

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, February 4, 1991

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

The prayer was offered by Pastor Joe Biel, Faith Lutheran Church, Hannaford.

The roll was called and all members were present except Senator Tallackson.

A quorum was declared by the President.

## SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolution: HCR 3028.

## MESSAGE TO THE HOUSE FROM THE SENATE (Marion Houn, Secretary)

MR. SPEAKER: The President has signed: HCR 3028.

## MESSAGE TO THE HOUSE FROM THE SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2010, SB 2112, SB 2116, SB 2127, SB 2131, SB 2317, SCR 4003.

## 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 1072, HB 1150, HB 1397, HB 1412, HB 1429, HB 1442, HB 1469, HB 1486, HB 1487, HB 1557.

## MESSAGE TO THE SENATE FROM THE HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4026.

## REPORTS OF STANDING COMMITTEES

SB 2244: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

SB 2296: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

SB 2342: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.

## MOTIONS

SEN. WOGSLAND MOVED that pursuant to Senate Rule 506, that the time that bills can be in committee be extended from the "twenty-first legislative day" to the "twenty-eighth legislative day", which motion prevailed.

SEN. WOGSLAND MOVED that pursuant to Senate Rule 330, subsection 2, the final date for rereferrals to the Committee on Appropriations be amended to read "twenty-eighth legislative day" instead of "twenty-third legislative day", which motion prevailed.

SEN. FREBORG MOVED that SB 2438 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. FREBORG REQUESTED the unanimous consent of the Senate to withdraw SB 2438. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILLS

SB 2023: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 16.1-01-01 of the North Dakota Century Code, relating to duties of the secretary of state; to amend and reenact sections 15-20.2-06, 15-20.2-13, 15-27.3-12, 15-28-01, 15-28-03, 15-28-06, 15-28-09, 15-28-10, 15-28-11, 15-29-02, 15-29-03, 15-29-06, subsection 25 of section 15-29-08, sections 15-45-01, 15-47-39, 15-48-01, 15-48-02, 15-51-01, 15-51-02, 15-51-04, 15-51-22, 23-04-01, 40-04.1-05, 40-05.1-04, 40-08-06, 40-08-06.1, 40-08-10, 40-09-04, 40-10-02, 40-13-02, 40-14-03, 40-14-05, 40-15-03, 40-15-06, 40-21-02, 40-21-03, and 40-33-02 of the North Dakota Century Code, relating to school district, Fargo board of education, and city elections; to repeal sections 15-28-04, 15-28-07, and 15-51-02 of the North Dakota Century Code, relating to school district elections and Fargo board of education elections; and to provide 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Tallackson

SB 2023 passed and the title was agreed to.

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SB 2084: A BILL for an Act to amend and reenact sections 32-19.2-01, 32-19.2-02, 32-19.2-03, and 32-19.2-04 of the North Dakota Century Code, relating to appointment and duties of a trustee in an action for cancellation of a contract for deed.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2084 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that SB 2090, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2158 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2095: A BILL for an Act to create and enact section 47-30.1-03.1 of the North Dakota Century Code, relating to recovery of unclaimed property.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2095 passed and the title was agreed to.

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SB 2177: A BILL for an Act to amend and reenact section 19-20.2-01 of the North Dakota Century Code, relating to the regulation of anhydrous ammonia facilities.

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, 3 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; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Meyer; Naaden; O'Connell

ABSENT AND NOT VOTING: Tallackson

SB 2177 passed and the title was agreed to.

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THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Adam Krauter

SECOND READING OF SENATE BILLS

SB 2214: A BILL for an Act to create and enact a new chapter to title 29 of the North Dakota Century Code, relating to proceedings for the forfeiture and disposition of property obtained by law enforcement agencies; to amend and reenact subdivision c of subsection 5 of section 12.1-28-02 of the North Dakota Century Code, relating to the forfeiture of gambling devices; and to repeal chapter 29-31 of the North Dakota Century Code, relating to confiscation of equipment used in the commission of a crime.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2214 passed and the title was agreed to.

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SB 2239: A BILL for an Act to amend and reenact sections 54-40.2-02, 54-40.2-03.1, 54-40.2-03.2, 54-40.2-04, 54-40.2-05, 54-40.2-05.1, 54-40.2-06, 54-40.2-08, and 54-40.2-09 of the North Dakota Century Code, relating to agreements between public agencies and Indian tribes; and to repeal section 54-40.2-03 of the North Dakota Century Code, relating to agreement specifications.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; 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; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Tallackson

SB 2239 passed and the title was agreed to.

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SB 2248: A BILL for an Act to amend and reenact subsection 6 of section 11-18-02.2 of the North Dakota Century Code, relating to an exception to the requirement of statements of full consideration to be included in deeds if the deed is issued after a judgment; and to provide a retroactive 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; 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; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Krebsbach; Tallackson

SB 2248 passed and the title was agreed to.

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SB 2329: A BILL for an Act to amend and reenact section 39-07-08 of the North Dakota Century Code, relating to scheduling of court hearings for certain traffic offenders.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2329 passed and the title was agreed to.

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SB 2340: A BILL for an Act to amend and reenact section 14-03-17 of the North Dakota Century Code, relating to the requirements for a marriage license application.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2340 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that SB 2234, SB 2243, and SB 2257 be moved to the bottom of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2341, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2341 was rereferred.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Ben Axtman

SECOND READING OF SENATE BILLS

SB 2299: A BILL for an Act to amend and reenact sections 15-28-10 and 15-47-06 of the North Dakota Century Code, relating to school district elections.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2299 passed and the title was agreed to.

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SB 2308: A BILL for an Act to amend and reenact subsection 4 of section 53-06.1-14 of the North Dakota Century Code, relating to the distribution of gaming items.

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 30 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Evanson; Goetz; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Meyer; Mushik; Mutch; Nalewaja; Nelson; Peterson; Robinson; Satrom; Schoenwald; Solberg; Thane; Tomac; Wogsland; Yockim

NAYS: DeKrey; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Krauter; Marks; Mathern; Maxson; Moore; Naaden; Nething; O'Connell; Redlin; Stenehjem; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Freborg; Tallackson

SB 2308 passed and the title was agreed to

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SB 2338: A BILL for an Act to amend and reenact sections 49-18-32, 49-18-40, and 49-18-41 of the North Dakota Century Code, relating to identification certificates and certificate fees for motor carriers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2338 passed and the title was agreed to.

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SB 2355: A BILL for an Act to amend and reenact subsection 3 of section 14-05-22 and subdivision j of subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tallackson

SB 2355 passed and the title was agreed to.

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SB 2366: A BILL for an Act to repeal section 57-39.2-28 of the North Dakota Century Code, relating to a refund allowed residents of Canada of sales taxes paid in this state; 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 29 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Evanson; Freborg; Graba; Heigaard; Heinrich; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Moore; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Tennefos; Thane; Tomac; Vosper; Wogsland

NAYS: Bowman; David; Goetz; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Kelly; Langley; Lindgren; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Stenehjem; Streibel; Traynor; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2366 passed, the title was agreed to, but the emergency clause lost.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1046 and subsequently passed the same.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has passed unchanged: SB 2491.

THE SENATE RECOGNIZED THE PRESENCE OF:

- Former Senator Walter Meyer
- Former Representative Oscar Solberg
- Former Governor Art Link

MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Tuesday, February 5, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2044: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 15, remove the overstrike over "~~within the state~~"

Page 2, line 23, remove the overstrike over "~~within the state~~"

Page 6, line 1, remove the overstrike over "~~Resident species means any species~~"

Page 6, line 3, after "~~species~~" insert "that breeds or spends a critical part of its annual life cycle in the state" and remove the overstrike over the period.

Page 6, line 4, remove the overstrike over "~~30.~~"

Page 6, line 6, remove the overstrike over "~~31.~~" and remove "30."

Page 6, line 9, remove the overstrike over "~~32.~~" and remove "31."

Page 6, line 12, remove the overstrike over "~~33.~~" and remove "32."

Page 6, line 15, remove the overstrike over "~~34.~~" and remove "33."

Page 6, line 16, remove the overstrike over "~~35.~~" and remove "34."

Page 6, line 19, remove the overstrike over "~~36.~~" and remove "35."

Page 6, line 23, remove the overstrike over "~~37.~~" and remove "36."

Page 6, line 25, remove the overstrike over "~~38.~~" and remove "37."

Page 6, line 28, remove the overstrike over "~~39.~~" and remove "38."

Page 7, line 1, remove the overstrike over "~~40.~~" and remove "39."

Page 7, line 3, remove the overstrike over "~~41.~~" and remove "40."

Page 7, line 6, remove the overstrike over "~~42.~~" and remove "41."

Page 7, line 18, remove the overstrike over "~~resident~~"

Re-number accordingly

SB 2088: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subsection to section 26.1-03-17 of the North Dakota Century Code, relating to health insurance premium reductions;"

Page 1, line 19, remove "one-half of" and remove the overstrike over "~~and three-fourths~~"

Page 1, line 20, overstrike "and health", remove "one-half of", and remove the overstrike over "~~and~~"

Page 1, line 21, remove the overstrike over "~~three-fourths~~" and after "insurance" insert "except health insurance, for which the rate is not less than one-half of one percent and not more than one and three-fourths percent at the option of the issuing company upon compliance with the provisions of section 2 of this Act"

Page 2, after line 8, insert:

"SECTION 2. A new subsection to section 26.1-03-17 of the North Dakota Century Code is created and enacted as follows:

A company issuing health insurance may select its rate of taxation for health insurance under subsection 1 upon compliance with this subsection. Any amount by which a health insurance company chooses to reduce its rate of tax under subsection 1 below one and three-fourths percent must be multiplied by four and the product is the percentage by which premium rates on health insurance policies issued by the company must be reduced. The reduction allowed under this subsection must be shown as a line item credit on premium statements issued to policyholders. The commissioner shall require any reduction elected under this subsection to be reflected in all considerations of health insurance premium rates after the effective date of this Act."

Renumber accordingly

SB 2102: 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 1, after "reenact" insert "section 54-42-03 and"

Page 1, line 3, after "division" insert "and the powers and duties of the merit system council"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 54-42-03 of the North Dakota Century Code is amended and reenacted as follows:

54-42-03. Powers and duties. The director of the merit system council shall establish general policies, and rules, and regulations subject to the approval of the council, which are binding on the agencies affected. Those rules must cover such items as:

1. The positions to be covered by and exempted from the merit system.
2. ~~The establishing and maintenance of classification and compensation plans.~~
- 3- Applications and examinations.
- 4- 3. The establishing of lists of eligibles, certifications, and appointments.
- 5- 4. Promotions, ~~transfers,~~ and demotions.
- 6- 5. Separations, ~~tenure,~~ and reinstatements Reinstatement.
- 7- ~~Appeals-~~
- 8- ~~Attendance and leave.~~
- 9- 6. Review of agency payrolls by the merit system.

- ~~10-~~ 7. Any other procedures necessary for the administration of the personnel program on a merit basis.

The council has the authority to do all things necessary to carry out the provisions of this chapter, in regard to any agency designated by law to be subject to the complete merit system provided in this chapter. In addition thereto, the council shall provide such limited services as the legislative assembly by law shall direct in regard to a limited merit system or limited merit system services for any agency of this state or its political subdivisions."

Renumber accordingly

SB 2187: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 17, remove the overstrike over "~~three~~" and remove "five"

Page 1, line 18, remove the overstrike over "~~ten~~" and remove "fifteen"

Renumber accordingly

SB 2238: 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 1, after "enact" insert "a new section to chapter 57-40.6 and" and after "57-40.6-02" insert "of the North Dakota Century Code, relating to enhanced 911 data base management charges and authority of counties or cities to impose excise taxes on telephone access lines"

Page 1, line 12, remove the overstrike over "~~Definitions~~" and remove "Definition"

Page 1, line 13, remove the overstrike over the colon

Page 1, line 14, remove the overstrike over "~~Emergency~~" and remove "Emergency"

Page 1, line 20, remove the overstrike over "~~Telephone access line means the~~"

Page 1, line 22, after "~~office~~" insert "principal access to the telephone company's switched network including an outward dialed trunk or access register" and remove the overstrike over the period

Page 2, line 18, after "of" insert "the"

Page 2, line 22, replace "~~or signed~~" with "an exchange customer residing outside the political subdivision may receive E911 services by signing"

Page 2, line 24, replace "~~, the~~" with ". The", replace "~~shall~~" with "may", and remove "~~a~~"

Page 2, line 25, replace "~~surcharge~~" with "an additional tax", after "~~the~~" insert "basic", and remove the second underscored comma

Page 2, line 26, replace "~~surcharged~~" with "additional tax"

Page 3, after line 23, insert:

"SECTION 5. A new section to chapter 57-40.6 of the 1989 Supplement to the North Dakota Century Code is created and enacted as follows:

Enhanced 911 data base management charges. Any telephone company charges for enhanced 911 data base management must be on a per telephone access line basis."

Renumber accordingly

SB 2247: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 11, line 7, replace "governor" with "commissioner"

Renumber accordingly

SB 2256: Committee on Natural Resources (Sen. Meyer, 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 1, line 2, remove "buildings and" and after "farmsteads" insert "; and to provide a penalty"

Page 1, line 6, remove "buildings and"

Page 1, line 7, after "unlawful" insert "- Penalty"

Page 1, line 9, overstrike "occupied building" and remove "or any"

Page 1, line 11, remove "building or" and after "located" insert ". For the purposes of this section, "farmstead" means a tract of land surrounded by, or in close proximity to, the buildings currently being used to conduct the business of farming or ranching. A person who violates this section is guilty of a class B misdemeanor for a first offense, and a class A misdemeanor for a second or subsequent offense within a two-year period"

Renumber accordingly

SB 2350: Committee on Transportation (Sen. Schoenwald, 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 1, replace "39-06.2" with "39-08"

Page 1, line 3, after "vehicles" insert "; and to declare an emergency"

Page 1, line 5, replace "39-06.2" with "39-08" and remove "the 1989 Supplement to"

Page 1, line 15, remove "this"

Page 1, line 16, after "chapter" insert "39-06.2"

Page 2, after line 9, insert:

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

Renumber accordingly

SB 2359: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).

SB 2365: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, replace "driver" with "front seat occupants"

Page 1, line 8, replace "was" with "were", remove "a", and replace "belt" with "belts"

Page 1, line 9, after "occurred" insert "if the violation occurred during daylight hours", after "driver" insert "of a motor vehicle in which all front seat occupants were", remove "a", and replace "belt" with "belts"

Page 1, line 11, after the period insert "The onsite determination of the officer issuing the citation with respect to the five dollar reduction is not rebuttable."

Re-number accordingly

SB 2386: Committee on Agriculture (Sen. Kelsh, 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 8, after "livestock" insert "or research animals" and replace "for the purpose" with "where the animals are being confined as a normal course of business"

Page 1, line 9, remove "of preventing the livestock from being slaughtered"

Page 1, line 11, remove the second "livestock"

Re-number accordingly

SB 2410: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 7, line 11, overstrike "the state highway patrol" and insert immediately thereafter "all law enforcement agencies"

Re-number accordingly

SB 2524: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2524 was placed on the Eleventh order on the calendar.

SB 2538: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2538 was placed on the Eleventh order on the calendar.

SCR 4007: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "a program on a college campus" with "programs"

Page 1, line 13, replace "college" with "university" and after "campuses" insert ", vocational campuses, and other state facilities"

Page 1, line 16, remove "on the college campus"

Page 1, line 18, replace "classes" with "courses of study"

Page 2, line 3, remove "a"

Page 2, line 4, replace "program" with "programs" and replace "a college campus" with "utilizing our university campuses, vocational campuses, and other state facilities"

Page 2, line 6, after "employment" insert "and study all current skills development programs as well as current and potential funding sources for those programs"

Renumber accordingly

#### FIRST READING OF HOUSE BILLS

HB 1072: A BILL for an Act to create and enact a new paragraph to subdivision i of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exclusion of golf caddies under the age of eighteen from the definition of employment under the unemployment compensation law.

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

HB 1150: A BILL for an Act to create and enact a new subsection to section 57-38-12 and a new section to chapter 57-38.1 of the North Dakota Century Code, relating to the gain or loss on the sale of partnership interest when the partnership income or loss was previously determined to be nonbusiness income when taxing the income of a corporation; and to provide an effective date.

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

HB 1397: A BILL for an Act to amend and reenact subsection 4 of section 23-25-04.1 of the North Dakota Century Code, relating to permits for asbestos contractors.

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

HB 1412: A BILL for an Act to amend and reenact section 38-08-22 of the North Dakota Century Code, relating to regulation of welders; and to provide a penalty.

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

HB 1429: A BILL for an Act to amend and reenact section 43-07-10 of the North Dakota Century Code, relating to renewals of contractors' licenses.

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

HB 1442: A BILL for an Act to amend and reenact section 48-01-01 of the North Dakota Century Code, relating to bond requirements on contracts for public buildings or improvements.

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

HB 1469: 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 sales of recapped tires.

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

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.

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

HB 1487: A BILL for an Act to amend and reenact section 32-09.1-08 of the North Dakota Century Code, relating to service of the garnishee summons and notice to a defendant.

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

HB 1557: A BILL for an Act relating to approval of sale of the physical plant of a telephone cooperative.

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