

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 5, 1991

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

The prayer was offered by Father Steve Zastoupil, Corpus Christi Catholic Church, Bismarck.

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

A quorum was declared by the President.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bill: SB 2491.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2491.

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

MR. PRESIDENT: The Speaker has signed: SB 2491.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 1:07 p.m., February 5, 1991: SB 2491.

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 1165, HB 1253, HB 1267, HB 1286, HB 1309, HB 1313, HB 1367, HB 1405, HB 1424, HB 1501.

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 1046.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bill: HB 1046.

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

MR. SPEAKER: The President has signed: HB 1046.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2105, SB 2113, SB 2118, SB 2121, SB 2123, SB 2136, SB 2166, SB 2210, SB 2227, SB 2262, SB 2281, SB 2287, SB 2288, SB 2302, SB 2303, SB 2314, SB 2327, SB 2330, SB 2351, SB 2352, SB 2367, SB 2368, SB 2369, SB 2377, SB 2378, SB 2380, SB 2385, SB 2389, SB 2393, SB 2396, SB 2399, SB 2408, SB 2416, SB 2425, SB 2431, SB 2449, SB 2475, SCR 4001, SCR 4002, SCR 4014.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolution: SCR 4026.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4026.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Twentieth Day and recommends that it

be corrected as follows and when so corrected, recommends that it be approved:

Page 299, line 31, after "DO" remove "NOT"

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

REPORTS OF STANDING COMMITTEES

SB 2477: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2477 was placed on the Eleventh order on the calendar.

SB 2498: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2498 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

SB 2213: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 320 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2237: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 320-321 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2448: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 321 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

MOTIONS

SEN. WOGSLAND MOVED that SB 2469, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

SEN. MATHERN MOVED that SB 2158, which is on the Eleventh order, be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2158 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2472: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 322 be adopted with DO PASS, which motion prevailed.

MOTIONS

SEN. PETERSON MOVED that the rules be suspended and that SB 2472 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. THANE MOVED that SB 2550 be returned to the Senate floor from the Committee on Finance and Taxation for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. THANE REQUESTED the unanimous consent of the Senate to withdraw SB 2550. There being no objection, it was so ordered by the President.

MOTION

SEN. WOGSLAND MOVED that SB 2472 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2472: A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to certificated teachers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Krauter; Krebsbach; Langley; Lindaa; 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: Kinnoin; Tallackson

SB 2472 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

- SB 2044: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 332 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- SB 2088: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 332-333 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.
- SB 2102: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 333-334 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- SB 2187: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 334 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- SB 2238: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 334-335 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- SB 2247: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 335 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.
- SB 2256: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 335 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. TRAYNOR MOVED that SB 2256 be further amended as follows:

Page 1, line 8, after "meters]" insert "or, within two hundred twenty yards [201.17 meters] when hunting or pursuing game birds."

Renumber accordingly

SEN. TRAYNOR MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

- SB 2350: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 335 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- SB 2365: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 336 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2386: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 336 be adopted with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2386 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to create and enact a new section to chapter 36-21 of the North Dakota Century Code, relating to civil liability of a person for turning out livestock.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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: Kinnoin; Tallackson

SB 2386 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2410: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 336 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SCR 4007: SEN. MATHERN (Committee on Human Services and Veterans Affairs) MOVED that the amendments on SJ pages 336-337 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2062, SB 2215, SB 2234 and SB 2257 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to create and enact a new subsection to section 43-29-13 of the North Dakota Century Code, relating to acts which do not constitute the practice of veterinary medicine.

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, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Freborg; Graba; Hanson, O.; Heigaard; Krauter; Lindgren; Meyer; Moore; Naaden; O'Connell; Solberg; Stenehjem; Thane; Tomac; Traynor; Vosper; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Hanson, E. Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krebsbach Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom Schoenwald; Streibel; Tennefos; Wogsland

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2202 lost.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3015, HCR 3019, HCR 3020, HCR 3021, HCR 3024, HCR 3030.

MOTION

SEN. WOGSLAND MOVED that SB 2208 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2243: A BILL for an Act to provide for the creation of an office of administrative hearings, the appointment of a director of administrative hearings and other administrative hearings officers, to require the adoption of uniform rules of administrative practice and procedure, and to establish an advisory council; to amend and reenact section 54-12-01 of the North Dakota Century Code, relating to appointment of administrative hearing officers by the attorney general in certain appeals by nursing homes; 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 4 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Ingstad; Mathern; O'Connell; Stenehjem

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

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2243 lost.

SB 2325: A BILL for an Act to amend and reenact section 11-11-05 of the North Dakota Century Code, relating to the time of meetings of the board of county commissioners.

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; Holmberg; Ingstad; Jerome; Keller; Kelly; 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: Kelsh; Kinnoin; Tallackson

SB 2325 passed and the title was agreed to.

SB 2326: A BILL for an Act to create and enact a new subsection to section 21-03-01 and a new section to chapter 21-03 of the North Dakota Century

Code, relating to consideration of certain political subdivision lease agreements or contractual installment purchase agreements as indebtedness of the political subdivision; and to amend and reenact sections 10-24-04, 21-03-04, 21-03-07, 21-09-02, and subsections 5 and 56 of section 40-05-01 of the North Dakota Century Code, relating to consideration of certain political subdivision lease agreements or contractual installment purchase agreements as indebtedness of the political subdivision.

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 15 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Streibel; Tennefos; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2326 lost.

SB 2333: A BILL for an Act to amend and reenact sections 11-09.1-03 and 11-09.1-04 of the North Dakota Century Code, relating to the submission of a proposed county home rule charter to a vote of qualified electors at a special election and the time of taking effect of an approved county home rule charter.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; Nelson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: David; Moore; Mutch; Naaden; Nething; O'Connell; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Freborg; Kinnoin; Tallackson

SB 2333 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the Senate stand at recess until 2:30 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2334: A BILL for an Act to amend and reenact section 11-09-02 of the North Dakota Century Code, relating to the submission of a proposed county managership form of government to a vote at the next primary or

general election or a special election called by the board of county commissioners.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 41 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Solberg; Streibel; Vosper

ABSENT AND NOT VOTING: Heigaard; Kinnoin; Tallackson

SB 2334 passed and the title was agreed to.

SB 2372: A BILL for an Act to create and enact two new subsections to section 25-03.1-02 of the North Dakota Century Code, relating to definitions of commitment procedures; and to amend and reenact subsection 14 of section 25-03.1-02 and section 25-03.1-43 of the North Dakota Century Code, relating to definitions used in commitment procedures and the confidentiality of records of patients in a treatment facility.

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.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; 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: Heigaard; Kinnoin; Tallackson

SB 2372 passed and the title was agreed to.

SB 2383: A BILL for an Act to amend and reenact section 23 of chapter 341 of the 1989 Session Laws of North Dakota, relating to reimbursement under the petroleum release compensation fund; 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 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; 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: Heigaard; Kinnoin; Tallackson

SB 2383 passed, the title was agreed to, and the emergency clause carried.

SB 2388: A BILL for an Act to amend and reenact subsection 1 of section 39-06-17 of the North Dakota Century Code, relating to authority to impose restrictions on a motor vehicle operator's license.

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.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; 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: Heigaard; Kinnoin; Tallackson

SB 2388 passed and the title was agreed to.

SB 2395: A BILL for an Act to amend and reenact subsection 21 of section 43-17-31 of the North Dakota Century Code, relating to grounds for disciplinary action by the state board of medical examiners.

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

YEAS: Bowman; David; Evanson; Freborg; Keller; Marks; Meyer; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Schoenwald; Solberg; Streibel; Tennefos; Tomac; Vosper

NAYS: DeKrey; Dotzenrod; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; Peterson; Satrom; Stenehjem; Thane; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2395 lost.

MOTIONS

SEN. WOGSLAND MOVED that SB 2400, SB 2420, and SB 2421 be moved to the bottom of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2414, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2414 was rereferred.

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

MR. PRESIDENT: The Speaker has signed: SCR 4026.

SECOND READING OF SENATE BILLS

SB 2427: A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the sale of tobacco to and use

of tobacco by persons under twenty-one; 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 NOT PASS, the roll was called and there were 14 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heigaard; Keller; Krauter; Lindaas; Moore; Redlin; Robinson; Satrom; Thane; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2427 lost.

SB 2432: A BILL for an Act to amend and reenact paragraph 1 of subdivision m of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to the requirements of agricultural employers to provide unemployment compensation coverage.

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, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; O'Connell; Thane; Vosper

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

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2432 lost.

SB 2454: A BILL for an Act to amend and reenact section 11-15-07 of the North Dakota Century Code, relating to county fees charged and collected by the sheriff.

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, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeKrey; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lips; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Thane; Tomac; Traynor; Wogsland

NAYS: Bowman; David; Dotzenrod; Freborg; Hanson, O.; Holmberg; Ingstad; Jerome; Krauter; Lindgren; Marks; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjem; Streibel; Tennefos; Vosper; Yockim

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2454 passed and the title was agreed to.

SB 2456: A BILL for an Act to amend and reenact section 49-18-41.1 of the North Dakota Century Code, relating to registration fees for interstate 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 25 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Lips; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

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

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2456 lost.

SB 2460: A BILL for an Act to amend and reenact section 63-01.1-13.1 of the North Dakota Century Code, relating to noxious weed control on game and fish land.

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 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; 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: Kinnoin; Tallackson

SB 2460 passed and the title was agreed to.

SB 2464: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to a sign logo franchise program.

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 13 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Dotzenrod; Goetz; Heigaard; Keller; Kelsh; Langley; Satrom; Solberg; Thane; Tomac; Traynor

NAYS: David; Evanson; Freborg; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Tennefos; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Tallackson

SB 2464 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2528 be returned to the Senate floor from the Committee on Political Subdivisions and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2528 was rereferred.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:06 p.m., February 5, 1991: SCR 4026.

MOTIONS

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 Ninth order of business, and at the conclusion of the Ninth 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., Wednesday, February 6, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2129: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "section" and remove "39-06-21, 39-06-22,"

Page 2, remove lines 6 through 29

Page 4, line 24, overstrike the first "he" and insert immediately thereafter "the filing officer" and overstrike the second "he" and insert immediately thereafter "the filing officer"

Page 6, line 3, overstrike "academic, public, and special"

Page 6, line 15, replace "as prescribed by the" with ". The" and after "administrator" insert "may prescribe such practices, except for specialized commercial data bases such as those used in libraries"

Re-number accordingly

SB 2152: 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, replace "37-17" with "37-17.1"

Page 1, line 7, replace "37-17" with "37-17.1"

Page 2, line 11, replace "Nothing in subsections 1 and 2 may be construed to limit previous" with "The governor may deny the request of a requesting state as the governor determines necessary"

Page 2, remove line 12

Page 2, line 13, remove "compact"

Page 2, line 28, replace "37-17" with "37-17.1"

Page 3, line 9, replace "37-17" with "37-17.1"

Page 4, line 10, after "available" insert "and the governor of the aiding state agrees to the request"

Re-number accordingly

SB 2178: 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 1, after "to" insert "create and enact a new section to chapter 36-05 and a new subsection to section 36-05-02 of the North Dakota Century Code, relating to temporary livestock auction market licenses and premises excluded from the regulation of livestock auction markets; and to"

Page 1, after line 4, insert:

"SECTION 1. A new subsection to section 36-05-02 of the North Dakota Century Code is created and enacted as follows:

Any place where a sale is held exclusively for 4-H club projects."

Page 1, after line 14, insert:

"SECTION 3. A new section to chapter 36-05 of the North Dakota Century Code is created and enacted as follows:

Temporary licenses - Requirements - Fees. The commissioner may issue, upon application, a temporary livestock market auction license. The license is valid for no more than twenty-four hours and may only be used at the place cited by the commissioner. The commissioner shall impose a temporary license fee of one hundred dollars. The commissioner may issue more than one license to the same person during a year, however, total license charges may not exceed two hundred dollars a year."

Re-number accordingly

SB 2198: Committee on State and Federal Government (Sen. Keller, 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 1, line 17, remove "shall make payment to the board in an amount"

Page 1, remove lines 18 and 19

Page 1, line 20, remove "pursuant to rules adopted by the board and"

Page 1, line 21, overstrike "twenty-four" and insert immediately thereafter "forty-eight"

Re-number accordingly

SB 2235: 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 2, after the second comma insert "and"

Page 1, line 3, remove ", subsection 2 of section 63-01.1-12, and"

Page 1, line 4, remove "section 63-01.1-15"

Page 1, line 5, replace the first comma with "and" and remove ", and the transporting of"

Page 1, line 6, remove "noxious weeds"

Page 3, line 6, overstrike "county"

Page 3, line 8, remove "county" and after "treasurer" insert "of the political subdivision"

Page 3, line 9, remove "county"

Page 3, line 10, replace "county" with "political subdivision"

Page 3, remove lines 11 through 28

Page 4, remove lines 1 through 13

Re-number accordingly

SB 2245: Committee on State and Federal Government (Sen. Keller, 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 6, line 18, overstrike "his" and insert immediately thereafter "the physician's"

Page 6, line 21, overstrike "himself and his" and insert immediately thereafter "that person's"

Page 6, line 22, overstrike "his" and insert immediately thereafter "that person's"

Page 6, line 24, overstrike "his" and insert immediately thereafter "the individual's"

Page 13, line 4, overstrike "him" and insert immediately thereafter "the official or employee"

Page 13, line 7, overstrike "he" and insert immediately thereafter "the official or employee" and overstrike "his" and insert immediately thereafter "the person's"

Page 26, line 19, overstrike "in the office of" and insert immediately thereafter "that is responsible to"

Re-number accordingly

SB 2347: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2347 was placed on the Eleventh order on the calendar.

SB 2344: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

SB 2364: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

SB 2390: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Eleventh order on the calendar.

SB 2412: 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 2, line 24, replace "The" with "To submit a qualifying loan application,
a"

Page 2, line 25, after "loan" insert "application" and overstrike "to the maximum limit"

Page 2, line 26, overstrike "permitted by law" and remove ", except that this requirement does not pertain to"

Page 2, remove line 27

Page 2, line 28, remove "districts engage in joint technological undertakings" and overstrike ". In"

Page 2, overstrike line 29

Page 3, overstrike lines 1 and 2

Page 3, line 3, overstrike "taxable property in the school district" and insert immediately thereafter "equal to fifteen percent or more of the taxable valuation of all taxable property in that school district, except that this requirement does not pertain to consortiums, to reorganized districts, and when two or more districts engage in joint technological undertakings"

ReNUMBER accordingly

SB 2426: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2426 was placed on the Eleventh order on the calendar.

SB 2473: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT 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 2, after "schools" insert "; and to provide an appropriation"

Page 3, line 16, remove "substance use and"

Page 3, line 17, remove "abuse,"

Page 5, line 4, remove "substance use and abuse,"

Page 7, replace lines 19 through 22 with:

"SECTION 9. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$146,700, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of defraying the expenses of the abstinence and health education program for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

SB 2511: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2511 was placed on the Eleventh order on the calendar.

SB 2540: Committee on Education (Sen. Heinrich, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2540 was placed on the Eleventh order on the calendar.

SB 2567: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2567 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Graba, Schoenwald and Rep. Oban introduced:

SCR 4036: A concurrent resolution directing the Legislative Council to study the structure, organization, and administration of the Workers Compensation Bureau, including the qualifications of the bureau's claims analysts and rehabilitation staff.

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

Sen. Robinson introduced:

SCR 4037: A concurrent resolution directing the Legislative Council to study all aspects of state aid to local fire departments and districts.

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

Sens. Heigaard, Nelson and Reps. Kloubec, Schneider introduced:

SCR 4038: A concurrent resolution directing the Legislative Council to investigate and recommend a program or programs for funding and financing water resource development throughout the state.

Was read the first time and referred to the Committee on Natural Resources.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3015: A concurrent resolution directing the Legislative Council to study the feasibility of improving the efficiency of political subdivision government structure and services.

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

HCR 3019: A concurrent resolution directing the Legislative Council to study the impact of state mandates on political subdivisions and to develop a procedure for the funding of new programs, services, or functions that the Legislative Assembly mandates on political subdivisions.

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

HCR 3020: A concurrent resolution directing the Legislative Council to study North Dakota laws relating to the joint exercise of governmental powers by political subdivisions to determine whether those laws unnecessarily inhibit the broad authority conferred by the state constitution for joint powers agreements among political subdivisions.

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

HCR 3021: A concurrent resolution urging Congress to adopt legislation to overturn the 1967 United States Supreme Court National Bellas Hess decision.

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

HCR 3024: A concurrent resolution urging the federal government to fully fund, simplify, and improve the federal crop insurance program.

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

HCRC 3030: A concurrent resolution urging the United States Congress to support research to determine whether there is scientific basis for the global warming theory prior to adoption of proposals or policies intended to reduce emissions of carbon dioxide from the use of coal, oil, and natural gas.
Was read the first time and referred to the Committee on Finance and Taxation.

FIRST READING OF HOUSE BILLS

HB 1165: A BILL for an Act to amend and reenact subsections 1 and 2 of section 12-44.1-06 of the North Dakota Century Code, relating to grades of jail facilities; and to declare an emergency.
Was read the first time and referred to the Committee on Judiciary.

HB 1253: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the issuance of conditional licenses to conduct games of chance; and to declare an emergency.
Was read the first time and referred to the Committee on Judiciary.

HB 1267: A BILL for an Act to repeal sections 20.1-02-19, 20.1-02-20, 20.1-02-21, and 20.1-02-22 of the North Dakota Century Code, relating to the game and fish hearing board.
Was read the first time and referred to the Committee on Natural Resources.

HB 1286: A BILL for an Act to amend and reenact section 57-02-27.1 of the North Dakota Century Code, relating to assessed values for property acquired at tax sales; and to provide an effective date.
Was read the first time and referred to the Committee on Finance and Taxation.

HB 1309: A BILL for an Act to create and enact a new section to chapter 43-17 of the North Dakota Century Code, relating to national practitioner data bank reports filed with the board of medical examiners.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1313: A BILL for an Act to create and enact two new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to amend and reenact section 20.1-03-12.2 of the North Dakota Century Code, relating to game and fish application fees.
Was read the first time and referred to the Committee on Natural Resources.

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

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

HB 1424: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations of a health service corporation.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1501: A BILL for an Act to amend and reenact subsection 25 of section 15-29-08 of the North Dakota Century Code, relating to a school district's official newspaper.
Was read the first time and referred to the Committee on Political Subdivisions.

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

MARION HOUN, Secretary