

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, January 17, 1991

The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Rev. Ronald Gough, First United Methodist Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2098.

## REPORTS OF STANDING COMMITTEES

SB 2107: Committee on Education (Sen. Heinrich, 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 11, remove the overstrike over "~~annually~~" and remove "every two years as required by the department"

Page 1, line 12, remove "of transportation" and overstrike "Each" and insert immediately thereafter "Every two years, each"

Page 1, line 13, after "card" insert ", as required by the United States department of transportation,"

Renumber accordingly

SB 2126: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REFERRED to the Committee on Appropriations (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 25, after "much" insert "thereof"

Page 2, line 27, replace "1989" with "1991" and replace "1991" with "1993"

Renumber accordingly

SB 2195: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "; and to amend and reenact section 15-29-06 of the North" with a period

Page 1, remove line 4

Page 1, line 8, remove the underscore

Page 1, line 9, remove the underscore under "school board member shall, within", replace "six months" with "one year", and remove the underscore under "of assuming office, attend an"

Page 1, remove the underscore under lines 10 through 12

Page 1, line 13, remove the underscore under "regarding educational financing." and remove "If any school board member fails to attend"

Page 1, remove lines 14 through 22

Page 2, remove lines 1 through 11

Reumber accordingly

#### CONSIDERATION OF AMENDMENTS

SB 2110: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2140: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 113-114 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

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

MR. PRESIDENT: The Speaker has signed: SCR 4013.

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 1025, HB 1057, HB 1073, HB 1088, HB 1089, HB 1090, HB 1092, HB 1127, HB 1147, HB 1155, HB 1197, HB 1222, HB 1241.

#### CONSIDERATION OF AMENDMENTS

SB 2185: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 114 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### MOTION

SEN. DOTZENROD MOVED that SB 2264 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs for the purpose of withdrawal, which motion prevailed.

#### REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2264. There being no objection, it was so ordered by the President.

#### FIRST READING OF SENATE RESOLUTION

Sen. Nelson introduced:

SR 1: A resolution wishing Lois J. Scherr a speedy recovery from her illness.

Was read the first time.

#### MOTION

SEN. NELSON MOVED that the rules be suspended, that SR 1 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.

Sen. Nelson introduced:

#### SENATE RESOLUTION NO. 1

A resolution wishing Lois J. Scherr a speedy recovery from her illness.

WHEREAS, Lois Scherr began serving the Fifty-second Legislative Assembly, prior to its convening, as Secretary to the Minority Leader, and performed her duties faithfully and well; and

WHEREAS, Lois also served as Secretary to the Majority Leader from 1975-1985; Chief Committee Clerk from 1967-1973, including the 1972 Constitutional Convention; Committee Clerk from 1959-1961 and in 1965; and Stenographer in 1955, 1963, and 1989; and

WHEREAS, the members of the Senate of the Fifty-second Legislative Assembly appreciated her services and miss them during the continuation of the Fifty-second Legislative Assembly; and

WHEREAS, Lois has been struggling with illness for a good part of the time since the opening session of the Fifty-second Legislative Assembly; and

WHEREAS, Lois is presently hospitalized at St. Alexis Medical Center in Bismarck;

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

That all members of the Senate wish Lois Scherr a speedy and complete recovery and also wish to take this opportunity to say we miss her and our prayers are with her; and

BE IT FURTHER RESOLVED, that the Chief Clerk of the Senate send an enrolled copy of this resolution to Lois J. Scherr.

SECOND READING OF SENATE RESOLUTION

SR 1: A resolution wishing Lois J. Scherr a speedy recovery from her illness.

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

SR 1 was declared adopted on a voice vote.

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MOTION

SEN. WOGSLAND MOVED that SB 2216 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2216: A BILL for an Act to amend and reenact subsection 12 of section 47-30.1-01, section 47-30.1-18, and subsection 1 of section 47-30.1-19.1 of the North Dakota Century Code, relating to the definition of "person", publication requirements for abandoned property, and abandoned property lists.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2216 passed and the title was agreed to.

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SB 2035: A BILL for an Act to create and enact a new subsection to section 16.1-01-09 of the North Dakota Century Code, relating to the filing of initiative, referendum, and recall petitions.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2035 passed and the title was agreed to.

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SB 2160: A BILL for an Act to amend and reenact sections 23-07.5-02, 23-07.5-03, 23-07.5-04 and subdivision a of subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to consent for human immunodeficiency virus testing and confidentiality of test results.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2160 passed and the title was agreed to.

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SB 2161: A BILL for an Act to amend and reenact section 19-07-02 of the North Dakota Century Code, relating to authority of the department of health and consolidated laboratories and the commissioner of agriculture to adopt rules governing shell eggs.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2161 passed and the title was agreed to.

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SB 2196: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to federal limitations on retirement benefits under the teachers' fund for retirement; to amend and reenact subsection 9 of section 15-39.1-04, subsection 2 of section 15-39.1-09, section 15-39.1-22, and subsections 2 and 7 of section 15-39.1-24 of the North Dakota Century Code, relating to the definition of salary, employer payment of member assessments, an annual audit under the teachers' fund for retirement, and military service credit for members; and to provide for application of this Act.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2196 passed and the title was agreed to.

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SB 2124: A BILL for an Act to amend and reenact sections 57-37.1-01 and 57-39.2-11 of the North Dakota Century Code, relating to the definition of "federal gross estate" and "federal taxable estate" for estate tax purposes and interest to be paid on sales tax extensions; and to provide an effective date.

ROLL CALL

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

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

SB 2124 passed and the title was agreed to.

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SB 2128: A BILL for an Act to amend and reenact subsection 3 of section 57-37.1-08 of the North Dakota Century Code, relating to estate tax refunds.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2128 passed and the title was agreed to.

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SB 2157: A BILL for an Act to amend and reenact section 23-07-07 of the North Dakota Century Code, relating to a requirement that individuals infected with a sexually transmitted disease be tested for antibodies or antigens of the human immunodeficiency virus.

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

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

NAYS: David; DeKrey; Heinrich; Marks; Meyer; Mutch; O'Connell

SB 2157 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that SB 2164 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2164: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to determination of rates of contributions for unemployment compensation purposes; to provide an effective date; and to declare an emergency.

ROLL CALL

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

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

SB 2164 passed and the title was agreed to.

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SB 2163: A BILL for an Act to amend and reenact subsection 3 of section 52-04-05 of the North Dakota Century Code, relating to determination of rates of contributions for unemployment compensation purposes.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2163 passed and the title was agreed to.

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SB 2186: A BILL for an Act to create and enact a new subdivision to subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to the financial obligations involved when paying a probation supervision cost; and to amend and reenact subsection 1 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision and management of a probationer.

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 53 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2186 passed and the title was agreed to.

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SB 2197: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 2 of section 15-39.1-10 and sections 15-39.1-12.1 and 15-39.2-01 of the North Dakota Century Code, relating to computation of benefits, partial service retirement, and the benefit formula for college teachers under the teachers' fund for retirement; and to provide for application of this Act.

ROLL CALL

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

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

SB 2197 passed and the title was agreed to.

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MOTION

SEN. SATROM MOVED that SB 2093, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2125: A BILL for an Act to amend and reenact subsection 1 of section 57-38-34 of the North Dakota Century Code, relating to the form and manner of filing income tax returns by electronic means; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Ingstad; Lips; Mushik; O'Connell; Tallackson; Thane

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

ABSENT AND NOT VOTING: Langley; Meyer

SB 2125 lost.

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SB 2153: A BILL for an Act to create and enact a new section to chapter 50-09 of the North Dakota Century Code, relating to state prepayment for projected county child support expenditures; and to amend and reenact section 50-09-20.1 of the North Dakota Century Code, relating to reimbursement by the state for certain county expenditures.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Meyer

SB 2153 passed and the title was agreed to.

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SB 2172: A BILL for an Act to amend and reenact section 43-15-14 of the North Dakota Century Code, relating to who may sell drugs, poisons, medicines, or chemicals, and to the unlawful practice of pharmacy; 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 52 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Traynor

SB 2172 passed and the title was agreed to.

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

organization of a trust company; and to repeal section 6-05-08.1 of the North Dakota Century Code, relating to certificates of deposit.

#### ROLL CALL

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

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

SB 2173 passed and the title was agreed to.

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#### MOTION

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 Ninth order of business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 12:30 p.m., Friday, January 18, 1991, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

- SB 2047: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2047 was placed on the Eleventh order on the calendar.
- SB 2051: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.
- SB 2096: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2096 was placed on the Eleventh order on the calendar.
- SB 2122: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.
- SB 2130: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2130 was placed on the Eleventh order on the calendar.
- SB 2132: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.
- SB 2141: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Eleventh order on the calendar.
- SB 2149: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.
- SB 2178: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar.

SB 2183: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2183 was placed on the Eleventh order on the calendar.

SB 2267: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2267 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Yockim, Robinson and Reps. Schmidt, Nelson introduced:

SB 2343: A BILL for an Act to amend and reenact sections 57-21-01, 57-21-03, 57-21-04, 57-21-07, 57-21-08, 57-21-09, 57-21-10, and 57-21-12 of the North Dakota Century Code, relating to collection of rents for payment of taxes and special assessments.

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

Sens. Nalewaja, Goetz and Reps. Timm, Jensen, Svedjan introduced:

SB 2344: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to income limitations to qualify for property tax credits for persons sixty-five years of age or older or who are permanently and totally disabled; and to provide an effective date.

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

Sens. Heinrich, Stenehjem and Reps. Nicholas, Ritter introduced:

SB 2345: A BILL for an Act to amend and reenact sections 32-19-21, 32-19-30, 35-22-07, 57-24-03, 57-24-07, subsection 2 of section 57-27-02, sections 57-28-06, 57-28-07, and 57-28-14 of the North Dakota Century Code, relating to publication of street addresses as well as legal descriptions when published notice is required or allowed for real estate foreclosures, notices of tax sale, or notices of redemption.

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

Sens. Graba, Robinson and Reps. St. Aubyn, Gates, Skjerven introduced:

SB 2346: A BILL for an Act to create and enact a new section to chapter 54-35.2 of the North Dakota Century Code, relating to administration and provision of planning grants to county governments for plans that are intended to improve the efficiency of county government; and to provide an appropriation.

Was read the first time and referred to the Committee on State and Federal Government.

Sens. Keller, Freborg and Reps. Mahoney, Grosz introduced:

SB 2347: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases by organizations under contract with the aging services division of the department of human services; and to provide an effective date.

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

Sen. Satrom introduced:

SB 2348: A BILL for an Act to amend and reenact sections 18-11-01, 18-11-02, 18-11-03, 18-11-04, 18-11-05, 18-11-07, 18-11-09, 18-11-10, 18-11-11, 18-11-12, 18-11-13, 18-11-14, 18-11-15, 18-11-15.1, 18-11-16, 18-11-17, 18-11-18, 18-11-20, 18-11-21, 18-11-22, and 18-11-23 of the North Dakota Century Code, relating to the alternate firefighters relief association plan; and to repeal section 18-11-08 of the North Dakota Century Code, relating to the report of receipts and expenditures of state funds by a firefighters relief association.

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

Sen. Graba introduced:

SB 2349: A BILL for an Act to repeal sections 34-01-08 and 34-01-09.1 of the North Dakota Century Code, relating to limitation on hours of labor of employees of a city over five thousand population and maximum hours of labor allowed.

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

Sens. Schoenwald, Holmberg and Reps. Belter, Snyder introduced:

SB 2350: A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to a medical qualifications exemption for intrastate drivers of commercial motor vehicles.

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

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 3:01 p.m., January 17, 1991: SCR 4013, SCR 4016.

#### FIRST READING OF HOUSE BILLS

HB 1025: A BILL for an Act to amend and reenact subsections 4 and 5 of section 28-32-02 of the North Dakota Century Code, relating to public comment on proposed administrative rules.

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

HB 1057: A BILL for an Act relating to specifications for publication of the North Dakota Century Code; and to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, relating to powers and duties of the legislative council.

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

HB 1073: A BILL for an Act to amend and reenact sections 14-03-10 and 14-03-19 of the North Dakota Century Code, relating to requirements for the issuance of marriage licenses.

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

HB 1088: A BILL for an Act to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to the North Dakota veterans' cemetery.

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

HB 1089: A BILL for an Act to amend and reenact section 15-21-17 of the North Dakota Century Code, relating to the composition of the nominating committee for the state board of public school education.

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

HB 1090: A BILL for an Act to amend and reenact subsection 3 of section 15-59-01 of the North Dakota Century Code, relating to the definition of the term "handicapped child".

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

HB 1092: 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 mortgage loan finance program.

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

HB 1127: A BILL for an Act to amend and reenact subsection 1 of section 14-02.4-02 of the North Dakota Century Code, relating to the application of age for employment discrimination restriction purposes.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1147: A BILL for an Act to amend and reenact sections 6-03-05 and 6-03-08 of the North Dakota Century Code, relating to appraisals prior to loans on real estate.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1155: A BILL for an Act to create and enact a new section to chapter 13-05 of the North Dakota Century Code, relating to collection agency branch offices; and to amend and reenact section 13-05-04 of the North Dakota Century Code, relating to an annual fee for collection agency branch offices.

Was read the first time and referred to the Committee on Industry, Business and Labor.

HB 1197: A BILL for an Act to repeal sections 23-01-13, 23-07-07.1, 23-07-07.2, 23-07-07.3, and 23-07-07.4 of the North Dakota Century Code, relating to the submission of blood samples of pregnant women for a serological test for syphilis and the state department of health and consolidated laboratories obtaining, storing, and distributing blood plasma.

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

HB 1241: A BILL for an Act to amend and reenact sections 6-03-57, 6-05-34, 6-07-03, 6-07-04.2, 6-07-13, and 6-07-38 of the North Dakota Century Code, relating to bank insolvency, acquisition, receiver bonds, and closing of receivership; and to repeal sections 6-07-09, 6-07-21, 6-07-22, 6-07-23, 6-07-24, 6-07-25, 6-07-26, 6-07-27, 6-07-28, 6-07-29, 6-07-34, 6-07-35, 6-07-36, 6-07-37, 6-07-39, 6-07-40, 6-07-41, 6-07-42, 6-07-43, and 6-07-45 of the North Dakota Century Code, relating to bank foreclosure, receivers, and closing of receivership.

Was read the first time and referred to the Committee on Industry, Business and Labor.

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

MARION HOUN, Secretary