

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, March 15, 1991

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Virgil Allard, United Church of Christ, Bismarck.

The roll was called and all members were present except Senators Holmberg, Ingstad, Nalewaja, and Nething.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1044, HB 1135, HB 1137, HB 1141, HB 1248, HB 1260, HB 1270, HB 1322, HB 1328.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1032, HB 1033.

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

MR. SPEAKER: The President has signed: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1163, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308, HB 1593.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2582, SB 2588, SB 2590, SCR 4059, SCR 4061.

## 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 1035, HB 1049, HB 1070, HB 1086, HB 1092, HB 1094, HB 1100, HB 1101, HB 1102, HB 1130, HB 1114, HB 1150, HB 1155, HB 1192, HB 1213, HB 1224, HB 1226, HB 1229, HB 1249, HB 1276, HB 1290, HB 1294, HB 1304, HB 1411, HB 1412, HB 1426, HB 1458, HB 1479, HB 1480, HB 1491, HB 1539, HB 1565.

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

MR. PRESIDENT: The Speaker has signed: SB 2073, SB 2080, SB 2093, SB 2095, SB 2102, SB 2152, SB 2196, SB 2356, SCR 4002.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 12:20 p.m., March 15, 1991: SB 2073, SB 2080, SB 2093, SB 2095, SB 2102, SB 2152, SB 2196, SB 2356.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 12:23 p.m., March 15, 1991: SCR 4002.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2057, SB 2076.

## HOUSE AMENDMENTS TO ENGROSSED SB 2057

Page 1, line 1, replace "sections 55-08-06 and" with "section"

Page 1, line 2, remove "permits on motor vehicles entering"

Page 1, line 3, remove "state park and recreation areas and"

Page 1, remove lines 6 through 22

Page 2, remove lines 1 through 5

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SB 2076

Page 1, line 7, replace "1988" with "most recently published"

Page 2, line 10, overstrike ", except that the standards"

Page 2, overstrike line 11

Page 2, line 12, overstrike "those of the state building code"

Re-number accordingly

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2044, SB 2446.

#### REPORTS OF STANDING COMMITTEES

HB 1476: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1476 was placed on the Fourteenth order on the calendar.

HB 1495, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1495 was placed on the Fourteenth order on the calendar.

HB 1506: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the Fourteenth order on the calendar.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

It shall be numbered SCR 4071.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Dotzenrod, Thane and Reps. Grumbo, Peterson, Hausauer introduced:  
(Approved by the Committee on Delayed Bills)

SCR 4071: A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties

Was read the first time

#### MOTION

SEN. DOTZENROD MOVED that the rules be suspended, that SCR 4071 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Dotzenrod, Thane and Reps. Grumbo, Peterson, Hausauer introduced:  
(Approved by the Committee on Delayed Bills)

SENATE CONCURRENT RESOLUTION NO. 4071

A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

WHEREAS, Kaye Braaten was the first woman elected to the seat of county commissioner in North Dakota and has been a Richland County Commissioner since 1972; and

WHEREAS, Kaye Braaten has served her county well and was also the first woman to serve as president of the North Dakota County Commissioners Association; and

WHEREAS, Kaye Braaten then became involved with county government on the national level by serving on committees of the National Association of Counties; and

WHEREAS, Kaye Braaten was elected 3rd vice president of the National Association of Counties in 1988 and has moved up through the chairs, promoting good county government and representing counties in rural states; and

WHEREAS, Kaye Braaten will be inaugurated as president of the National Association of Counties on July 16, 1991, in Salt Lake City;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Senate and the House extend to Kaye Braaten their heartiest congratulations upon her election as president of the National Association of Counties; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Kaye Braaten and to the National Association of Counties.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4071: A concurrent resolution congratulating Richland County Commissioner Kaye Braaten on her rise to the presidency of the National Association of Counties.

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

SCR 4071 was declared adopted on a voice vote.

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MOTIONS

SEN. DOTZENROD MOVED that the vote by which SCR 4071 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. DOTZENROD MOVED that the rules be suspended and that SCR 4071 be messaged to the House immediately, which motion prevailed.

SEN. WOGSLAND MOVED that Senate Rule 506 be amended to read "fifty-third" legislative day instead of "forty-eighth" legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1050: A BILL for an Act to amend and reenact subsection 7 of section 53-06.1-01 of the North Dakota Century Code, relating to the definition of eligible uses of net proceeds from charitable gaming.

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

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

NAYS: Graba; Kelly; Mushik; Tomac

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja; Nothing

HB 1050 passed and the title was agreed to.

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HB 1201: A BILL for an Act to amend and reenact sections 12-48-03.1, 12-48.1-01, 12-48.1-02, 12-51-01, 12-51-02, 12-51-04, 12-51-05, 12-51-06, 12-51-07, 12-51-09, 12-51-10, 12-51-11, 12-59-05, 12-59-07, subsection 6 of section 12-59-15, 12-59-16, paragraph 1 of subdivision c of subsection 1 of section 12.1-32-02, subsection 9 of section 12.1-32-02, subsection 4 of section 12.1-34-01, section 18-08-12, subsection 1 of section 54-14-03.2, and section 54-23.3-01 of the North Dakota Century Code, relating to changing the name of the North Dakota state farm to the Missouri River correctional center and providing that the department of corrections and rehabilitation is part of the office of the governor; and to repeal section 12-51-03 of the North Dakota Century Code, relating to the location and use of buildings of the North Dakota state farm.

## 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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja; Nothing

HB 1201 passed and the title was agreed to

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HB 1451: A BILL for an Act to amend and reenact sections 10-15-07, 10-15-38, 10-15-52.3, 10-15-52.5, 10-15-53, subsection 11 of section 10-19.1-01, subsection 2 of section 10-19.1-03, sections 10-19.1-11, 10-19.1-14, subsection 2 of section 10-19.1-15, subsection 1 of section 10-19.1-16, section 10-19.1-23, subsection 2 of section 10-19.1-25, subsection 2 of section 10-19.1-99, subsection 4 of section 10-19.1-100, subsection 2 of section 10-19.1-101, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, subsection 3 of section 10-19.1-112, subsection 1 of section 10-19.1-113, sections 10-22-05, 10-22-06, 10-22-13, 10-22-14, 10-22-15, subsection 2 of section 10-23-01, sections 10-24-07.1, 10-24-08, 10-24-09, 10-24-28, 10-24-30, 10-24-35, 10-24-36, 10-24-38, 10-25-04, 10-26-05, 10-26-06, 10-27-05, 10-27-06.

10-27-08, 10-27-09, 10-27-13, 10-27-14, 10-27-15, and 54-56-04 of the North Dakota Century Code, relating to requirements for filing documents with the secretary of state and to the effective dates of certain documents filed with the secretary of state.

## 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, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja; Nothing

HB 1451 passed and the title was agreed to.

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HB 1504: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to licenses to hunt elk and to creation of a rocky mountain elk foundation raffle.

## 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, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja; Nothing

HB 1504 passed and the title was agreed to.

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HB 1513: A BILL for an Act to create and enact a new subsection to section 12.1-27.1-01 and a new section to chapter 12.1-27.2 of the North Dakota Century Code, relating to enhanced penalties for obscenity offenses.

## 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, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja; Nothing

HB 1513 passed and the title was agreed to.

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SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.

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

HCR 3037 was declared adopted.

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SECOND READING OF HOUSE BILLS

HB 1200: A BILL for an Act to create and enact a new section to chapter 57-57 of the North Dakota Century Code, relating to forest stewardship recognition; and to amend and reenact sections 57-57-01, 57-57-02, 57-57-03, 57-57-04, 57-57-05, 57-57-06, 57-57-07, 57-57-08, 57-57-09, and 57-57-10 of the North Dakota Century Code, relating to changing the name of the native woodland tax to the forest stewardship tax, describing the land that may be subject to the tax setting the rate and the manner of collection of the tax, describing the duties of the state forester and local assessor under the chapter, providing for a hearing; and providing an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Mathern; Nalewaja

HB 1200 passed and the title was agreed to.

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HB 1486: A BILL for an Act to create and enact a new subsection to section 33-06-01 of the North Dakota Century Code, relating to grounds for eviction.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja

HB 1486 passed and the title was agreed to.

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HB 1569: A BILL for an Act to amend and reenact section 54-38-07 of the North Dakota Century Code, relating to establishment of facilities for the treatment of drug dependent persons by the department of human services.

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 44 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Hanson, E.; Marks; Mathern; O'Connell; Robinson; Yockim

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja

HB 1569 passed and the title was agreed to.

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HB 1024: A BILL for an Act to amend and reenact subsection 6 of section 28-32-01 of the North Dakota Century Code, relating to the definition of rule as used in the Administrative Agencies Practice Act, North Dakota Century Code chapter 28-32.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Naaden; Nalewaja

HB 1024 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4071.

SIGNING OF BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2349, SB 2350.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2092, SB 2132, SB 2136, SB 2145, SB 2147, SB 2159, SB 2191, SB 2209, SB 2232, SB 2244, SB 2298, SB 2349, SB 2350.

SECOND READING OF HOUSE BILLS

HB 1026: A BILL for an Act to amend and reenact section 54-44.3-12.1 of the North Dakota Century Code, relating to the effective date of compensation plan revisions for county employees covered by the state merit system.

ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 33 YEAS, 16 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Heigaard; Jerome; Kinnoin; Krebsbach; Langley; Lips; Marks; Mathern; Meyer; Moore; Mutch; Nelson; Nething; O'Connell; Redlin; Schoenwald; Solberg; Streibel; Teneffos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Graba; Hanson, E.; Heinrich; Keller; Kelly; Kelsh; Krauter; Lindaas; Lindgren; Maxson; Musnik; Peterson; Robinson; Satrom; Stenehjerm; Tallackson

ABSENT AND NOT VOTING: Holmberg; Ingstad; Naaden; Nalewaja

HB 1026 passed and the title was agreed to.

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HB 1125: A BILL for an Act to amend and reenact sections 23-27-01, 23-27-02, and 23-27-04 of the North Dakota Century Code, relating to licensing ambulance services.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Heinrich; Mathern; Mushik; Schoenwald; Thane; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Meyer; Moore; Mutch; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjerm; Streibel; Tallackson; Teneffos; Tomac; Traynor; Vosper

ABSENT AND NOT VOTING: Holmberg; Ingstad; Naaden; Nalewaja

HB 1125 lost

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HB 1140: A BILL for an Act to create and enact a new subsection to section 54-17-07.3 of the North Dakota Century Code, relating to the creation of a home improvement finance program.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Moore; Naaden; Solberg; Tomac

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja

HB 1140 passed and the title was agreed to.

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HB 1156: A BILL for an Act to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, O.; Heigaard; Heinrich; Jerome; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Robinson; Satrom; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland, Yockim

NAYS: Evanson; Graba; Hanson, E.; Keller; Kelly; Kinnoin; Maxson; Mushik; O'Connell; Redlin; Schoenwald

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1156 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that HB 1166, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1178: A BILL for an Act to create and enact two new subsections to section 51-08.1-08 of the North Dakota Century Code, relating to recovery of damages for antitrust injury by an indirect purchaser.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1178 passed and the title was agreed to.

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HB 1212: A BILL for an Act to amend and reenact sections 12-54.1-01, 12-54.1-03, and 12-54.1-04 of the North Dakota Century Code, relating to the sentence reduction provisions for inmates at the state penitentiary and its affiliated facilities; and to repeal section 12-54.1-02 of the North Dakota Century Code, relating to good conduct sentence reduction.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1212 passed and the title was agreed to.

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HB 1217: A BILL for an Act to amend and reenact sections 26.1-21-09.1, 26.1-22-06, 26.1-22-13, and 26.1-22-17 of the North Dakota Century Code, relating to the fire and tornado fund and the state bonding fund.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Heigaard; Holmberg; Ingstad; Nalewaja; Yockim

HB 1217 passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that HB 1231, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1232: A BILL for an Act to create and enact section 19-13.1-14 of the North Dakota Century Code, relating to registration, labeling, and cooperation with other entities under the commercial feed laws; to amend and reenact sections 19-13.1-01, 19-13.1-02, 19-13.1-03, 19-13.1-04, 19-13.1-06, 19-13.1-07, 19-13.1-08, 19-13.1-09, 19-13.1-10, 19-13.1-12, and 19-13.1-13 of the North Dakota Century Code, relating to registration, licensing, labeling, inspection fees, and penalties; to repeal section 19-13.1-05 of the North Dakota Century Code, relating to labeling under the commercial feed laws; and to provide a penalty.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald;

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

ABSENT AND NOT VOTING: Holmberg; Ingstad; Nalewaja

HB 1232 passed and the title was agreed to.

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HB 1252: A BILL for an Act to amend and reenact section 35-03-17 of the North Dakota Century Code, relating to collateral real estate mortgages.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1252 passed and the title was agreed to.

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HB 1272: A BILL for an Act to amend and reenact section 13 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the repeal of North Dakota Century Code sections 9-10-07 and 32-03-07 concerning comparative negligence and exemplary damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, O.; Krebsbach; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Satrom; Solberg; Streibel; Tallackson; Tennefos; Traynor; Vosper

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

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1272 lost.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1606.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4070, SCR 4071.

MOTIONS

SEN. WOGSLAND MOVED that HB 1318, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. SCHOENWALD MOVED that the vote by which HB 1272 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1319: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to prohibiting minors from consuming alcohol.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Jerome; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Nelson; Nething; Redlin; Robinson; Satrom; Streibel; Tallackson; Tennefos; Thane; Yockim

NAYS: Keller; Kelly; Kelsh; Kinnoin; Langley; Lindgren; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: David; Heigaard; Holmberg; Ingstad; Nalewaja

HB 1319 passed and the title was agreed to.

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HB 1320: A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to the duration of wetlands reserve program easements.

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, 4 ABSENT AND NOT VOTING.

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

NAYS: Evanson; Solberg

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1320 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that HB 1336, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1337: A BILL for an Act to create and enact a new chapter to title 35 of the North Dakota Century Code, relating to liens on property in self-service storage facilities.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 45 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; Evanson; Hanson, O.; Lips

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

ABSENT AND NOT VOTING: David; Holmberg; Ingstad; Nalewaja

HB 1337 lost.

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HB 1347: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code and section 15-40.1-07 of the North Dakota Century Code as amended by section 2 of chapter 231 of the 1989 Session Laws of North Dakota, relating to per-pupil payments for high school districts.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 39 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Evanson; Heinrich; Kelly; Lindgren; Maxson; Mushik; Peterson; Stenehjem; Tennefos

NAYS: Bowman; DeKrey; Dotzenrod; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Meyer; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1347 lost.

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HB 1365: A BILL for an Act to prohibit political subdivisions from establishing rent controls

## 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 42 YEAS, 6 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Heinrich; Kelly; Mushik; Schoenwald; Yockim

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1365 passed and the title was agreed to.

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HB 1367: A BILL for an Act to amend and reenact subsection 1 of section 51-18-02 and subsection 4 of section 51-18-07 of the North Dakota Century Code, relating to cancellation of personal solicitation sales.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1367 passed and the title was agreed to.

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HB 1376: A BILL for an Act to provide for creation of the southwest water authority; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1376 passed, the title was agreed to, and the emergency clause carried.

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HB 1394: A BILL for an Act to create and enact a new section to title 15 of the North Dakota Century Code, relating to geographical boundaries for the delivery of public elementary and secondary education services; to amend and reenact section 15-27.6-02 and subdivision q of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to geographical boundary conformity in school district restructuring and the adoption of rules by the superintendent of public instruction; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Evanson; Graba; Heinrich; Kelly; Krebsbach; Lindgren; Lips; Mathern; Maxson; Mushik; Peterson; Robinson; Satrom; Stenehjem; Tennefos; Traynor; Yockim

NAYS: Bowman; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks;

Meyer; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Schoenwald; Solberg; Streibel; Tallackson; Thane; Tomac; Vosper; Wogsland

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1394 lost.

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HB 1405: A BILL for an Act to amend and reenact section 15-41-24 of the North Dakota Century Code, relating to high school curricula.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1405 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that HB 1408 and HB 1425, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1413: A BILL for an Act to amend and reenact section 40-18-06.2 of the North Dakota Century Code, relating to the abolition of the office of municipal judge upon transfer of all municipal cases to county court.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: O'Connell

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1413 lost.

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HB 1427: A BILL for an Act to amend and reenact sections 57-27-01, 57-27-02, 57-27-03, 57-27-04, 57-27-05, 57-27-07, 57-27-10, 57-28-01, 57-28-02, 57-28-03, 57-28-04, 57-28-05, 57-28-06, 57-28-08, 57-28-09, 57-28-10, 57-28-11, 57-28-12, 57-28-13, 57-28-14, 57-28-15, 57-28-17, 57-28-17.1, 57-28-18, 57-28-19, 57-28-19.1, 57-28-20, 57-28-21, 57-28-22, 57-28-23, 57-28-24, 57-28-25, 57-28-26, and 57-28-27 of the North Dakota Century

Code, relating to rights and procedures when property is not redeemed from tax sale.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Heinrich; Holmberg; Ingstad; Nalewaja

HB 1427 passed and the title was agreed to.

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HB 1430: A BILL for an Act to create and enact a new subsection to section 10-28-01 and a new subsection to section 45-10.1-15 of the North Dakota Century Code, relating to fees for filing documents related to nonprofit corporations and to limited partnerships; and to amend and reenact subsection 2 of section 10-24-07, section 10-27-03, subsection 5 of section 45-10.1-02, sections 45-11-01, 47-25-03, and 47-25-04 of the North Dakota Century Code, relating to deceptively similar corporate, limited partnership, fictitious partnership, and trade names.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja; Stenehjem

HB 1430 passed and the title was agreed to.

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HB 1449: A BILL for an Act to amend and reenact sections 59-04-15 and 59-04-17 of the North Dakota Century Code, relating to powers and reports of trustees; and to repeal section 59-04-20 of the North Dakota Century Code, relating to evidence accompanying accounts of trustees.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg;

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja; Stenehjem

HB 1449 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that HB 1467 and HB 1472, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1478: A BILL for an Act relating to state meat inspection; to repeal chapter 36-23.1 of the North Dakota Century Code, relating to meat inspection; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1478 passed and the title was agreed to.

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HB 1481: A BILL for an Act to amend and reenact section 33-06-02 of the North Dakota Century Code, relating to service of the written notice of intention to evict.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1481 passed and the title was agreed to.

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HB 1482: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fees for game and fish licenses and permits and to guides and outfitters providing white-tailed deer licenses to nonresidents.

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 36 YEAS, 12 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Redlin; Robinson; Schoenwald; Stenehjem; Tallackson; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Heinrich; Lindgren; Mathern; Nelson; Nething; O'Connell; Peterson; Satrom; Solberg; Streibel; Tennefos; Thane

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Nalewaja

HB 1482 passed and the title was agreed to.

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HB 1484: A BILL for an Act to create and enact a new section to chapter 57-35, a new section to chapter 57-35.1, and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to taxation of banks, trust companies, and building and loan associations; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 27 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Evanson; Freborg; Hanson, O.; Krebsbach; Lindgren; Moore, Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Traynor; Vosper

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

ABSENT AND NOT VOTING: David; Goetz; Holmberg; Ingstad; Langley; Meyer; Nalewaja

HE 1484 lost.

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REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill for an act to provide for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm and for the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; to provide an appropriation; and to declare an emergency.

It shall be numbered SB 2596.

Your Committee on Delayed Bills cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting this bill.

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

FIRST READING OF SENATE BILL

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced: (Approved by the Committee on Delayed Bills)

SB 2596: A BILL for an Act to provide for adjusted compensation for eligible veterans of Operation Desert Shield and Operation Desert Storm and for

the method of filing and payment of claims, duties of the adjutant general, and exemption from taxation and execution for such payments; to provide a penalty; to provide an appropriation; and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 15, 1991

This is to inform you that on March 14, 1991, I signed the following: SB 2084, SB 2153, SB 2160, SB 2218, SB 2248, SB 2304, SB 2330, SB 2343, SB 2408, SB 2452, SB 2566, SB 2059, SB 2060, SB 2089, SB 2143, SB 2182, SB 2189, SB 2355, SB 2381, SB 2393, SB 2406, SB 2437, SB 2555, SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107, SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2094, SB 2097, SB 2155, SB 2162, SB 2174, SB 2179, SB 2375, SB 2377, SB 2383, SB 2399, SB 2449, SB 2462, SB 2553.

On March 15, 1991, I signed the following: SB 2513, SB 2455, SB 2138.

#### MOTIONS

SEN. WOGSLAND MOVED that HB 1522, which is on the Fourteenth order, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Sen. Wogsland's motion, HB 1522 was rereferred.

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 1:00 p.m., Monday, March 18, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

SB 2574: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, after the second comma insert "12.1-18,"

Page 3, line 18, replace "life" with "a period of ten years after conviction or after release from incarceration, whichever is later, except that for violations of section 12.1-17-01, 12.1-17-02, 12.1-17-05, 12.1-17-06, 12.1-17-07, 12.1-18-03, 12.1-20-05, or 12.1-20-07, the person shall comply with the registration requirement for a period of five years after conviction or after release from incarceration, whichever is later"

Renumber accordingly

SB 2576, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2576 was placed on the Eleventh order on the calendar.

SB 2585, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2585 was placed on the Eleventh order on the calendar.

SCR 4057: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SCR 4057 was placed on the Eleventh order on the calendar.

HB 1023, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1023 was placed on the Fourteenth order on the calendar.

HB 1028: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after "definitions" insert "; and to provide an appropriation"

Page 2, after line 26, insert:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the state fire and tornado fund in the state treasury, not otherwise appropriated, the sum of \$99,688, or so much thereof as may be necessary, to the commissioner of insurance for the purpose of implementing this Act for the biennium beginning on July 1, 1991, and ending on June 30, 1993."

Remember accordingly

HB 1029: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1029 was placed on the Fourteenth order on the calendar.

HB 1031, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to a property cost reimbursement study and property cost reimbursement to certain nursing homes; to provide an appropriation; and to provide an expiration date."

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Property reimbursement study - Reimbursement in certain cases.

1. The legislative council shall study the medical assistance property cost reimbursement system for the nursing home industry in the state of North Dakota. The legislative council may expend funds to engage a qualified consulting firm to assist in the study. The legislative council shall report any findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.
2. The department shall reimburse nursing home providers that are vendors in the medical assistance program for the use of real estate and depreciable equipment that was purchased by the nursing home provider after July 1, 1985, and before January 1, 1991, based on property costs created by good faith, arm's length purchase agreements, consistent with subsection 3. If a sale is not bona fide, the cost basis of the facility and its depreciable assets for purposes of interest and depreciation reimbursement is limited to the seller's cost, less accumulated depreciation. Property costs as referred to in this section include depreciation, interest expense on capital and working debt, property taxes including

real estate and equipment lease and rental costs, start-up costs, and reasonable legal expenses as defined by rules adopted by the department of human services.

3. The determination of the cost basis of a facility and its depreciable assets resulting from a bona fide sale is limited to the lowest of:
  - a. Actual price paid by the purchaser.
  - b. The allowable acquisition cost of the asset to the first owner of record on or after July 18, 1984, increased by one-half of the percentage increase in the consumer price index for all urban consumers (United States city average) from the date of acquisition by the seller to the date of the change of ownership, plus recaptured depreciation.
  - c. Fair market value of the facility or asset at the time of sale determined by an established appraisal process.

SECTION 2. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, including county reimbursements made pursuant to section 50-24.1-03, to the agencies listed below for the purpose of undertaking the study provided for in section 1 of this Act, and to reimburse nursing home providers for property-related costs affected by this Act for the period beginning July 1, 1991, and ending June 30, 1993.

	General Funds	Special Funds	Total
Legislative council	\$150,000	-0-	\$ 150,000
Department of human services	316,130	\$1,029,102	1,345,232
Total	\$466,130	\$1,029,102	\$1,495,232

SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

HB 1111: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1111 was placed on the Fourteenth order on the calendar.

HB 1151, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1151 was placed on the Fourteenth order on the calendar.

HB 1168, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1168 was placed on the Fourteenth order on the calendar.

HB 1182: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1182 was placed on the Tenth order.

HB 1185: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1185 was placed on the Fourteenth order on the calendar.

HB 1186: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1186 was placed on the Fourteenth order on the calendar.

HB 1187: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1187 was placed on the Tenth order.

HB 1188: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1188 was placed on the Fourteenth order on the calendar.

HB 1189: Committee on State and Federal Government (Sen. Jerome, Vice Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1189 was placed on the Fourteenth order on the calendar.

HB 1190: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

HB 1243, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to amend and reenact section 65-05-01" with a period

Page 1, remove lines 4 and 5

Page 1, remove the underscore under lines 9 through 12

Page 1, line 13, remove the underscore under "two hundred fifty dollars.", after the underscored period insert "The administration of claims must remain with the bureau pursuant to this title. Upon the bureau's determination that the claim is compensable, the bureau shall notify the employer of payments to be made by the employer under this section.", and remove the underscore under "If the employer does not pay the medical expenses"

Page 1, line 14, remove the underscore under "within ninety days of" and replace "receipt of billing, the health care provider shall" with "notice by the bureau, the bureau shall pay the expenses and seek reimbursement from the employer."

Page 1, remove lines 15 through 17

Page 1, line 18, remove "be compensable." and remove the underscore under "The bureau may impose a penalty on an employer who fails to"

Page 1, line 19, remove the underscore under "pay", replace "a health care provider" with "expenses", and remove the underscore under "as required in this section. The penalty may not"

Page 1, remove the underscore under lines 20 through 22

Page 2, remove the underscore under lines 1 and 2

Page 2, line 3, remove the underscore under "dollars, the", replace "employee" with "bureau", remove the underscore under "shall", replace "file a claim with the bureau" with "pay all further medical expenses", remove the underscore under "pursuant to", and replace "section" with "this title."

Page 2, remove lines 4 and 5

Page 2, line 6, remove "the employee." and remove the underscore under "An employer shall notify the bureau of all medical expenses"

Page 2, replace lines 7 through 28 with "at the same time the expenses are paid by the employer. This section is effective for all compensable injuries that occur on or after July 1, 1991."

Page 3, remove lines 1 through 3

Re-number accordingly

HB 1247: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "exemptions" insert "; and to amend and reenact subsection 7 of section 10-04-10 of the North Dakota Century Code, relating to fees collected by the securities commissioner"

Page 1, underscore lines 6 through 22

Page 2, underscore lines 1 through 8

Page 2, after line 8, insert:

"SECTION 2. AMENDMENT. Subsection 7 of section 10-04-10 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

7. Fees. The fee, which must accompany the application, for registration, transfer, and for each annual renewal thereof is:

- |   |                                      |
|---|--------------------------------------|
| a. For each dealer                            | <del>\$ 175.00</del> <u>\$200.00</u> |
| b. For each salesman                          | <del>\$ 35.00</del> <u>\$ 50.00</u>  |
| c. For each investment adviser                | \$100.00                             |
| d. For each investment adviser representative | \$ 35.00"                            |

Re-number accordingly

HB 1265, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, after "under" insert "the urban hospital fee schedule of"

Re-number accordingly

HB 1292: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 26, replace "and the consideration for the" with ". An independent appraisal must be obtained for the property described in subsections 1 and 2 and the sales price for the property"

Page 2, line 27, remove "transfer", after "than" insert "the appraised value or", and after "acre" insert ", whichever is greater"

Page 3, line 2, after the period insert "The commissioner of university and school lands or the commissioner's designee shall provide technical assistance and advice to the director of the department of human services in the transaction authorized by this Act. All legal documents, papers, and instruments required by the transaction

authorized by this Act must be reviewed and approved as to form and legality by the attorney general."

Renumber accordingly

HB 1306, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1306 was placed on the Tenth order.

HB 1321, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 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 65-04 of the North Dakota Century Code, relating to calculation of employer's premiums; to amend and reenact section 65-04-04 of the North Dakota Century Code, relating to the basis for establishing workers' compensation premiums; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 65-04-04 of the North Dakota Century Code is amended and reenacted as follows:

65-04-04. Employers obligated to pay premiums - ~~Determination of premiums~~ Premium receipts and certificates to be mailed. Each employer subject to the provisions of this title shall pay into the fund annually the amount or of premiums determined and fixed by the bureau for the employment or occupation of such the employer, which. The amount shall must be determined by the classifications, rules, and rates made and published by the bureau and shall must be based on a proportion of the annual expenditure of money by such the employer for the service of persons subject to the provisions of this title; provided, however, that the computation of such premiums shall not be based upon any premium wages in excess of the basic hourly rate of pay or any annual remuneration; in whatever form; in excess of the sum of thirty six hundred dollars paid to any employee by any employer. A receipt or certificate specifying that such the payment has been made shall must be mailed to such the employer by the bureau immediately after such the payment is made, and such the receipt or certificate, attested by the seal of the bureau, shall be is prima facie evidence of the payment of the premium. The bureau shall provide that premiums to be paid by school districts, townships, and all public corporations or agencies, except municipal corporations, fall due at the end of the fiscal year of such that entity, and that premiums to be paid by all municipal corporations fall due at the end of the calendar year, and may make provisions so that premiums of other employers fall due on different or specified dates and for. For the purpose of effectuating such different or specified due dates the bureau may carry new or current risks for a period of less than one year and not to exceed fifteen months, either by request of the employer or action of the bureau.

SECTION 2. A new section to chapter 65-04 of the North Dakota Century Code is created and enacted as follows:

Basis of calculating premiums.

1. For each year, the amount of an employee's wages subject to premium calculations must be determined as an amount equal to seventy percent of the statewide average annual wage, hereafter referred to as limited payroll, rounded to the nearest one hundred dollars, determined by the bureau on or

before July first as calculated by job service North Dakota under subsection 3 of section 52-04-03.

2. The rates for each classification must be determined by:
  - a. Estimating the revenue needed by each employment classification;
  - b. Estimating the total limited payroll to be reported by all employers in each employment classification for the year;
  - c. Dividing the estimated revenue needed by an employment classification by the estimated total limited payroll in that classification to determine the required average premium for that classification rate; and
  - d. Determining the maximum and minimum rates for each employment classification by:
    - (1) Multiplying the required average premium rate by one and seventy-five hundredths to get the maximum rate assigned to an employer with a negative experience rating; and
    - (2) Multiplying the required average premium rate by twenty-five hundredths to get the minimum rate assigned to an employer with a positive experience rating.

SECTION 3. EFFECTIVE DATE. The bureau shall implement the premium calculation system established in section 2 of this Act by July 1, 1992."

Renumber accordingly

HB 1324: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Fourteenth order on the calendar.

HB 1370, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1370 was placed on the Fourteenth order on the calendar.

HB 1380, as engrossed: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 1, line 17, remove ", and 54-21-26.1"

Page 1, after line 19, insert:

"The commissioner of university and school lands or the commissioner's designee shall provide technical assistance and advice to the director of institutions in any transaction under this Act. The attorney general shall review and approve as to form and legality all legal documents, papers, and instruments required by any transaction under this Act."

Renumber accordingly

HB 1385, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1385 was placed on the Fourteenth order on the calendar.

HB 1392: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1392 was placed on the Fourteenth order on the calendar.

HB 1395, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1395 was placed on the Fourteenth order on the calendar.

HB 1400, as engrossed: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1400 was placed on the Fourteenth order on the calendar.

HB 1416, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1416 was placed on the Fourteenth order on the calendar.

HB 1446, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1446 was placed on the Fourteenth order on the calendar.

HB 1461, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "an exemption from"

Page 1, line 8, replace "Notwithstanding any other provision of" with "An employer is not subject to"

Page 1, line 9, remove the comma

Page 1, line 11, replace "an employer who withheld five hundred dollars" with a period

Page 1, remove lines 12 through 17

Page 1, line 18, replace "wages paid" with "employers' returns and remittances due"

Page 1, line 19, replace "December 31" with "June 30"

Renumber accordingly

HB 1468: Committee on Judiciary (Sen. Maxson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING) HB 1468 was placed on the Fourteenth order on the calendar.

HB 1483, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

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

Page 2, line 5, replace "the second or third year of" with "any" and after "training" insert "beyond the first year"

Renumber accordingly

HB 1507, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma and after "10-27-01" insert ", and 57-39.2-23"

Page 1, line 3, after "state" insert "and the release of certain confidential information by the tax commissioner"

Page 3, after line 27, insert:

"SECTION 3. AMENDMENT. Section 57-39.2-23 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-23. Information deemed confidential - Certain releases of information authorized. It Except as provided by law, it is unlawful for the commissioner, or any person having an administrative duty under this chapter, to divulge, or to make known in any manner whatever, the business affairs, operations, or information obtained by an investigation of records and equipment of any person or corporation visited or examined in the discharge of official duty, or the amount or sources of income, profits, losses, expenditures, or any particulars thereof, set forth or disclosed in any return, or to permit any return or copy thereof or any book containing any abstract of particulars thereof to be seen or examined by any person except as provided by law. The commissioner may authorize examination of such those returns by other state officers, and at his the discretion of the commissioner furnish to the tax officials of another state other states, the multistate tax commission, and the United States any information contained in the tax returns and reports and related schedules and documents filed pursuant to under this chapter, and in the report of an audit or investigation made with respect thereto, provided only that said if the information be is furnished solely for tax purposes, and the. The multistate tax commission may make said the information available to the tax officials of any other state and the United States for tax purposes.

The commissioner is hereby authorized to may furnish to the workers compensation bureau or to, the job insurance division of job service North Dakota, and the secretary of state upon request of either the respective agency a list or lists of holders of permits issued pursuant to the provisions of under this chapter or chapter 57-40.2, together with the addresses and tax department file identification numbers of such those permit holders, provided, that any such list shall be used by the bureau to which it is furnished. The agency may use the list or lists only for the purpose of administering the duties of such bureau the agency. The commissioner, or any person having an administrative duty under this chapter, is hereby authorized to may announce that a permit has been revoked."

Renumber accordingly

HB 1516, as engrossed: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, replace "27-06-07" with "27-06-01"

Page 1, line 12, remove "and"

Page 1, line 13, after "judge" insert ", and abolition of the office of municipal judge upon transfer of all municipal cases to county or district court"

Page 1, line 14, after the third comma insert "27-01-04,"

Page 1, line 17, remove "and" and after "date" insert "; and to provide an expiration date"

Page 7, line 2, replace "forty-six" with "forty-two"

Page 7, line 3, replace "1" with "2" and replace "2000" with "2001"

Page 8, line 8, replace "ten" with "seven" and after "thousand" insert "five hundred"

Page 8, line 11, after "judge" insert "- Abolition of offices - Hearing"

Page 8, after line 26, insert:

"2. Subject to subsection 3, the supreme court may, after consultation with district court judges and attorneys in the affected judicial district, abolish one or more offices of district court judge if the supreme court determines that the office is not necessary for effective judicial administration and abolition of the office is necessary to reduce the number of district court judges as required in subsection 2 of section 27-05-01. At least one year before the end of the term of office of a district court judge holding the judgeship, the supreme court shall notify the judges of the affected judicial district of a determination that the judgeship will be abolished. The abolition of an office of district court judge under this subsection is effective at the end of the term of office of the district court judge holding that judgeship. The district court judge holding the judgeship to be abolished may petition the supreme court, within thirty days after receiving notice that the judgeship will be abolished, for a hearing on the determination. The supreme court shall hold the hearing within thirty days after receipt of the petition. Within thirty days after the hearing, the supreme court shall affirm, reverse, or modify its previous determination.

3. The authority conferred upon the supreme court in subsection 2 may be exercised:

- a. From July 1, 1995, until June 30, 1997, if on July 1, 1995, the number of district court judges is more than forty-eight;
- b. From July 1, 1997, until June 30, 1999, if on July 1, 1997, the number of district court judges is more than forty-six, and
- c. From July 1, 1999, until December 31, 2000, if on July 1, 1999, the number of district court judges is more than forty-four."

Page 8, line 27, replace "2" with "4" and replace "determination" with "determinations"

Page 15, after line 18, insert:

"SECTION 18. AMENDMENT. Section 40-18-06.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

40-18-06.2. Transfer of municipal ordinance cases to county court - Abolition of office of municipal judge. With the agreement of the governing body of the county, or the counties of the multicounty agreement area pursuant to section 27-07.1-02, the governing body of a city may, by ordinance, transfer some or all of the cases of the municipal court to the county court of the county in which the city is located. These cases are deemed county court cases for purposes of appeal. The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the

county, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge."

Page 15, line 22, after "court" insert "- Abolition of office of municipal judge" and remove the overstrike over "governing body of the county."

Page 15, line 23, after "~~27-07-02~~" insert "the"

Page 15, line 24, after "located" insert an underscored comma

Page 15, line 28, after the period insert "The governing body of a city with a population of less than five thousand, upon transferring all municipal court cases to the district court, may abolish, by resolution, the office of municipal judge. The term of office of the municipal judge elected to serve that city terminates upon the date the governing body of the city abolishes the office of municipal judge."

Page 16, line 11, replace "or" with "and"

Page 16, line 16, replace "or" with "and"

Page 16, line 18, remove the overstrike over the overstruck period

Page 16, line 19, replace "or" with "and"

Page 17, line 29, after the second comma insert "27-01-04,"

Page 18, line 4, remove "and"

Page 18, line 5, replace "22" with "17, and 19 through 23"

Page 18, after line 5, insert:

"SECTION 25. EXPIRATION DATE. Section 18 of this Act is effective through January 1, 1995, and after that date is ineffective"

Re-number accordingly

HB 1577, as engrossed: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1577 was placed on the Fourteenth order on the calendar.

HCR 3032: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, after line 10, insert:

"WHEREAS, the surface owner must bear the entire burden of property taxes when the mineral estate has been severed from the surface estate; and

WHEREAS, the title to abandoned severed mineral interests should revert to the owner of the surface estate overlying the abandoned severed mineral interests who may return the severed mineral interests to valuable use; and

WHEREAS, a thorough study should be undertaken by the Legislative Council of feasible methods to discover and categorize the severed mineral interests in this state before any action concerning this issue is undertaken by the Legislative Assembly, and"

Re-number accordingly

## FIRST READING OF HOUSE BILL

HB 1606: A BILL for an Act to amend and reenact subsections 2 and 3 of section 57-60-02 of the North Dakota Century Code, relating to exemption from the privilege tax on coal facilities during the first five years of production from a new electrical generating plant; and to provide an effective date.

Was read the first time and referred to the Committee on Finance and Taxation.

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

MARION HOUN, Secretary