

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, February 11, 1991

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

The prayer was offered by Rev. James R. Peterson, Bethany Lutheran Church, Minot.

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 2059, SB 2062, SB 2129, SB 2152, SB 2208, SB 2215, SB 2235, SB 2244, SB 2245, SB 2342, SB 2400, SB 2410, SB 2412, SB 2471.

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 1207, HB 1258, HB 1398, HB 1410, HB 1482, HB 1504, HB 1536, HB 1561, HB 1577.

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

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twenty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 393, line 29, replace "SB 2777" with "SB 2477"

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

## REMARKS BY SENATOR TOMAC

Thank you Mr. President. Members of the Senate, it is my privilege and honor this afternoon to introduce to you the first lady of professional rodeo. I first met Lisa in 1988 at a small rodeo in Gordon, Nebraska, where she was crowned Miss Sheridan County. That was in 1988, and she has worked her way up through the ranks to Miss Rodeo Nebraska. She worked the Dodge Circuit National Finals last March in Pocatello, Idaho, and then last December was at the National Finals Rodeo in Las Vegas, where she was crowned Miss Rodeo America. She also, for your information, won the horsemanship competition and the personality award there. Members of the Senate, it gives me great pleasure to introduce to you Miss Rodeo America, Lisa Poese.

## REMARKS BY MISS RODEO AMERICA LISA POESE

Thank you very much. It is an honor to be here in North Dakota, and I am really enjoying my stay. I am in town for the PRCA Rodeo. I have been here since last Thursday, and the hospitality in Bismarck is just great. I cannot believe it. People in North Dakota are really wonderful, especially to folks involved with rodeo.

As you know, I am friends with Senator Tomac and Senator Meyer - I just met Senator Meyer the other night - lovely people to be around. I would like to remind you that it is legislative night this Thursday at the rodeo. I do hope that you can all make it out, because it will be a great time and I think it is great that they are honoring you at our rodeo. This is my second trip to North Dakota - I was here last October - and I will be coming back next month around March sixth to Valley City, North Dakota. Again, thank you very much. I have enjoyed my stay here in Bismarck and I think the hospitality is great. It is great to be honored.

## REQUEST

SEN. WOGSLAND REQUESTED that Senator Tomac's and Miss Rodeo America Lisa Poese's remarks be printed in the Journal, which request was granted.

## REPORTS OF STANDING COMMITTEES

SB 2253: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Eleventh order on the calendar.

SB 2413: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2413 was placed on the Eleventh order on the calendar.

SB 2526: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2526 was placed on the Eleventh order on the calendar.

## CONSIDERATION OF AMENDMENTS

SB 2252: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 373-374 be adopted and then be placed on the Eleventh order with DO NOT PASS.

## REQUEST

SEN. MOORE REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2252, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to SB 2252, the roll was called and there were 14 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Heinrich; Lindgren; Lips; Mathern; Maxson; Mushik; Redlin; Satrom; Schoenwald; Thane; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Marks; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Tomac; Traynor; Vosper; Wogsland

The motion to adopt the amendments to SB 2252 lost.

SB 2199: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 398 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SB 2481: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 399 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SB 2501: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 399 be adopted, with DO PASS, which motion prevailed.

## MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2501 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 2501: A BILL for an Act to amend and reenact subsection 13 of section 20.1-01-02 of the North Dakota Century Code, relating to game and fish guides and outfitters.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 2501 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SB 2517: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 399 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2530: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 399-400 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2557: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 400 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

MOTION

SEN. WOGLSAND MOVED that SB 2373 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2373: A BILL for an Act to amend and reenact sections 61-32-03 and 61-32-07 of the North Dakota Century Code, relating to drainage permits and closing drains; to repeal sections 61-32-01, 61-32-02, 61-32-04, 61-32-05, 61-32-06, 61-32-08, 61-32-09, 61-32-10, and 61-32-11 of the North Dakota Century Code, relating to wetlands; 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 18 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeKrey; Dotzenrod; Freborg; Hanson, E.; Hanson, O.; Heigaard; Kelsh; Kinnoin; Mathern; Meyer; Moore; Mutch; Nelson; O'Connell; Robinson; Solberg; Tomac; Wogsland

NAYS: Bowman; David; Evanson; Goetz; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Naaden; Nalewaja; Nething; Peterson; Redlin; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Yockim

SB 2373 lost.

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SB 2169: A BILL for an Act to amend and reenact section 15-40.1-16 of the North Dakota Century Code, relating to schoolbus transportation aid payments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 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; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehj em; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Maxson

ABSENT AND NOT VOTING: Meyer; Solberg

SB 2169 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that SB 2212 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2249: A BILL for an Act to create and enact two new sections to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain centrally assessed pipeline and associated property used to promote enhanced recovery of oil or natural gas and to provide for payments in lieu of taxes; 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 46 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Lindaas; Maxson; Redlin; Tallackson; Wogsland

ABSENT AND NOT VOTING: Solberg

SB 2249 passed and the title was agreed to.

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THE SENATE RECOGNIZED THE PRESENCE OF:

Audrey Shea - widow of Former Senator Shea

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 4:15 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to amend and reenact section 43-25-02 of the North Dakota Century Code, relating to the definition of massage therapist.

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 41 YEAS, 3 NAYS, 8 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Lips; Mathern; Stenehjem

EXCUSED: David; Keller; Krauter; Krebsbach; Langley; Mutch; Schoenwald; Streibel

ABSENT AND NOT VOTING: Tennefos

SB 2311 passed and the title was agreed to.

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REQUEST

SEN. WOGSLAND REQUESTED that the records show that the members of the Committee on Industry, Business and Labor, (Langley, Krauter, Keller, Schoenwald, David, Krebsbach, Mutch, and Streibel) are excused from voting on SB 2311 as they are in a committee meeting, which request was granted.

SECOND READING OF SENATE BILLS

SB 2332: A BILL for an Act to prohibit the assisting of suicide and to provide for actions against any person assisting in the commission of a suicide; and to provide a penalty.

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 41 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Evanson; Hanson, O.; Heigaard; Heinrich; Kinnoin; Langley; Meyer; Moore; Peterson; Redlin; Satrom; Schoenwald

SB 2332 passed and the title was agreed to.

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SB 2343: A BILL for an Act to amend and reenact sections 57-21-01, 57-21-03, 57-21-04, 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.

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

NAYS: Meyer; Moore

SB 2343 passed and the title was agreed to.

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SB 2392: A BILL for an Act to amend and reenact section 25-06-03 of the North Dakota Century Code, relating to the superintendent of the school for the blind.

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 2392 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that SCR 4022 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution directing the Legislative Council to study and develop one or more legislative redistricting plans.

REQUEST

SEN. GOETZ REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SCR 4022 was declared adopted.

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SECOND READING OF SENATE BILLS

SB 2406: A BILL for an Act to amend and reenact subsections 1 and 3 of section 13-03.1-17 of the North Dakota Century Code, relating to insurance, insurance policies, and existing insurance.

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

ABSENT AND NOT VOTING: Hanson, O.

SB 2406 passed and the title was agreed to.

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SB 2417: A BILL for an Act to provide a limitation on the liability of manufacturers or sellers of innovative, state-of-the-art products.

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 25 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, E.; Holmberg; Jerome; Kinnoin; Krebsbach; Marks; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tallackson; Tennefos; Tomac; Vosper

NAYS: Graba; Heigaard; Heinrich; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Meyer; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Thane; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, O.

SB 2417 lost.

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SB 2437: A BILL for an Act to amend and reenact section 50-24.4-16 of the North Dakota Century Code, relating to special cost payment rates for nursing homes with a capacity increase and for newly constructed nursing homes.

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

ABSENT AND NOT VOTING: Heinrich; Ingstad

SB 2437 passed and the title was agreed to.

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SB 2452: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to school district business managers; and to amend and reenact sections 15-27.5-03, 15-27.5-04, and 15-29-03 of the North Dakota Century Code, relating to school district business managers.

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

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

NAYS: Nelson

ABSENT AND NOT VOTING: Ingstad

SB 2452 passed and the title was agreed to.

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SB 2462: A BILL for an Act to create and enact a new section to chapter 54-17 of the North Dakota Century Code, relating to the establishment of a housing acquisition program; and to amend and reenact section 54-17-07.2 of the North Dakota Century Code, relating to definitions with respect to housing acquisition and finance programs.

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 35 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Marks; Meyer; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Traynor; Vosper

SB 2462 passed and the title was agreed to.

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SB 2479: A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to contractor performance and labor and materials bonds; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Keller; Lindgren; Mathern; Nalewaja; Schoenwald; Yockim

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

ABSENT AND NOT VOTING: Satrom

SB 2479 lost.

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SB 2494: A BILL for an Act to amend and reenact section 50-24.4-27 of the North Dakota Century Code, relating to medicare certification and charges by nursing homes.

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

ABSENT AND NOT VOTING: Satrom

SB 2494 passed and the title was agreed to.

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SB 2512: A BILL for an Act to amend and reenact section 54-56-01 of the North Dakota Century Code, relating to the children's services coordinating committee membership.

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 37 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Moore; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Satrom

SB 2512 passed and the title was agreed to.

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SB 2535: A BILL for an Act authorizing the state board of higher education to convey certain real property in Grand Forks, North Dakota; and to declare an emergency.

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

ABSENT AND NOT VOTING: Satrom

SB 2535 passed, the title was agreed to, and the emergency clause carried.

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SB 2544: A BILL for an Act to amend and reenact section 15-21-13.1 of the North Dakota Century Code, relating to the establishment of a computerized education data collection process.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 48 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Kinnoin; O'Connell; Robinson

NAYS: Bowman; 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; Peterson; Redlin; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Satrom

SB 2544 lost.

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SB 2554: A BILL for an Act to amend and reenact section 57-38-01, subdivision c of subsection 1 of section 57-38-01.3, and section 57-38-30 of the North Dakota Century Code, relating to the elimination of the alternative minimum income tax for corporations; 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; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Satrom

SB 2554 passed and the title was agreed to.

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MOTIONS

SEN. WOGSLAND MOVED that SB 2421, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2474, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2461: A BILL for an Act to amend and reenact subsection 4 of section 52-06-02 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits.

ROLL CALL

The question being on the final passage of the bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 25 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Satrom

SB 2461 lost.

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SB 2477: A BILL for an Act to amend and reenact subsection 1 of section 15-40.2-03 and section 15-44-03 of the North Dakota Century Code, relating to tuition payments and distributions from the state tuition fund.

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, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kinnoin; Moore; Solberg; Vosper

NAYS: 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; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Satrom

SB 2477 lost.

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SB 2567: A BILL for an Act to create and enact a new section to chapter 43-46 of the North Dakota Century Code, relating to records and proceedings of peer assistance entities.

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 23 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Goetz; Hanson, E.; Hanson, O.; Heigaard; Jerome; Keller; Kelsh; Krebsbach; Langley; Lindgren; Lips; Mathern; Naaden; Nalewaja; Peterson; Redlin; Solberg; Tennefos; Thane; Traynor

NAYS: David; DeKrey; Freborg; Graba; Heinrich; Holmberg; Ingstad; Kelly; Kinnoin; Krauter; Lindaas; Marks; Maxson; Meyer; Moore; Mushik; Mutch; Nelson; Nething; O'Connell; Robinson; Schoenwald; Stenehjem; Streibel; Tallackson; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Satrom

SB 2567 lost.

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SB 2039: A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while operating a motorboat or vessel; to create and enact a new subsection, to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; 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 41 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Heinrich; Kelsh; Krebsbach; Maxson; Schoenwald; Solberg; Vosper; Wogsland

ABSENT AND NOT VOTING: Langley; Meyer; Satrom

SB 2039 passed and the title was agreed to.

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MOTION

SEN. NELSON MOVED that SB 2564 be returned to the Senate floor from the Committee on Judiciary for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. NELSON REQUESTED the unanimous consent of the Senate to withdraw SB 2564. There being no objection, it was so ordered by the President.

MOTION

SEN. WOGSLAND MOVED that SB 2516 be returned to the Senate floor from the Committee on Judiciary for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2516. There being no objection, it was so ordered by the President.

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Tuesday, February 12, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2038: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace "section" with "sections 20.1-01-02 and"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 20.1-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

20.1-01-02. Definitions. In this title, unless the context or subject matter otherwise requires:

1. "Afield" means being away from one's home camp or usual environment.
2. "Any part thereof" or "the parts thereof" includes the hide, horns, or hoofs of any animal specified, and the plumage, skin, and every other part of any bird specified.
- ~~2-~~ 3. "Associated equipment" means:
  - a. Any system, part, or component of a boat as originally manufactured or any similar part or component manufactured or sold for replacement, repair, or improvement of such system, part, or component;
  - b. Any accessory or equipment for, or appurtenance to, a boat; and
  - c. Any marine safety article, accessory, or equipment intended for use by a person on board a boat; but
  - d. Excluding radio equipment.
- ~~3-~~ 4. "Big game" means deer, moose, elk, bighorn sheep, mountain goats, and antelope.
- ~~4-~~ 5. "Boat" means any vessel:
  - a. Manufactured or used primarily for noncommercial use;
  - b. Leased, rented, or chartered to another for the latter's noncommercial use; or
  - c. Engaged in the carrying of six or fewer passengers.
- ~~5-~~ 6. "Commissioner" means the state game and fish commissioner.
- ~~6-~~ 7. "Confiscate" or "confiscated" means to hold subject to the order of a court of competent jurisdiction.
- ~~7-~~ 8. "Department" means the state game and fish department.
- ~~8-~~ 9. "Deputy commissioner" means the deputy state game and fish commissioner.

- ~~9-~~ 10. "Endangered species" means any species whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:
- a. The destruction, drastic modification, or severe curtailment of its habitat.
  - b. Its overutilization for scientific, commercial, or sporting purposes.
  - c. The effect on it of disease, pollution, or predation.
  - d. Other natural or manmade factors affecting its prospects of survival or recruitment within the state.
  - e. Any combination of the foregoing factors.
- The term also includes any species classified as endangered pursuant to the Endangered Species Act of 1973, Public Law 93-205.
- ~~10-~~ 11. "Established road or trail" means any public highway or road, improved or otherwise, dedicated for public ingress or egress, or any other road or trail normally used for travel but does not include temporary trails across cultivated land used for agricultural purposes.
- ~~11-~~ 12. "Fur-bearers" includes mink, muskrats, weasels, wolverines, otters, martens, fishers, kit or swift foxes, beavers, raccoons, badgers, wolves, coyotes, bobcats, lynx, and red or gray foxes.
- ~~12-~~ 13. "Game birds" includes all varieties of geese, brant, swans, ducks, plovers, snipes, woodcocks, grouse, sagehens, pheasants, Hungarian partridges, quails, partridges, cranes, rails, coots, wild turkeys, mourning doves, and crows.
- ~~13-~~ 14. "Guide" or "outfitter" means any resident who holds that person out to the public as a guide or outfitter, and who provides, for compensation, transportation, equipment, arrangement of lodging, or that person's own or another's personal services for the primary purpose of assisting a person or persons to locate or catch fish or to locate, pursue, or hunt small game, big game, or fur-bearers. Nonresidents are not entitled to act as guides or outfitters in this state.
- ~~14-~~ 15. "Gun dogs" includes any dog used to hunt protected wildlife.
- ~~15-~~ 16. "Harmful wild birds" includes blackbirds, magpies, English sparrows, and starlings.
- ~~16-~~ 17. "Harmless wild birds" includes all wild birds not defined herein as "harmful wild birds" or "game birds".
- ~~17-~~ 18. "Hunt" or "hunting" means shooting, shooting at, pursuing, taking, attempting to take, or killing any game animals and game birds; searching for or attempting to locate or flush any game animals and game birds; luring, calling, or attempting to attract game animals and game birds; hiding for the purpose of taking or attempting to take game animals and game birds; and walking, crawling, or advancing toward wildlife while possessing implements or equipment useful in the taking of game animals or game birds. The term does not include possessing or using photographic equipment.
- ~~18-~~ 19. "Manufacturer" means any person engaged in:

- a. The manufacture, construction, or assembly of boats or associated equipment.
  - b. The manufacture or construction of components for boats and associated equipment to be sold for subsequent assembly.
  - c. The importation into the state for sale of boats, associated equipment, or components thereof.
- ~~19-~~ 20. "Motorboat" means any vessel propelled by machinery, whether or not the machinery is the principal source of propulsion. The term does not include a vessel having a valid marine document issued by the bureau of customs of the United States government or any federal agency successor thereto.
- ~~20-~~ 21. "Motor-driven vehicle" means any land vehicle, with or without wheels, that is propelled by any motor.
- ~~21-~~ 22. "Operate" means to navigate or otherwise use a motorboat or a vessel.
- ~~22-~~ 23. "Owner" means a person, other than a lienholder, having the property in or title to a motorboat. The term includes a person entitled to the use or possession of a motorboat subject to an interest in another person, reserved or created by agreement and securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.
- ~~23-~~ 24. "Passenger" means every person carried on board a vessel other than:
- a. The owner or his representative.
  - b. The operator.
  - c. Bona fide members of the crew engaged in the business of the vessel who have contributed no consideration for their carriage and who are paid for their services.
  - d. Any guest on board a vessel which is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for that person's carriage.
- ~~24-~~ 25. "Person" includes every partnership, association, and corporation. No violation of this title may be excused because it was done as the agent or employee of another, nor because it was committed by or through an agent or employee of the person charged.
- ~~25-~~ 26. "Possession" means control, actual possession, and constructive possession of the article or thing specified.
- ~~26-~~ 27. "Private fish hatchery" means a body of water, whether natural or artificial, and any other facilities used, maintained, or operated by any private person, firm, or corporation for the propagation and production of fish for sale or planting in other waters. Except in the case of trout, walleye, northern pike, and crappie, which may be raised in a private fish hatchery without the commissioner's approval, the commissioner may, by rule, regulate the species of fish which may be raised in a private fish hatchery. No waters stocked by any state or federal governmental agency may be considered a private fish hatchery.

- ~~27-~~ 28. "Public waters" means waters to which the general public has a right to access.
- ~~28-~~ 29. "Resident" means any person who has actually lived within this state or maintained that person's home therein for at least six months immediately preceding the date that residence is to be determined. A "nonresident" is any person who has not done so.
- ~~29-~~ 30. "Resident species" means any species nearly all of whose individuals in this state are located within this state for at least three-fourths of annual cycle of the species.
- ~~30-~~ 31. "Retrieve" means to have taken possession and made ready for transportation.
- ~~31-~~ 32. "Sell" and "sale" means any sale or offer to sell, or possession with intent to sell, use, or dispose of, the article or thing specified, contrary to law.
- ~~32-~~ 33. "Shooting preserve" or "preserve" means any privately owned or leased acreage [hectarage] on which hatchery-raised game birds are released to be hunted for a fee over an extended season.
- ~~33-~~ 34. "Sinkbox" or "sunken device" means a raft or any type of low floating device having a depression that affords a hunter a means of concealing that person below the surface of the water.
- ~~34-~~ 35. "Small game" includes all game birds and tree squirrels.
- ~~35-~~ 36. "Species" includes any subspecies of wildlife and any other group of wildlife of the same species or smaller taxa in common spatial arrangement that interbreed when mature.
- ~~36-~~ 37. "Threatened species" means any species which is likely to become an endangered species within the foreseeable future and includes any species classified as threatened pursuant to the Endangered Species Act of 1973, Public Law 93-205.
- ~~37-~~ 38. "Undocumented vessel" means a vessel which does not have a valid marine document as a vessel of the United States.
- ~~38-~~ 39. "Vessel" means any watercraft, other than a seaplane on the water, used or capable of being used as a means of transportation on water.
- ~~39-~~ 40. "Waterfowl" includes all varieties of geese, brant, swans, ducks, rails, and coots.
- ~~40-~~ 41. "Waters" when not qualified means waters not open to the general public.
- ~~41-~~ 42. "Waters of the state" means all waters of this state, including boundary waters. This title extends to and is in force and effect over, upon, and in all such waters.
- ~~42-~~ 43. "Wildlife" means any member of the animal kingdom including without limitation any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof "

Page 2, line 11, replace "3" with "4" and replace "17" with "18"

Page 2, line 13, replace "3" with "4" and replace "17" with "18"

Page 2, line 19, replace "3" with "4" and replace "17" with "18"

Page 2, line 21, replace "6" with "7"

Page 2, line 25, replace "3" with "4" and replace "17" with "18"

Page 3, line 9, replace "3" with "4" and replace "17" with "18"

Page 3, line 11, replace "3" with "4" and replace "8" with "9"

Page 4, line 9, replace "3" with "4"

Page 4, line 11, replace "3" with "4", replace "5" with "6", and replace "6" with "7"

Page 4, line 25, replace "3" with "4" and replace "6" with "7"

Page 4, line 26, replace "5" with "6"

Page 5, line 29, replace "3" with "4"

Page 6, line 1, replace "17" with "18"

Page 6, line 12, replace "3" with "4" and replace "17" with "18"

Page 6, line 21, replace "3" with "4"

Page 6, line 22, replace "17" with "18"

Page 7, line 1, replace "17" with "18"

Page 7, line 6, replace "3" with "4" and replace "17" with "18"

Page 7, line 12, replace "3" with "4" and replace "17" with "18"

Page 7, line 22, replace "3" with "4" and replace "17" with "18"

Page 7, line 27, replace "3" with "4" and replace "17" with "18"

Page 8, line 3, replace "3" with "4" and replace "17" with "18"

Page 8, line 8, replace "10" with "11"

Page 8, line 19, replace "10" with "11"

Page 8, line 20, replace "11" with "12"

Page 9, line 23, replace "7" with "8"

Page 9, line 25, replace "10" with "11"

Page 10, line 11, replace "3" with "4" and replace "17" with "18"

Page 10, line 16, replace "3" with "4" and replace "17" with "18"

Page 10, line 20, replace "3" with "4"

Page 10, line 21, replace "17" with "18"

Page 10, line 29, replace "8" with "9" and replace "9" with "10"

Page 11, line 25, replace "3" with "4" and replace "6" with "7"

Page 11, line 26, replace "5" with "6"

Page 12, line 10, replace "3" with "4" and replace "17" with "18"

Page 12, line 13, replace "3" with "4"

Page 12, line 20, replace "17" with "18"

Page 13, line 2, replace "3" with "4" and replace "17" with "18"

Page 14, line 13, replace "11" with "12"

Page 14, line 16, replace "10" with "11"

Page 14, line 17, replace "10" with "11"

Page 15, line 11, replace "3" with "4" and replace "17" with "18"

Page 17, line 19, replace "5" with "6" and replace "6" with "7"

Page 17, line 25, replace "3" with "4" and replace "17" with "18"

Page 18, line 14, replace "3" with "4"

Page 18, line 15, replace "17" with "18"

Page 19, line 13, replace "3" with "4"

Page 19, line 18, replace "8" with "9"

Page 19, line 19, replace "10" with "11" and replace "11" with "12"

Page 19, line 23, replace "3" with "4"

Page 19, line 24, replace "3" with "4" and replace "16" with "17"

Page 19, line 25, replace "3" with "4" and replace "16" with "17"

Re-number accordingly

SB 2046: Committee on Natural Resources (Sen. Meyer, 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 9, remove "catches," replace the second underscored comma with "into possession and", and remove the third underscored comma

Page 1, line 10, replace "fish, fish parts, or fish eggs of any fish species determined by" with "paddlefish or pallid sturgeon in violation of this title"

Page 1, line 11, remove "the commissioner to be of special concern"

Re-number accordingly

SB 2086: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2086 was placed on the Eleventh order on the calendar.

SB 2134: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, remove "federal" and after "moneys" insert "returned as repayments of federal or other funds granted under the community development loan fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OMB CENTRAL OPERATIONS

This amendment provides that only repayments of federal or other funds granted under the community development loan fund are appropriated on a continuing basis to the Office of Intergovernmental Assistance rather than all federal funds received.

SB 2180: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

SB 2192: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar.

SB 2198: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2198 was placed on the Eleventh order on the calendar.

SB 2204: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (9 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.

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 10, remove the overstrike over "~~occupied building~~" and insert immediately thereafter "or"

Page 1, line 11, remove the overstrike over "~~person occupying such building~~" and insert immediately thereafter "or the"

Renumber accordingly

SB 2301: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2301 was placed on the Eleventh order on the calendar.

SB 2306: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2306 was placed on the Eleventh order on the calendar.

SB 2309: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2309 was placed on the Eleventh order on the calendar.

SB 2310: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO NOT PASS (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

SB 2321: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2321 was placed on the Eleventh order on the calendar.

SB 2346: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS,

0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "county" insert "and city"

Page 1, line 4, replace "county" with "local"

Page 1, line 8, replace "County" with "Local"

Page 1, line 10, after "grants" insert "not exceeding twenty-five thousand dollars per grant" and after "county" insert "or city"

Page 1, line 12, replace the first "county" with "local" and after the second "county" insert "or city"

Page 1, line 18, remove "affected"

Page 1, line 19, remove "any" and remove ", the services of which would be consolidated with the"

Page 1, line 20, replace "county's services under" with "affected by"

Page 3, line 1, after "grants" insert "not exceeding twenty-five thousand dollars per grant" and after "counties" insert "and cities"

Renumber accordingly

SB 2348: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

SB 2353: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Eleventh order on the calendar.

SB 2363: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

SB 2387: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2387 was placed on the Eleventh order on the calendar.

SB 2391: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, after the third "the" insert "presidential candidates and the"

Renumber accordingly

SB 2409: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2409 was placed on the Eleventh order on the calendar.

SB 2418: Committee on Judiciary (Sen. Maxson, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2418 was placed on the Eleventh order on the calendar.

SB 2428: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2428 was placed on the Eleventh order on the calendar.

SB 2444: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2444 was placed on the Eleventh order on the calendar.

SB 2476: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2476 was placed on the Eleventh order on the calendar.

SB 2495: 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 5, after "pursuit" insert "; and to declare an emergency"

Page 3, after line 11, insert:

"SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2515: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 3, remove "who will be"

Page 3, line 4, remove "employed within the state of North Dakota"

Page 3, line 8, remove the first comma

Renumber accordingly

SB 2541: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, remove "or except as otherwise authorized by the attorney"

Page 1, line 10, remove "general"

Page 1, line 11, after the period insert "The attorney general may allow employees of specific licensed alcoholic beverage establishments to provide limited assistance to authorized eligible organizations in the conduct of pull tabs."

Renumber accordingly

SB 2560: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, remove "holding a"

Page 1, line 8, remove "class B license and"

Page 1, line 12, remove "gaming"

Page 1, line 15, after "compensation" insert ", as determined by the attorney general,"

Renumber accordingly

SB 2562: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2562 was placed on the Eleventh order on the calendar.

SB 2563: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2563 was placed on the Eleventh order on the calendar.

SB 2565: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 5, remove the first comma

Page 1, line 22, replace "seventy-five" with "fifty"

Page 2, line 1, after "it" insert ", with an equal portion of fifty hundredths percent per annum of the salary of each teacher contributed to the fund by the employed teacher"

Page 7, after line 3, insert:

"SECTION 10. APPROPRIATION. There is hereby appropriated out of any moneys in the teachers' retiree health benefits fund, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the state retirement and investment office for the purpose of defraying the expenses of administering the teachers' retiree health benefits fund for the biennium beginning July 1, 1991, and ending June 30, 1993."

Page 7, line 5, after "fund" insert "and matching funds by employed teachers"

Re-number accordingly

SB 2569: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2569 was placed on the Eleventh order on the calendar.

SCR 4017: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Tenth order.

SCR 4032: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order.

HCR 3030: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3030 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Krebsbach, Lindgren and Rep. Porter introduced:

SCR 4041: A concurrent resolution directing the Legislative Council to study tax preferences under existing law, with emphasis on prevention of unfair competitive advantages to entities receiving tax preferences.

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

#### FIRST READING OF HOUSE BILLS

HB 1207: A BILL for an Act to amend and reenact sections 23-26-01, 23-26-02, 23-26-03, 23-26-05, 23-26-06, 23-26-07, and 23-26-08 of the North Dakota Century Code, relating to certification of water supply and wastewater disposal system operators; and to repeal section 23-26-04 of

- the North Dakota Century Code, relating to an advisory board of certification.  
Was read the first time and referred to the Committee on Natural Resources.
- HB 1258: A BILL for an Act to amend and reenact sections 20.1-02-23, 20.1-02-24, and 20.1-02-25 of the North Dakota Century Code, relating to appointments to the game and fish advisory board; and to provide an effective date.  
Was read the first time and referred to the Committee on Natural Resources.
- HB 1398: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to the plugging or tagging of mounted bighorn sheep trophy heads and horns.  
Was read the first time and referred to the Committee on Natural Resources.
- HB 1410: A BILL for an Act to amend and reenact sections 25-04-01, 25-04-02, 25-04-04, 25-04-05, 25-04-06, 25-04-07, 25-04-08, 25-04-08.1, 25-04-11, and 25-04-11.1 of the North Dakota Century Code, relating to who may receive services from the developmental center at Grafton.  
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.
- HB 1482: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 and a new section to chapter 20.1-03 of the North Dakota Century Code, relating to fees for game and fish licenses and permits and to guides and outfitters providing white-tailed deer licenses to nonresidents.  
Was read the first time and referred to the Committee on Natural Resources.
- HB 1504: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to licenses to hunt elk and to creation of a rocky mountain elk foundation raffle.  
Was read the first time and referred to the Committee on Natural Resources.
- HB 1536: A BILL for an Act to amend and reenact section 13-01-04 of the North Dakota Century Code, relating to the rights of creditors and marshaling funds.  
Was read the first time and referred to the Committee on Judiciary.
- HB 1561: A BILL for an Act to amend and reenact section 27-11-22 of the North Dakota Century Code, relating to annual license fees to practice law.  
Was read the first time and referred to the Committee on Judiciary.
- HB 1577: A BILL for an Act to provide for an interim legislative redistricting committee of the legislative council to recommend legislative district boundaries based on the 1990 federal census; to provide an expiration date; and to declare an emergency.  
Was read the first time and referred to the Committee on State and Federal Government.
- The Senate stood adjourned pursuant to Senator Wogsland's motion.

MARION HOUN, Secretary