the judicial branch, and political subdivisions by credit card.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Freborg; Kinnoin; Naaden; O'Connell; Schobinger; Solberg; Tennefos

ABSENT AND NOT VOTING: Tallackson

Engrossed HB 1120 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to authorize the state of North Dakota and the North Dakota state board of higher education, for the use and benefit of North Dakota state university agricultural experiment station otherwise known as the agronomy seed farm, to convey certain state-owned land to the city of Casselton, North Dakota.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: LaFountain; Yockim

HB 1215 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1224:** A BILL for an Act to amend and reenact section 65-01-11 of the North Dakota Century Code, relating to the denial of workers' compensation benefits due to use of alcohol or controlled substances.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; Scherber; Wogsland; Yockim

Engrossed HB 1224 passed and the title was agreed to.

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**MOTION**

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 9, 1995, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1077:** Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1077 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1159:** Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1159 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, remove the comma

Page 1, line 2, remove "subsection 1 of section 38-08-14, and subsection 1 of section 38-08-16"

Page 1, line 4, remove "and the court in which appeals may be taken from"

Page 1, remove line 5

Page 1, line 6, remove "actions"

Page 2, remove lines 8 through 29

Page 3, remove lines 1 through 12

Renumber accordingly



## REPORT OF STANDING COMMITTEE

HB 1206: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1207, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1207 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "three" with "one"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1240, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1240 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "five" with "two"

Page 1, line 11, replace "five" with "two"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1268, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1268 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-27.2 of the North Dakota Century Code, relating to the annexation of property when children are enrolled in a contiguous school district.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 15-27.2 of the North Dakota Century Code is created and enacted as follows:

**Annexation of property - Children attending contiguous school district.**

1. A patron of a school district may file a petition with the county committee requesting annexation of the property on which the patron resides to a school district contiguous to the property. Notwithstanding the provisions of subsections 3 through 5 of section 15-27.2-04, the county committee shall approve the petition if, at the hearing, testimony and documentary evidence is offered showing that:
  - a. The patron has had children enrolled in the contiguous school district under the open enrollment program for three consecutive school years; and
  - b. The taxable valuation of the property being annexed times the mill levy of the receiving district equals or exceeds the latest available average annual cost of education per student in the receiving school district less the per student amount of foundation aid received by the school district.

2. The state board shall give final approval to proposed annexation following a hearing conducted by the state board if, at the hearing, testimony and documentary evidence is offered showing that the provisions of subdivisions a and b of subsection 1 have been met."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1299: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1299 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1327: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1338: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1338 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1353, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1353 was placed on the Sixth order on the calendar.

Page 2, after line 2, insert:

- "3. Notwithstanding subsection 1, at the time of application, the board of equalization may negotiate with a project operator and enter into a written agreement that provides for a reduced recoupment and penalty provision."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1384: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1384 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1386, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1386 was placed on the Sixth order on the calendar.

Page 1, line 2, after "50-22-01" insert ", sections 50-22-02, 50-22-02.1, 50-22-04, and 50-22-05"

Page 1, line 3, after "organizations" insert "and contributions, licenses to solicit, fees, registration of fundraisers and solicitors, annual information reports, and penalties"

Page 2, after line 17, insert:

"SECTION 2. AMENDMENT. Section 50-22-02 of the North Dakota Century Code is amended and reenacted as follows:

50-22-02. License to solicit - Term - Revocation. No charitable organization may solicit contributions from persons in this state by any means whatsoever without first having obtained a license from the secretary of state. The secretary of state shall investigate the

financial responsibility, experience, character, and general fitness of the applicant, ~~and if such.~~ If the investigation warrants the belief that the solicitations are for a worthy charitable purpose and that the applicant will conduct solicitations in accordance with the law, the secretary of state shall issue a license ~~must be issued to such the~~ applicant, giving ~~him the applicant~~ the right to solicit within the state for a period of one year until the first day of September of that year except that an initial license issued to a charitable organization in July or August following the close of the annual reporting period described in section 50-22-04 must be valid until September first of the subsequent year. If the secretary of state finds the applicant is not qualified to be issued a license, ~~he~~ the secretary of state shall deny the application, forthwith notify the applicant of the denial, but retain the license fee ~~must be retained.~~ If the applicant does not fulfill the requirements for an application within ninety days of the initial date of application, the application is deemed denied and the secretary of state shall file the documentation and retain any fee received. An applicant whose application is denied for failure to complete within the ninety-day time period shall submit a new application and license fee. All fees collected under the provisions of this chapter must be credited to the general fund of the state. The fee for ~~such an initial license must be ten~~ is twenty-five dollars and ~~may be renewed from year to year.~~ A license obtained under this section is valid for no more than fourteen months the first year a license is obtained and one year thereafter, ~~but~~ and is subject to revocation by the secretary of state at any time for just cause. The fee for a subsequent license is ten dollars.

**SECTION 3. AMENDMENT.** Section 50-22-02.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**50-22-02.1. Registration of professional fundraiser, professional solicitor, and charitable organizations ~~who engaged them.~~** The secretary of state or ~~his~~ the secretary's designee shall examine each initial application of charitable organizations for the right to solicit funds and each renewal application of charitable organizations for the right to solicit funds. If the solicitation is to be made in whole or in part by a professional fundraiser or professional solicitor, the secretary of state shall approve registration if the arrangement for payment conforms to the requirements of this chapter and all relevant rules. The registration of a professional fundraiser grants the right to solicit funds within the state for charitable organizations until the first day of September of that year. Any applicant who is denied registration may, within fifteen days from the date of notification of ~~such~~ denial, request in writing a hearing before the secretary of state. The hearing must be held within fifteen days from the date of the request.

No person may act as a professional fundraiser or professional solicitor for a charitable organization subject to ~~the provisions of~~ this chapter unless ~~he has~~ that person first has registered with the secretary of state. Applications An application for registration must be in writing, under oath or affirmation in the form prescribed by the secretary of state, and must contain ~~such~~ any information as the secretary of state may require. The application for registration by a professional fundraiser or professional solicitor must be accompanied by an annual fee in the sum of one hundred dollars. A partnership, corporation, or limited liability company ~~which~~ that is a professional fundraiser or professional solicitor may register for and pay a single fee on behalf of all its members, officers, agents, and employees. However, the names and addresses of all officers, agents, and employees employed to work under the direction of a professional solicitor or fundraiser must be listed in the application.



~~Every charitable organization engaging a professional solicitor or fundraiser and which submits a proper registration to the secretary of state shall pay an annual registration fee of twenty five dollars if the charitable organization solicits and receives gross contributions from the public of twenty five thousand dollars or less during the immediate preceding fiscal year. Every charitable organization engaging a professional solicitor or fundraiser which submits a proper registration to the secretary of state shall pay an annual registration fee of one hundred dollars if the charitable organization solicits and receives gross contributions in excess of twenty five thousand dollars during the immediate preceding fiscal year. A parent organization filing on behalf of one or more chapters, branches, or affiliates and a federated fundraising organization filing on behalf of its member agencies shall pay a single annual registration fee for itself and such the chapters, branches, affiliates, or member agencies included in the registration statement. If any charitable organization, professional fundraiser, or professional solicitor fails to file any registration application or other information required to be filed by the secretary of state under this chapter or otherwise violates the provisions of this chapter, the secretary of state, upon notice by registered or certified mail to its or his last known address, may deny or suspend the application for registration if the information is not filed or if the existing violation is not discontinued within two weeks after the formal notification or receipt of such notice. All civil proceedings under this chapter must be conducted in accordance with chapter 28-32 unless otherwise specifically herein provided. Any notice required under this chapter or chapter 28-32 may be made by certified mail.~~

**SECTION 4. AMENDMENT.** Section 50-22-04 of the North Dakota Century Code is amended and reenacted as follows:

50-22-04. Information required to be filed annually. Within sixty days after the close of the calendar year or the fiscal year, as the case may be, every Every charitable organization, professional fundraiser, or professional solicitor subject to the provisions of this chapter which has received or solicited contributions from within this state during the previous calendar or fiscal year reporting period of July first through June thirtieth shall file the following information in the manner hereinbefore provided and on forms to be provided by the secretary of state on or before the first day of September of every year, whether or not the charitable organization is reapplying for a license to solicit contributions:

1. The gross amount of the contributions pledged or collected in this state.
2. The amount thereof given or to be given to the charitable purpose represented.
3. The aggregate amount paid or received and to be paid or received for the expenses of such solicitation.
4. The aggregate amount paid to or received and to be paid or received to or by professional fundraisers and solicitors.

In addition, the secretary of state may make a detailed examination of the accounts of any charitable organization conducting a solicitation for funds within this state. Upon request the attorney general shall assist the secretary of state in carrying out the provisions of this chapter and, for this purpose, ~~shall have~~ has all powers ~~herein~~ granted by this chapter to the secretary of state. Every charitable organization subject to the provisions of this chapter shall keep a full and true record in ~~such the form as that~~ such the form as that will enable ~~such the~~ such the charitable organization to accurately provide the information required by this chapter.

**SECTION 5. AMENDMENT.** Section 50-22-05 of the North Dakota Century Code is amended and reenacted as follows:

**50-22-05. Enforcement - Penalties.** Any person conducting a solicitation in violation of the provisions of this chapter, or failing to properly complete and file any report required under this chapter, is guilty of a class A misdemeanor. A fundraiser who commences or continues fundraising after the fundraiser's application is denied or the license is revoked or canceled is guilty of a class C felony. In addition to any criminal penalties, the secretary of state may deny the fundraiser the right to engage in future fundraising activities.

Whenever the attorney general or any state's attorney has reason to believe or is advised by the secretary of state that the ~~said~~ fundraiser, charitable organization, or professional solicitor is operating in violation of ~~the provisions of this chapter,~~ the attorney general or state's attorney may bring an action in the name of the state of ~~North Dakota~~ against ~~such the~~ charitable organization and its officers, ~~such the~~ professional fundraiser or professional solicitor, or any other person who has violated this chapter or who has participated or is about to participate in any solicitation or collection by employing any device, scheme, artifice, false representation or promise, to defraud or obtain money or other property, to enjoin ~~such the~~ charitable organization or professional fundraiser or professional solicitor or other person from continuing ~~such the~~ violation, solicitation, or collection, or engaging therein, or doing any acts in furtherance thereof and for ~~such any~~ other relief as the court ~~deems~~ determines appropriate."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1393: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1393 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1417, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1417 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1427, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1427 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1436: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1436 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "coupon book,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1451: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1451 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1458: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO

PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1458 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1469, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1469 was placed on the Sixth order on the calendar.

Page 3, line 1, overstrike "It is the duty of the" and insert immediately thereafter "The" and overstrike ", and he has the power, jurisdiction,"

Page 3, line 2, overstrike "and authority to" and insert immediately thereafter "may", overstrike "licenses" and insert immediately thereafter "a license", after the second "to" insert "an", overstrike "agents," and insert immediately thereafter "agent", and overstrike the third "to"

Page 3, line 3, overstrike "such" and insert immediately thereafter "a", overstrike "whenever" and insert immediately thereafter "if", and overstrike "he" and insert immediately thereafter "the commissioner"

Page 3, line 4, overstrike "him" and insert immediately thereafter "the applicant"

Page 3, line 5, overstrike 'upon'

Page 3, line 6, overstrike "investigation", overstrike "for such use", and overstrike "Any such license granted by the" and insert immediately thereafter "The"

Page 3, line 7, overstrike "also be revoked by him" and insert immediately thereafter "revoke a license" and overstrike "said" and insert immediately thereafter "the"

Page 3, line 8, overstrike "shown"

Page 3, line 10, overstrike "deemed" and overstrike "such" and insert immediately thereafter "a"

Page 3, line 28, overstrike "conducted by him"

Page 4, line 2, overstrike "In no case may the" and insert immediately thereafter "The" and after "collected" insert "may not"

Page 4, line 3, overstrike "so"

Page 4, line 4, overstrike "Every" and insert immediately thereafter "A"

Page 4, line 6, overstrike "conducted by him,"

Page 4, line 7, overstrike "to be furnished the employment agent" and insert immediately thereafter "provided"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1484: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1484 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3018, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING).



Engrossed HCR 3018 was placed on the Sixth order on the calendar for immediate second reading.

Page 2, line 8, after the first "of" insert "at least five but not more than"

Page 2, line 12, replace "seven voting persons as follows" with "the following"

Page 2, line 14, after "(b)" insert "at least four but not more than"

Page 2, line 15, replace ", three" with ". An equal number of legislators" and after "house" insert "must be"

Page 2, line 16, replace "that" with "each", after "house" insert "and the legislators selected from each house must represent both political parties", and remove "No more than two of the three legislators"

Page 2, line 17, remove "from each house may be from the same political party."

Page 2, line 25, after "consideration" insert "and vote"

Page 3, after line 18, insert:

"BE IT FURTHER RESOLVED, that North Dakota's participation in the Conference of the States is not an application for a convention for proposing amendments pursuant to Article V of the United States Constitution; and"

Re-number accordingly

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

William C. Parker, Secretary