

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, March 21, 1995

The Senate convened at 9:30 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Eric Hulstrand, Tri-County Ministry, Binford.

The roll was called and all members were present.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

**MADAM PRESIDENT:** Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully reexamined the Journal of the Forty-eighth and Forty-ninth Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 913, after line 8, insert:

## "COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 13, 1995, I signed the following: SB 2291, SB 2292, and SB 2314."

Page 935, after line 8, insert:

## "DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 9:22 a.m., March 14, 1995: SB 2034, SB 2079, SB 2095, SB 2121, SB 2137, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2229, SB 2234, SB 2248, SB 2289, SB 2316, SB 2341, SB 2347, SB 2357, SB 2373, SB 2379, SB 2381, SB 2397, SB 2411, SB 2415, SB 2444, SB 2450."

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

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HCR 3047.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1159, HB 1185, HB 1190, HB 1205, HB 1208, HB 1236, HB 1253, HB 1274, HB 1314.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1346, HB 1368, HB 1388, HB 1469, HB 1474, HB 1496, HCR 3002.

## CONSIDERATION OF AMENDMENTS

**HB 1041, as engrossed:** SEN. KELSH (Education Committee) **MOVED** that the amendments on SJ page 1013 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1041:** A BILL for an Act to create and enact a new section to chapter 15-22 of the North Dakota Century Code, relating to the duties of county superintendents of 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, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Kinnoin; Krauter; Lips; Mushik; Mutch; Streibel; Thane; Tomac; Watne; Yockim

Engrossed HB 1041, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**HB 1286, as engrossed:** SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ page 1018 be adopted and then be placed on the Fourteenth order with **DO PASS**.

## MOTION

**SEN. GOETZ MOVED** that HB 1286 be laid over one legislative day, which motion prevailed.

Engrossed HB 1286 was placed on the Sixth order for the succeeding legislative day.

## CONSIDERATION OF AMENDMENTS

**HB 1441, as engrossed:** SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 1021-1031 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1441:** A BILL for an Act to create and enact two new sections to chapter 6-03, a new section to chapter 6-08, three new sections to chapter 6-08.3, and chapter 6-08.4 of the North Dakota Century Code, relating to bank powers and interstate banking and branching; to amend and reenact sections 6-01-02, 6-01-09, 6-01-17, 6-01-17.1, 6-01-17.2, 6-01-18, subsection 8 of section 6-03-02, sections 6-03-13.1, 6-03-13.4, 6-07-04.2, 6-08.3-01, 6-08.3-04, 6-08.3-13, 6-10-03, 57-35-02.1, and 57-35.2-02.2 of the North Dakota Century Code, relating to interstate banking and branching and taxation of financial institutions; to repeal sections 6-03-14, 6-03-14.1, 6-03-15, 6-03-16, 6-03-17, 6-03-18, 6-03-19, 6-08.3-02, 6-08.3-03, 6-08.3-05, 6-08.3-06, 6-08.3-10, 6-08.3-11, 6-08.3-12, and 6-08.3-14 of the North Dakota Century Code, relating to banking; 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 48 YEAS, 1 NAY, 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; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell

Engrossed HB 1441, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

HB 1026, as engrossed: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 1059-1081 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact a new section to chapter 37-03 of the North Dakota Century Code, relating to biennial reports; to amend and reenact sections 2-05-04, 4-02.1-26, 4-05.1-04, 4-27-11, 6-01-10, 13-03-10, 13-03.1-10, 13-05-08.1, 15-02-08, 15-10-14.1, 15-20.1-21, 15-21-14, 15-52-28, 18-01-29, 20.1-02-04, 23-01-06, 24-02-01.5, 24-02-10, 26.1-01-03, 26.1-21-22, 34-05-01, 34-06-20, 36-01-11, 37-03-05, 37-14-09, 37-15-19, 43-01-06, 43-04-19, 43-09-05, 43-10-08, 43-13-09, 43-15-12, 43-17-12, 43-23-02, 43-28-09, 46-02-04, 49-01-13, 52-02-03, 52-10-09, 54-06-03, 54-06-04, 54-09-02, 54-10-01, 54-11-01, 54-12-05, 54-17-06, 54-36-06, 54-42-05, 54-44.3-07, 54-46-11, 57-01-02, 61-03-04, 61-04.1-10, and 65-02-09 of the North Dakota Century Code, relating to reports to the governor and the secretary of state; and to repeal section 54-06-05 of the North Dakota Century Code, relating to the condensing of reports and copies of reports.

#### 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, 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 1026, as amended, passed and the title was agreed to.

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#### MOTION

SEN. GOETZ MOVED that HB 1052 and HB 1009, which are on the Sixth order, be laid over one legislative day, which motion prevailed.

#### MOTION

SEN. GOETZ MOVED that the rules be suspended and that after action taken on the Sixth order, those bills be placed on the Eleventh or Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

HB 1168, as engrossed: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 1016 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to interest and penalty for licensed gaming organizations; to amend and reenact section 53-06.1-01, subsection 2 of section 53-06.1-01.1, sections 53-06.1-02, 53-06.1-03, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1,

53-06.1-06, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.2, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to definitions under the games of chance laws, qualifications of gaming commission members, use of net proceeds, allowable games and prize limitations, conditional site authorization, two organizations conducting games on a site, license fees, rent limits, regulation of the number of twenty-one tables and sites, persons restricted from being involved in gaming equipment, history background checks, local work permits, allowed games of chance, limitations on hours and participation in games, poker, calcuttas, punchboards, pull tabs, sports pools, twenty-one, raffles, gross proceeds and expenses, organizations using money in certain political activities, gaming taxes, deposits, examination of books and records, distributors and manufacturers, form and display of a license and local permit, reimbursing the attorney general for inspection costs, the statute of limitations, conditional licenses, violation of a law or rule, thefts and fraudulent schemes, ineligibility for local permits and rules; to repeal sections 53-06.1-02.1, 53-06.1-04, 53-06.1-05, and 53-06.1-08.1 of the North Dakota Century Code, relating to waiver of the two-year activity requirement for local permits, local permits, and pull tab prizes; 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 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Krauter; Sand

Engrossed HB 1168, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1210**, as engrossed: **SEN. KRINGSTAD (Natural Resources Committee) MOVED** that the amendments on SJ page 1016 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1210:** A BILL for an Act to create and enact a new subsection to section 38-08-02 and a new section to chapter 38-08 of the North Dakota Century Code, relating to recording the location of oil and gas reserve pits.

#### 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, 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 1210, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1214: SEN. THANE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 1017 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1214:** A BILL for an Act to amend and reenact sections 4-02-04, 4-02-08, 4-02-26, 4-02-27, 4-02-27.2, 4-02-27.3, 4-02-30, 11-23-09, 53-03-03, 53-04.1-04, 53-05-02, subsections 30 and 31 of section 57-15-06.7, and subsection 1 of section 57-15-06.8 of the North Dakota Century Code, relating to fairs, fair associations, carnivals, and amusements and property tax levies for fairs; and to repeal sections 4-02-03, 4-02-09, 4-02-11, 4-02-15, 4-02-32, 4-02-33, 4-02-34, and subsection 3 of section 57-15-06.7 of the North Dakota Century Code, relating to fairs.

#### 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, 1 NAY, 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; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Tennefos

HB 1214, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1220: SEN. SAND (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 1017 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1220:** A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

#### MOTION

**SEN. GOETZ MOVED** that the question be put at 10:59 a.m., which motion prevailed.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

HB 1220, as amended, passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

**SEN. ANDRIST:** Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

#### REMARKS OF SENATOR ANDRIST

Madam President and members of the North Dakota State Senate: Although Grenora had to settle for runner-up honors in the state high school class B basketball tournament last week, this group of undersized athletes from a small high school of only 50 students demonstrated giant-sized heart.

Of special note is that Hunter Berg was named Mr. Basketball. Hunter is the second athlete from Legislative District 2 to claim such an honor this year, since Brenna Stefonowicz of Crosby was chosen Miss Basketball at the state girls tournament.

Northwestern North Dakota is proud of its standout athletes, and Grenora exemplifies everything that is good about rural North Dakota--foremost of which is its high school students.

We commend Coach Gene Anderson, the Grenora Gophers, and all their fans for a great season.

#### MOTION

**SEN. GOETZ MOVED** that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

#### REPORT OF DELAYED BILLS COMMITTEE

**MADAM PRESIDENT:** Your Delayed Bills Committee (Sen. Freborg, Chairman) has cast a unanimous ballot to recommend the introduction of a bill for an Act to provide for restrictions on the use of public funds for abortion; to repeal section 14-02.3-01 of the North Dakota Century Code, relating to restrictions on abortion; and to declare an emergency.

The bill will be SB 2539.

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

#### FIRST READING OF SENATE BILL

Sen. G. Nelson and Rep. Dorso introduced:  
(Approved by the Delayed Bills Committee)

**SB 2539:** A BILL for an Act to provide for restrictions on the use of public funds for abortion; to repeal section 14-02.3-01 of the North Dakota Century Code, relating to restrictions on abortion; and to declare an emergency.

Was read the first time and referred to the Human Services Committee.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. THANE MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2044 as printed on SJ page 965 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2044: Sens. B. Stenehjem, Lee, Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. BOWMAN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2195 as printed on SJ page 912 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2195: Sens. Andrist, Wanzek, Tomac.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2332 as printed on SJ page 981 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2332: Sens. W. Stenehjem, Traynor, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SB 2035 as printed on SJ page 964 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2035: Sens. Lee, Thane, DeMers.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. KREBSBACH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2066 as printed on SJ page 965 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2066: Sens. Krebsbach, Sand, Heinrich.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Engrossed SB 2072 as printed on SJ page 980 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2072: Sens. Kringstad, Freborg, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. BOWMAN MOVED that the Senate do not concur in the House amendments to SB 2152 as printed on SJ page 912 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

THE PRESIDENT APPOINTED as a Conference Committee on SB 2152: Sens. Bowman, Wanzek, Tomac.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to

Engrossed SB 2198 as printed on SJ page 981 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2198: Sens. Andrist, Krebsbach, Krauter.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THAME MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2430 as printed on SJ page 982 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2430: Sens. Lee, B. Stenehjem, DeMers.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THAME MOVED** that the Senate do not concur in the House amendments to SB 2439 as printed on SJ page 983 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2439: Sens. Bowman, B. Stenehjem, Yockim.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2442 as printed on SJ pages 932-934 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2442: Sens. Urlacher, Watne, Mathern.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2453 as printed on SJ page 983 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2453: Sens. Traynor, Watne, LaFountain.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TENNEFOS MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2524 as printed on SJ page 984 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2524: Sens. Tennefos, Kringstad, Heitkamp.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TENNEFOS MOVED** that the Senate do not concur in the House amendments to SB 2204 as printed on SJ pages 1038-1041 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.



## APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2204: Sens. Tennefos, Urlacher, Kinnoin.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1064, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1064: Sens. B. Stenehjem, Mutch, O'Connell.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1094, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1094: Sens. Tennefos, Kringstad, Tomac.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1100, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1100: Sens. Grindberg, Sand, Scherber.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. BOWMAN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1124, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1124: Sens. Andrist, Wanzek, Kinnoin.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1207, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1207: Sens. Andrist, Sand, Langley.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MUTCH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1221, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1221: Sens. Mutch, Krebsbach, Scherber.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1298, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1298: Sens. W. Stenehjem, Traynor, C. Nelson.

## APPOINTMENT OF CONFERENCE COMMITTEE

SEN. URLACHER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1300, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1300: Sens. Urlacher, Thane, Mathern.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TENNEFOS MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1353, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1353: Sens. Kringstad, Urlacher, Kinnoin.

**APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TENNEFOS MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1386, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1386: Sens. Kringstad, Urlacher, Kinnoin.

**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 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, SB 2521, SCR 4006, SCR 4007, SCR 4013, SCR 4025, SCR 4058, SCR 4062.

**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 2024, SB 2135, SB 2194, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1082, HB 1163, HB 1165, HB 1223, HB 1250, HB 1329, and HB 1436 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1082: Reps. Klein; Koppelman; Christenson  
 HB 1163: Reps. Skarphol; Monson; Grumbo  
 HB 1165: Reps. Kelsch; Stenehjsem; Mahoney  
 HB 1223: Reps. Stenehjsem; Maragos; Mahoney  
 HB 1250: Reps. Skarphol; Kempenich; Grumbo  
 HB 1329: Reps. Carlson; Poolman; Schmidt  
 HB 1436: Reps. Kelsch; Mickelson; Christenson

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

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

SB 2037: Reps. Price; Christopherson; Kerzman  
 SB 2074: Reps. DeKrey; Brown; Gulleeson  
 SB 2087: Reps. Christopherson; Thoreson; Mutzenberger  
 SB 2088: Reps. Gorder; Torgerson; Aarsvold  
 SB 2133: Reps. Carlson; Delzer; Schmidt  
 SB 2142: Reps. Drovda; Nottestad; Mutzenberger  
 SB 2143: Reps. Carlson; K. Henegar; Hanson

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2035, SB 2044, SB 2066, SB 2072, SB 2152, SB 2195, and SB 2332 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2035: Sens. Lee; Thane; DeMers  
 SB 2044: Sens. B. Stenehjsem; Lee; Mathern

SB 2066: Sens. Krebsbach; Sand; Heinrich  
 SB 2072: Sens. Kringstad; Freborg; Heitkamp  
 SB 2152: Sens. Bowman; Wanzek; Tomac  
 SB 2195: Sens. Andrist; Wanzek; Tomac  
 SB 2332: Sens. W. Stenehjem; Traynor; C. Nelson

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2198, SB 2204, SB 2430, SB 2439, SB 2442, SB 2453, and SB 2524 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2198: Sens. Andrist; Krebsbach; Krauter  
 SB 2204: Sens. Tennefos; Urlacher; Kinnoin  
 SB 2430: Sens. Lee; B. Stenehjem; DeMers  
 SB 2439: Sens. Bowman; B. Stenehjem; Yockim  
 SB 2442: Sens. Urlacher; Watne; Mathern  
 SB 2453: Sens. Traynor; Watne; LaFountain  
 SB 2524: Sens. Tennefos; Kringstad; Heitkamp

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

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

HB 1064: Sens. B. Stenehjem; Mutch; O'Connell  
 HB 1094: Sens. Tennefos; Kringstad; Tomac  
 HB 1100: Sens. Grindberg; Sand; Scherber  
 HB 1124: Sens. Andrist; Wanzek; Kinnoin  
 HB 1207: Sens. Andrist; Sand; Langley  
 HB 1221: Sens. Mutch; Krebsbach; Scherber  
 HB 1298: Sens. W. Stenehjem; Traynor; C. Nelson

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

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

HB 1300: Sens. Urlacher; Thane; Mathern  
 HB 1353: Sens. Kringstad; Urlacher; Kinnoin  
 HB 1386: Sens. Kringstad; Urlacher; Kinnoin

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1027, HB 1032, HB 1155, and HCR 3017 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1027: Reprs. Maragos; Nottestad; Delmore  
 HB 1032: Reprs. Stenehjem; Klein; Christenson  
 HB 1155: Reprs. Kempenich; Skarphol; Grumbo  
 HCR 3017: Reprs. Koppelman; Klein; Christenson

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

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

SB 2066: Reprs. Klein; Austin; Schmidt  
 SB 2081: Reprs. Wardner; Timm; Sitz  
 SB 2159: Reprs. Sveen; Schimke; Nichols

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

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

SB 2198: Reprs. Poolman; Keiser; Schmidt

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

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

SB 2247: Reps. Kempenich; Delzer; Mahoney  
 SB 2338: Reps. Klein; Sabby; Mahoney  
 SB 2480: Reps. Price; Walker; Boucher

## CONSIDERATION OF AMENDMENTS

HB 1252, as engrossed: SEN. SAND (Industry, Business and Labor Committee)  
 MOVED that the amendments on SJ page 1017 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1252: A BILL for an Act to amend and reenact subsection 9 of section 65-01-02 of the North Dakota Century Code, relating to the definition of compensable injury for workers' compensation purposes.

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

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

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

ABSENT AND NOT VOTING: Krauter; O'Connell; Tallackson

Engrossed HB 1252, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1317, as engrossed: SEN. URLACHER (Political Subdivisions Committee)  
 MOVED that the amendments on SJ page 1019 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1317: A BILL for an Act to create and enact chapter 61-35 of the North Dakota Century Code, relating to water district organization, finance, bond issuance, special assessments, and projects.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Lindaas; O'Connell; Stenehjem, B.

Engrossed HB 1317, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1355, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 1019 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1355: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-03, section 53-06.1-06, and subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to licensure of eligible organizations and allowable expenses for games of chance.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Redlin; Tennefos; Yockim

ABSENT AND NOT VOTING: Lindaas; O'Connell; Stenehjem, B.

Engrossed HB 1355, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1360, as engrossed: SEN. WATNE (Political Subdivisions Committee) MOVED that the amendments on SJ page 1019 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1360: A BILL for an Act to amend and reenact section 57-02.2-03 of the North Dakota Century Code, relating to the authority of cities and counties concerning property tax exemptions for improvements to commercial and residential buildings and structures; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; 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: Lindaas; O'Connell

Engrossed HB 1360, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1369, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 1020-1021 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1369: A BILL for an Act to create and enact three new sections to chapter 28-01.3 of the North Dakota Century Code, relating to limitations, rebuttable presumptions against defects, and exemplary damages in products liability actions; and to amend and reenact section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages.

## MOTION

SEN. SCHERBER MOVED that Engrossed HB 1369 be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1369 as printed on pages 1020 and 1021 of the Senate Journal, Engrossed House Bill No. 1369 is further amended as follows:

Page 1, line 1, after "28-01.3" insert "and a new section to chapter 32-03.2"

Page 1, line 4, after "actions" insert "and the applicability of joint and several liability in limited circumstances"

Page 2, after line 9, insert:

"SECTION 2. A new section to chapter 32-03.2 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

Effect of workers' compensation liability on joint and several liability. Joint and several liability applies to a defendant in a claim for relief for personal injury or wrongful death when a person other than the workers compensation bureau or the employer has a legal liability to the plaintiff or the plaintiff's dependents, spouse, parents, or personal representative and workers' compensation benefits are payable to the plaintiff. Any amounts recovered by the workers compensation bureau under section 65-01-09 must be credited to the employer's account, less the workers compensation bureau's costs as determined under section 65-01-09."

Renumber accordingly

## REQUEST

SEN. SCHERBER REQUESTED a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1369, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1369, the roll was called and there were 12 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Kelsh; Krauter; LaFountain; Mathern; Mushik; Nelson, C.; Scherber; Stenehjem, W.; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Lindaas; O'Connell

The proposed further amendments to Engrossed HB 1369 failed.

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

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

**NAYS:** DeMers; Heinrich; Kelsh; Krauter; LaFountain; Mathern; Mushik; Scherber; Stenehjem, W.; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Lindaas; O'Connell

Engrossed HB 1369, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**HB 1375, as engrossed:** SEN. KRAUTER (Natural Resources Committee) MOVED that the amendments on SJ page 1021 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1375:** A BILL for an Act to create and enact two new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions for the purpose of the regulation of boating; and to amend and reenact section 20.1-13-07 of the North Dakota Century Code, relating to the operation of motorboats, vessels, and personal watercraft.

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

**YEAS:** Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nelson, G.; Redlin; Robinson; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Yockim

**NAYS:** Bowman; Christmann; Krebsbach; Mutch; Naaden; Nething; Sand; Schobinger; Streibel; Tennefos; Traynor; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Lindaas; O'Connell

Engrossed HB 1375, as amended, passed and the title was agreed to.

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## MOTION

**SEN. GOETZ MOVED** that the Senate stand in recess for five minutes, which motion prevailed.

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

## CONSIDERATION OF AMENDMENTS

**HB 1463:** SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 1031 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE BILL

**HB 1463:** A BILL for an Act to create and enact a new chapter to title 12.1 of the North Dakota Century Code, relating to willful failure to pay child support; to amend and reenact section 14-07-15 of the North Dakota Century Code, relating to abandonment or nonsupport of a child; 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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Streibel; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Mutch; Naaden; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Tomac

**ABSENT AND NOT VOTING:** Lindaas; O'Connell

HB 1463, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**HCR 3038, as engrossed:** SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 1032 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3038:** A concurrent resolution directing the Legislative Council to study the extent and value of elementary and high school student participation in school-sanctioned extracurricular activities, the effect of extracurricular activities on the education of individual students and on teachers and administrators, and the financial impact of extracurricular activities on school district and family budgets.

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

Engrossed HCR 3038, as amended, was declared adopted on a verification vote, and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SCR 4065:** SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1054 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4065:** A concurrent resolution directing the Legislative Council to study the state employee classification system and the benefits provided to state employees.

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

Engrossed SCR 4065 was declared adopted on a voice vote, and the title was agreed to.



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## CONSIDERATION OF AMENDMENTS

SCR 4066: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 1054 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4066: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating functions of the Retirement and Investment Office, Public Employees Retirement System, and Teachers' Fund for Retirement.

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

Engrossed SCR 4066 was declared adopted on a verification vote, and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1004, as engrossed: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ pages 1054-1056 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

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

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; 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: Lindaas; Naaden; O'Connell

Engrossed HB 1004, as amended, passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

HB 1008, as engrossed: SEN. STREIBEL (Appropriations Committee) MOVED that the amendments on SJ page 1057 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach;

Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; 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:** Lindaas; Naaden; O'Connell

Engrossed HB 1008, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1010: SEN. REDLIN (Appropriations Committee) MOVED** that the amendments on SJ pages 1058-1059 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

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

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; 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:** Lindaas; Naaden; O'Connell

HB 1010, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1089, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ pages 1081-1087 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1089:** A BILL for an Act to create and enact a new section to chapter 28-32, a new subdivision to subsection 2 of section 51-19-09, and a new subsection to section 51-23-20 of the North Dakota Century Code, relating to duties of administrative law judges and hearings held by the securities commissioner; to amend and reenact section 10-04-12, subsection 1 of section 10-04-16, subsection 5 of section 28-32-01, subsection 1 of section 28-32-08.1, subsections 3 and 5 of section 54-57-01, sections 54-57-02, 54-57-03, 54-57-04, 54-57-05, and 54-57-07 of the North Dakota Century Code, relating to administrative hearings and the duties of administrative law judges; and to repeal sections 10-04-13 and 54-57-06 of the North Dakota Century Code, relating to appeals from orders of the securities commissioner and to transfer and transition provisions for the office of administrative hearings.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lindaas; Naaden; O'Connell

Engrossed HB 1089, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1318, as engrossed:** SEN. MALEWAJA (Appropriations Committee) MOVED that the amendments on SJ page 1088 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to provide for a comprehensive trauma and emergency medical system; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Lindaas; Naaden; O'Connell

Engrossed HB 1318, as amended, passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that HB 1326, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1367, as engrossed:** SEN. LAFOUNTAIN (Political Subdivisions Committee) MOVED that the amendments on SJ page 1088 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1367:** A BILL for an Act to create and enact sections 23-12-09.2 and 23-12-10.3 of the North Dakota Century Code, relating to restrictions on smoking in facilities providing children's services; to amend and reenact sections 23-12-09, 23-12-10, 23-12-10.2, and 23-12-11 of the North Dakota Century Code, relating to restrictions on smoking in places of public assembly; 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 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Stenehjem, B.; Watne

**ABSENT AND NOT VOTING:** Lindaas; Naaden; O'Connell

Engrossed HB 1367, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1379, as engrossed:** SEN. NALEWAJA (Appropriations Committee) MOVED that the amendments on SJ pages 1088-1089 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1379:** A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; 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:** Lindaas; Naaden; O'Connell

Engrossed HB 1379, as amended, passed and the title was agreed to.

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#### 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 10:30 a.m., Wednesday, March 22, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**HB 1051, as engrossed:** Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1051 was placed on the Sixth order on the calendar.

Page 3, line 26, after the period insert "The state-of-the-art comparisons must be made to products with similar-intended utility. The trier of the fact shall consider the defense that the designer's choice averted greater peril for a large subclass of intended users and shall consider the economic viability of the component or product."

Page 4, line 4, remove "The period of useful safe life"

Page 4, remove lines 5 through 16

Page 4, line 17, remove "2."

Page 4, line 20, replace "3" with "2"

Page 5, line 1, replace "4" with "3"

Page 5, line 7, replace "5" with "4"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1171, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1171 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1176, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1176 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1178, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1178 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "the implementation of weapons policies and"

Page 1, line 12, after the period insert "Weapons policies -"

Page 1, line 13, after "resolution" insert "implement a policy governing the possession of weapons on school property and at school functions and provide for the punishment of any student found to be in violation."

2. The weapons policy must

Page 1, line 16, replace "may" with "must", after "include" insert "immediate", replace "or" with "and", and replace "a" with "at least"

Page 1, line 17, remove "period up to" and after the underscored period insert "The board may in its policy authorize the school district superintendent or the school principal if the school district does not have a superintendent to modify an expulsion under this section on a case-by-case basis in accordance with criteria established by the board."

Page 1, line 19, remove "full"

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

Page 2, line 5, replace "911-230" with "91-230"

Page 2, line 6, replace "3" with "4"

Page 2, line 18, replace "1" with "2"

Page 2, line 19, replace "1" with "2"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1243: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (3 YEAS,

2 NAYS, 0 ABSENT AND NOT VOTING). HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to aftermarket risk contracts and insurance requirements for purchasers of aircraft and aircraft components manufactured in this state.

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

**SECTION 1. Definitions.** As used in this Act:

1. "Aftermarket risk insurance" means aircraft and aircraft component product and completed operations liability insurance that conforms with sections 2 and 3 of this Act.
2. "Aircraft" means general aviation light craft that is powered and intended to fly above the ground; is designed to carry one person or more, but with a maximum seating capacity of fewer than twenty passengers; and weighs less than twelve thousand five hundred pounds [5669.9 kilograms].
3. "Aircraft component" means a manufactured part or assembly intended for use in the construction, replacement, or repair of an aircraft. The term includes any complete aircraft subsystem, including the aircraft engine, that carries its own manufacturer's warranty or services provided separately from the warranty of the manufacturer of the aircraft.
4. "Aviation manufacturer" means a manufacturer of aircraft or aircraft components who has its place of manufacture and place of production of aircraft or aircraft components located within this state. The term includes a manufacturer located in this state who imports raw materials, components, and aircraft subassemblies from outside the state for manufacturing purposes. The term also includes a person who modifies, maintains, alters, repairs, or installs aircraft components in aircraft in accordance with federal aviation administration regulations and holds a repair station certificate issued by the federal aviation administration.

**SECTION 2. North Dakota aftermarket risk contract.** The sale of aircraft and aircraft components sold by an aviation manufacturer and the performance of any modification, maintenance, alteration, repair, or installation of components in aircraft in this state are governed by an aftermarket risk contract. The contract between the seller or aviation manager and the purchaser must be executed at the time of purchase and reconsidered at each subsequent resale. The first and subsequent seller or aviation manufacturer shall agree to be bound by North Dakota law and the aftermarket risk contract or to provide a fully paid aftermarket product liability insurance policy that covers exposure to tort liability within the United States. The option of providing the insurance policy applies only to aircraft or aircraft components that sell for more than two thousand dollars.

**SECTION 3. Aftermarket risk insurance requirements - Encumbrances.**

1. An aftermarket risk insurance policy purchased pursuant to section 2 of this Act must hold harmless all aviation manufacturers that manufactured, modified, maintained, repaired, or altered the aircraft or aircraft component assembled or first sold in this state.

2. The aviation manufacturer or seller of the aircraft or aircraft component may offer in the sales contract aftermarket risk insurance based on continued choice of North Dakota law. The aftermarket risk insurance option must be attached to the original sales contract as a lien on the aircraft holding the first owner and each subsequent owner financially responsible for the cost of purchasing and maintaining aftermarket risk insurance and binding the owner to governance by North Dakota law. An aftermarket insurance obligation must be recorded as a lien on the aircraft at the federal aviation administration aircraft registry.

**SECTION 4. Stabilization of aftermarket risk insurance market.**

1. An aviation manufacturer and a purchaser of an aircraft or aircraft component which intend to be bound by North Dakota law must be covered by insurance that meets the requirements of insurance laws of this state. The sales contract must include a dispute resolution procedure for aftermarket risk contracts and insurance contracts.
2. An aftermarket risk insurance provider domiciled in this state may limit coverage to include any caps and limitations permitted by law at the time of the first sale of the product.
3. Upon resale of an aircraft or aircraft component, the purchaser agrees to purchase insurance and the insurance carrier shall provide evidence of coverage. A default on the insurance may reinstate, by contract, the lien back to the aviation manufacturer. An aftermarket risk contract may include a requirement for removal of the aircraft or aircraft component from service, consent to be governed by North Dakota law, and purchase of additional passenger and public risk insurance coverage.
4. An aviation manufacturer or value-added reseller shall provide confidential access to data necessary for actuarial analysis by aftermarket insurance carriers to assist in maintaining a competitive insurance market with a choice of alternative carriers.

**SECTION 5. Financial responsibility.** An owner of an aircraft or aircraft component manufactured in this state shall provide proof of financial responsibility in the amount of one hundred thousand dollars, per occurrence, for property damage and personal injury or death on the ground resulting from the use of the aircraft or aircraft component."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1289, as reengrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1289 was placed on the Sixth order on the calendar.

Page 5, line 27, after the underscored period insert "A portion of the fund may be used to defray the operating and administrative expenses of the corporation, including staff salaries and expenses. However, moneys from the return of project investments may not be used to defray the operating and administrative expenses of the corporation."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1305, as engrossed: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1305 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1325, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "five" with "ten" and after "percent" insert "with a maximum of five uncertificated individuals,"

Re-number accordingly

## REPORT OF STANDING COMMITTEE

HB 1337, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 943 of the Senate Journal, Engrossed House Bill No. 1337 is further amended as follows:

Page 2, replace lines 5 through 7 with:

"a. "Date of relocation" means the due date of the first return required to be filed by the corporation under subsection 2 of section 57-38-60."

Re-number accordingly

## REPORT OF STANDING COMMITTEE

HB 1426, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1426 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HCR 3006: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3006 was placed on the Sixth order on the calendar.

Page 1, line 14, after the comma insert "the Board for Vocational and Technical Education,"

Re-number accordingly

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

William C. Parker, Secretary