

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 12, 1991

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

The prayer was offered by Rev. Robert Feeny, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present except Senators Dotzenrod and Traynor.

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 2357, SB 2496, SB 2498, SB 2511, SB 2521, SB 2524, SB 2555, SCR 4004.

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 1004, HB 1028, HB 1029, HB 1292, HB 1370, HB 1371, HB 1377, HB 1390, HB 1422, HB 1459, HB 1461, HB 1484, HB 1574, HB 1580, HCR 3006, HCR 3017, HCR 3031.

REPORTS OF STANDING COMMITTEES

SB 2447: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2447 was placed on the Eleventh order on the calendar.

SB 2485: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2485 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

SB 2038: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ pages 415-420 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2046: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 420 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2109, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2134: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 420-421 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2256: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 421 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2346: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 421-422 be adopted and then be REFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SB 2391: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 422 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2495: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2515: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 423 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SB 2541: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 423 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SB 2560: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 423 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2565: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 424 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion lost.

SECOND READING OF SENATE BILLS

SB 2212: A BILL for an Act to amend and reenact subsection 5 of section 57-38-34, subsections 1, 2, and 4 of section 57-38-42, sections 57-38-62, 57-38-63, and 57-38-64 of the North Dakota Century Code, relating to the requirements for information at the source tax returns, clarification of the requirements for the payment of estimated income tax, clarification of the requirements for the application for a quick refund of overpaid estimated tax by a corporation; 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 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; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland

NAYS: Solberg

ABSENT AND NOT VOTING: Traynor; Yockim

SB 2212 passed and the title was agreed to.

SB 2199: A BILL for an Act to create and enact a new section to chapter 26.1-04 of the North Dakota Century Code, relating to prohibited acts or practices of health care providers with respect to insureds; 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 5 YEAS, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Heinrich; Langley; Maxson; Satrom; Schoenwald

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

Nething; O'Connell; Redlin; Robinson; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Peterson; Traynor

SB 2199 lost.

SB 2481: A BILL for an Act to amend and reenact section 36-21.1-03 of the North Dakota Century Code, relating to restraint of an animal in an open vehicle.

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 8 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kelly; Lips; Mushik; Satrom; Schoenwald; Thane; Yockim

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

ABSENT AND NOT VOTING: Traynor

SB 2481 lost.

SB 2517: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3 of the North Dakota Century Code, relating to the operation of self-service motor fuel dispensing facilities.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Mushik; Traynor

SB 2517 passed and the title was agreed to.

MOTIONS

SEN. SCHOENWALD MOVED that Engrossed SB 2530 be amended as follows:

Page 3, line 11, after "crossing" insert "and the cross bucks" and replace "it" with "the crossing"

Renumber accordingly

SEN. SCHOENWALD MOVED that the proposed amendments be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2530: A BILL for an Act to amend and reenact sections 24-09-05 and 39-10-43 of the North Dakota Century Code, relating to exemptions from required stops at railroad grade crossings.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Traynor

SB 2530 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2278 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of a state horse.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: David; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Holmberg; Ingstad; Jerome; Keller; Kelly; Krauter; Krebsbach; Lindaas; Lindgren; Marks; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Satrom; Solberg; Stenehjelm; Streibel; Tennefos; Vosper

NAYS: Bowman; DeKrey; Dotzenrod; Graba; Heigaard; Heinrich; Kelsh; Kinnoin; Langley; Lips; Mathern; Maxson; Meyer; Moore; O'Connell; Redlin; Robinson; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Traynor

SB 2278 passed and the title was agreed to.

MOTIONS

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.

SEN. WOGSLAND MOVED that the Senate be at the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 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.

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

HCR 3030 was declared adopted.

MOTIONS

SEN. WOGSLAND MOVED that the vote by which HCR 3030 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that HCR 3030 be messaged to the House immediately, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2557: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to the required use of child restraint devices in motor vehicles.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 44 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: David; Maxson; Mutch; Solberg; Stenehjem; Streibel; Tennesfos

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2557 passed and the title was agreed to.

SB 2228: A BILL for an Act to amend and reenact sections 61-03-04, 61-04.1-06, and 61-04.1-08 of the North Dakota Century Code, relating to the transfer of the administration of the atmospheric resource board from the state water commission to the office of the state engineer and the powers of the atmospheric resource board; and to repeal section 61-04.1-10 of the North Dakota Century Code, relating to the biennial report of the atmospheric resource board.

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: David; DeKrey; Goetz; Graba; Heigaard; Jerome; Lips; Mathern; Maxson; Moore; Satrom; Tennesfos; Thane; Vosper

NAYS: Bowman; Dotzenrod; Evanson; Freborg; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Marks; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2228 lost.

SB 2319: A BILL for an Act to repeal chapter 54-17.2 of the North Dakota Century Code, relating to the North Dakota building authority; and to provide for the application of the Act.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 16 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Hanson, O.; Kinnoin; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Vosper

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

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2319 lost.

SB 2320: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to pay periods for state officers and employees.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Hanson, O.; Ingstad; Lindgren; Marks; Mathern; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tallackson; Tennefos; Vosper

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

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2320 lost.

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

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson;

Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2349 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that SB 2468, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2474 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2484: A BILL for an Act to amend and reenact section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials; and to provide an effective date.

ROLL CALL

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

YEAS: 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; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; DeKrey; Maxson; Moore; Solberg

ABSENT AND NOT VOTING: David; Meyer; Traynor

SB 2484 passed and the title was agreed to.

SB 2490: A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to use of state motor pool vehicles by counties.

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

YEAS: Dotzenrod; Graba; Heigaard; Heinrich; Holmberg; Kelly; Kinnoin; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Schoenwald; Tallackson; Thane; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, E.; Hanson, O.; Ingstad; Jerome; Keller; Kelsh; Krauter; Krebsbach; Lindgren; Marks; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Satrom; Solberg; Stenehjerm; Streibel; Tennefos; Tomac; Vosper

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2490 lost.

SB 2503: A BILL for an Act to amend and reenact section 12.1-28-02 of the North Dakota Century Code, relating to the penalty for participants in illegal gambling.

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

YEAS: Dotzenrod; Hanson, E.; Hanson, O.; Heigaard; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Maxson; Mushik; O'Connell; Peterson; Satrom; Tallackson; Wogsland

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Ingstad; Jerome; Keller; Krebsbach; Lindgren; Lips; Marks; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Vosper; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2503 lost.

SB 2532: A BILL for an Act to amend and reenact section 53-06.1-07 of the North Dakota Century Code, relating to playing the games of pulltabs by licensed organizations.

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 12 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Hanson, O.; Keller; Kinnoin; Krauter; Naaden; O'Connell; Solberg; Streibel; Tomac; Vosper

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2532 lost.

SB 2558: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to penalty for failure to stop at a railroad crossing

ROLL CALL

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

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

NAYS: David; Dotzenrod; Hanson, O.; Maxson; Mutch

ABSENT AND NOT VOTING: Heinrich; Meyer; Traynor

SB 2558 passed and the title was agreed to.

SB 2086: A BILL for an Act making an appropriation for defraying the expenses of noxious weed control on the Little Missouri River and state-owned Burlington project.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2086 passed and the title was agreed to.

SB 2180: A BILL for an Act to create and enact a new subsection to section 38-14.2-04 of the North Dakota Century Code, relating to creation of an abandoned mine reclamation set-aside trust account.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2180 passed and the title was agreed to.

SB 2192: A BILL for an Act to create and enact a new section to chapter 37-17 of the North Dakota Century Code, relating to the establishment of a method to fund the state match required to assist state and local governments to recover from a major disaster or emergency, expanded duties and responsibilities of the division of emergency management and the emergency commission, and a loan from the Bank of North Dakota.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2192 passed and the title was agreed to.

SB 2198: A BILL for an Act to amend and reenact section 54-52.1-03.1 of the North Dakota Century Code, relating to participation by political subdivisions in the uniform group insurance 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 2 YEAS, 49 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Lips; Satrom

NAYS: 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; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Traynor

SB 2198 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2204 and SB 2301, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2252: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 15-40.1-06, sections 15-40.1-07, and 15-40.1-08 of the North Dakota Century Code and subsection 3 of section 15-40.1-06 of the North Dakota Century Code as amended by section 1 of chapter 231 of the 1989 Session Laws of North Dakota, relating to the school district equalization factor, the educational support per pupil, and the weighting factors for per-pupil payments to school districts.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 25 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Ingstad; Kinnoin; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjerm; Streibel; Tennefos; Vosper

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2252 lost.

SB 2253: A BILL for an Act to amend and reenact sections 4-30-01, 4-30-02.1, 4-30-03.2, 4-30-11, 4-30-12, 4-30-15, 4-30-16, 4-30-18, 4-30-20, 4-30-21, subsection 5 of section 4-30-22, sections 4-30-26, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-37, 4-30-38.1, 4-30-45, 4-30-47, and 4-30-51 of the North Dakota Century Code, relating to dairy regulations; and to repeal section 4-30-44 of the North Dakota Century Code, relating to brands or marks for milk product containers.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor; Wogsland

SB 2253 passed and the title was agreed to.

SB 2306: A BILL for an Act to amend and reenact section 20.1-02-18.4 and subsection 1 of section 54-35.2-01 of the North Dakota Century Code, relating to the North Dakota association of counties; and to repeal section 11-10-24 and subsection 15 of section 11-11-14 of the North Dakota Century Code, relating to funding and organization of associations of county governments.

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 8 YEAS, 41 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Mutch; Naaden; Solberg; Streibel; Tennefos; Vosper

NAYS: DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Nalewaja, Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2306 lost.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 6:05 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILLS

SB 2309: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to tuition credits; to provide an appropriation; 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 NOT PASS, the roll was called and there were 18 YEAS, 31 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Goetz; Hanson, O.; Ingstad; Kinnoin; Krebsbach; Moore; Mutch; Naaden; Nalewaja; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Vosper

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2309 lost.

SB 2310: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to rate of tuition.

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, 36 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Evanson; Hanson, O.; Krebsbach; Moore; Mutch; Naaden; Nalewaja; Solberg; Stenehjem; Streibel; Tennefos

NAYS: DeKrey; Dotzenrod; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2310 lost.

SB 2321: A BILL for an Act to repeal chapter 10-30.3 of the North Dakota Century Code, relating to the statewide nonprofit development corporation; and to provide for transition.

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, 34 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2321 lost.

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

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2348 passed and the title was agreed to.

SB 2353: A BILL for an Act to amend and reenact subsection 1 of section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

ROLL CALL

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

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

NAYS: Kelsh; Marks; O'Connell; Vosper

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2353 passed and the title was agreed to.

SB 2363: A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notice of public meetings.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2363 passed and the title was agreed to.

SB 2387: A BILL for an Act to amend and reenact section 12.1-05-03 of the North Dakota Century Code, relating to self-defense.

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 2 YEAS, 47 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Kelsh; Kinnoin

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2387 lost.

SB 2409: A BILL for an Act to amend and reenact sections 47-26-02, 47-26-04, and 47-26-19 of the North Dakota Century Code, relating to elimination of the duty of county commissioners to act as fence viewers.

ROLL CALL

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

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

NAYS: Bowman; David; Hanson, O.; Kinnoin; Moore; Streibel; Tennefos

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2409 passed and the title was agreed to.

SB 2413: A BILL for an Act to provide for registration of a qualified elector in order to vote in any statewide special, primary, or general election; and to amend and reenact subsection 2 of section 16.1-01-01, section 16.1-05-02, subsection 3 of section 16.1-05-04, subsection 1 of section 16.1-05-06, subsection 2 of section 16.1-06-16, sections

16.1-06-21, 16.1-07-12, 16.1-11-31, 16.1-11-32, 16.1-15-02, 16.1-15-06, 16.1-15-08, and 16.1-15-11 of the North Dakota Century Code, relating to elector registers; 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, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: David; DeKrey; Freborg; Goetz; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Thane; Vosper

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

ABSENT AND NOT VOTING: Holmberg; Langley; Meyer; Mushik; Traynor

SB 2413 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2418 which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2428: A BILL for an Act to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to the commissioners of the workers compensation bureau; to amend and reenact sections 21-10-01, 28-32-08, subsection 1 of section 54-07-01.2, sections 65-01-02, 65-02-01, 65-02-02, 65-02-06, 65-02-09, 65-02-12, 65-04-11, 65-04-31, 65-08-04, 65-11-01, and 65-12-01 of the North Dakota Century Code, relating to replacing the director of the workers compensation bureau with a three-member commission; 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 11 YEAS, 38 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Graba; Hanson, E.; Heinrich; Holmberg; Keller; Kelsh; Moore; Naaden; Schoenwald; Streibel; Vosper

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Heigaard; Ingstad; Jerome; Kelly; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2428 lost.

SB 2444: A BILL for an Act to amend and reenact subsection 2 of section 32-09.1-03, sections 32-09.1-04, 32-09.1-07, and 32-09.1-09 of the North Dakota Century Code, relating to garnishment debtors claiming dependent family members.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2444 passed and the title was agreed to.

SB 2476: A BILL for an Act to amend and reenact sections 15-40.1-05, 15-40.1-06, 15-40.1-07, 15-40.1-07.2, 15-40.1-07.3, 15-40.1-09, 15-40.2-09, 15-44-03, 15-59-06, 15-59-07, and subsection 3 of section 57-15-14 of the North Dakota Century Code, relating to replacing per-pupil payments under the foundation program with classroom unit funding; and to repeal section 15-40.1-08 of the North Dakota Century Code, relating to elementary per-pupil payments.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 41 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: David; Hanson, O.; Kelsh; Kinnoin; Moore; Solberg; Vosper

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

ABSENT AND NOT VOTING: Heigaard; Langley; Meyer; Mushik; Traynor

SB 2476 lost.

SB 2526: A BILL for an Act to amend and reenact subsection 3 of section 40-05-06 of the North Dakota Century Code, relating to the penalty for the violation of city ordinances enforcing United States environmental protection agency regulations.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2526 passed and the title was agreed to.

SB 2562: A BILL for an Act relating to a workers' compensation appeals board; and to amend and reenact section 65-10-01 of the North Dakota Century Code, relating to appeals to the district court.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 37 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Graba; Hanson, E.; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Krauter; Mathern; O'Connell; Schoenwald; Tomac

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Hanson, O.; Heigaard; Holmberg; Ingstad; Jerome; Krebsbach; Lindaas; Lindgren; Lips; Marks; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2562 lost.

SB 2563: A BILL for an Act to create and enact a new section to chapter 19-03.1 and a new section to chapter 39-06 of the North Dakota Century Code, relating to disciplinary actions by state authorities as a result of violations of laws regulating controlled substances.

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 19 YEAS, 30 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2563 lost.

SB 2569: A BILL for an Act to amend and reenact section 44-08-21 of the North Dakota Century Code, relating to recall petitions.

ROLL CALL

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

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

Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Meyer; Mushik; Traynor

SB 2569 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that SB 2546 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2546. There being no objection, it was so ordered by the President.

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Wednesday, February 13, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2024: Committee on Agriculture (Sen. Kelsh, 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 6, remove "35-31-01,"

Page 1, line 8, after "sections" insert "41-09-42.1," and after "41-09-43" insert a comma

Page 1, line 10, after "system" insert "and the computerized Uniform Commercial Code central filing system fund"

Page 1, line 14, remove "and" and after "date" insert "; and to declare an emergency"

Page 5, remove lines 20 through 29

Page 6, remove lines 1 through 3

Page 10, line 23, after "No" insert "filing"

Page 10, line 24, remove "any services rendered for"

Page 10, line 25, after the period insert "At the time of the refiling of any security document pursuant to this section, the fee for filing and indexing a termination statement pursuant to subsection 3 of section 41-09-43 must be paid, unless that fee was paid with the original filing of the security document."

Page 17, line 29, after "made" insert "inputting data to, and for"

Page 18, line 1, after the comma insert "to the computerized Uniform Commercial Code central filing data base, or to the computerized statutory liens data base,"

Page 18, after line 3, insert:

"SECTION 16. AMENDMENT. Section 41-09-42.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

41-09-42.1. ~~Creation of special fund~~ - Fees collected by secretary of state - ~~Deposit in general fund~~. A special fund is hereby established in the state treasury to be known as the computerized Uniform Commercial Code central filing system fund. Any fees collected by the secretary of state pursuant to subsections 5, 8, 9, 10, and 11 of section 41-09-42 must be deposited in the ~~state general fund~~ computerized Uniform Commercial Code central filing system fund. The principal and interest of the computerized Uniform Commercial Code central filing system fund are hereby appropriated as a continuing appropriation to the secretary of state for the purpose of implementing, maintaining, updating, and administering the computerized Uniform Commercial Code central filing data base system, the computerized central notice system, and the computerized statutory lien data base system. This fund is not subject to section 54-44.1-11."

Page 20, line 9, replace "Act" with "section"

Page 23, line 8, replace "This Act becomes" with "Sections 16 and 18 of this Act become", replace "January" with "April", and after the comma insert "1991, and sections 1 through 15, 17, 19, and 20 of this Act become effective on January 1,"

Page 23, after line 9, insert:

"SECTION 22. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

SB 2100: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, remove "and"

Page 1, line 17, after "transition" insert "; and to provide an effective date"

Page 9, line 7, after "household" insert "purpose"

Page 15, line 1, after "statute" insert "or decision"

Page 197, after line 17, insert:

"SECTION 24. EFFECTIVE DATE. This Act becomes effective on July 1, 1993."

Renumber 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 auction market license. 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 2145: Committee on Agriculture (Sen. Kelsh, 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 14, remove "and"

Page 1, remove lines 15 through 17

Page 1, line 18, remove "dealer,"

Page 1, line 20, after "commissioner" insert "and has signed a statement in substantially the following form:

I, the undersigned applicant for a North Dakota livestock dealer's license, understand that I am strictly responsible for and will be held strictly liable for all acts, omissions, or failures arising out of livestock dealings of the agent(s) listed above, whether or not the dealings have been personally authorized by me"

Page 3, line 5, replace "and" with "or"

Page 3, line 6, replace "and" with "or"

Re-number accordingly

SB 2158: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "medical" with "nursing"

Page 1, line 9, overstrike "institution" and after "of" insert "nursing facility"

Page 1, line 14, replace "medical" with "nursing"

Page 1, line 17, replace "medical" with "nursing"

Page 1, line 18, replace "medical" with "nursing"

Page 2, line 8, replace "medical" with "nursing"

Page 2, line 10, replace "medical" with "nursing"

Page 2, line 11, replace "medical" with "nursing"

Re-number accordingly

SB 2182: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2182 was placed on the Eleventh order on the calendar.

SB 2234: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 25, after the second comma insert "the department of labor,"

Re-number accordingly

SB 2257: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 11, after the first underscored comma insert "the department of labor,"

Re-number accordingly

SB 2266: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a new section to chapter 26.1-03,"

Page 1, line 4, remove "filing of examination"

Page 1, line 5, remove "reports of other states,"

Page 1, line 10, replace the second "section" with "sections 26.1-33-12,"

Page 1, line 14, replace "and section" with "sections" and after "26.1-42-01" insert "32-12.1-05, and subsection 1 of section 32-12.1-15"

Page 1, line 22, after the second comma insert "group life policy conversion privileges,"

Page 2, line 3, remove the first "and" and after "association" insert ", and purchase of liability insurance and participation in self-insurance pools by political subdivisions and state agencies"

Page 2, remove lines 22 through 28

Page 3, remove lines 1 and 2

Page 9, line 8, after "death" insert "so long as a proof of death is filed within one hundred eighty days after the date of the death"

Page 9, after line 16, insert:

"SECTION 16. AMENDMENT. Section 26.1-33-12 of the North Dakota Century Code is amended and reenacted as follows:

26.1-33-12. Group life policy conversion privileges. If any individual insured under a group life insurance policy delivered in this state after July 1, 1983, becomes entitled under the terms of the policy to have an individual life insurance policy issued without evidence of insurability, subject to making of application and payment

of the first premium within the period specified in the policy, and if the individual is not given notice of the existence of the right at least fifteen days prior to the expiration date of the period, then the individual has an additional period within which to exercise that right. This additional period expires fifteen days after the individual is given notice. Written notice presented to the individual or mailed ~~to~~ by the policyholder to the last known address of the individual or mailed by the insurer to the last known address of the individual as furnished by the policyholder or notice of the right of conversion included in a certificate provided to each employee or notice provided by the attachment of a separate notice to the certificate constitutes notice for the purpose of this section."

Page 11, line 10, remove "under chapter 26.1-36.1 or 26.1-45" and overstrike "in excess of the"

Page 11, line 11, overstrike "medicare", remove "posthospital skilled nursing care", overstrike "benefit" and insert immediately thereafter "under chapter 26.1-36.1 or 26.1-45"

Page 11, line 12, overstrike "also"

Page 18, after line 3, insert:

"SECTION 25. AMENDMENT. Section 32-12.1-05 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

32-12.1-05. Liability insurance policy coverage. An insurance policy or insurance contract purchased by a political subdivision or state agency or a government self-insurance pool in which a political subdivision or state agency participates pursuant to this chapter may provide coverage for the types of liabilities established by this chapter and may provide such additional coverage as the state agency or the governing body of the political subdivision determines to be appropriate. The insurer may not assert the defense of governmental immunity, but this chapter confers no right upon a claimant to sue an insurer directly. If a dispute exists concerning the amount or nature of the required insurance coverage, the dispute must be tried separately. The insurance coverage authorized by this chapter may be in addition to any insurance coverage purchased by a political subdivision or state agency pursuant to any other provision of law and if premium savings will result therefrom, any insurance policies purchased pursuant to this chapter or any other provision of law may be written for a period which exceeds one year.

SECTION 26. AMENDMENT. Subsection 1 of section 32-12.1-15 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. After review by the commissioner of insurance and after receiving the commissioner's approval, the state or any state agency may insure either through an approved insurance company or through a government self-insurance pool formed under this chapter ~~against liabilities provided by this chapter~~ for its own protection or for the protection of any state employee. If a premium savings will result therefrom and the commissioner of insurance approves, the insurance policies may be taken out for more than one year, but in no event beyond a period of five years. No purchase of insurance pursuant to this section or participation in a government self-insurance pool may be construed as a waiver of any existing immunity to suit."

Renumber accordingly

SB 2304: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2304 was placed on the Eleventh order on the calendar.

SB 2323: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2323 was placed on the Eleventh order on the calendar.

SB 2324: 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 2, line 2, replace "five" with "ten"

Reumber accordingly

SB 2339: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to payment for chiropractic services under health benefit policies, certificates, or contracts; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 26.1-36 of the North Dakota Century Code is created and enacted as follows:

Payment for health services of chiropractor - Insured to have exclusive right to select chiropractor.

1. Any contract, certificate, or policy of insurance or any plan or agreement for health services providing for reimbursement or payment for health services performed by a medical doctor, physician, or other licensed health care service provider, must also reimburse or pay for health services performed by a doctor of chiropractic licensed under chapter 43-06, if the health care services performed are within the scope of the license of the doctor of chiropractic. Terms of a contract, certificate, or policy or plan or agreement for health services denying chiropractic coverage are discriminatory and are void.
2. The insured or other person entitled to benefits under the contract, certificate, or policy of insurance or plan or agreement for health services has the exclusive right to choose or select any doctor of chiropractic licensed under chapter 43-06 to perform chiropractic services, notwithstanding the provisions of any contract, certificate, or policy of insurance or plan or agreement for health services to the contrary.
3. This section does not require payment:
 - a. For services that would not be covered for any other licensed health care service provider under the contract, certificate, or policy of insurance or plan or agreement for health care services; or
 - b. For services where a doctor of chiropractic is already providing services under evidences of coverage or plans issued pursuant to chapter 26.1-18 or 26.1-47; or

- c. At higher than usual and customary amounts.
4. This section applies to all new policies issued on or after July 31, 1991. All contracts, certificates, or policies of insurance or any plan or agreement for health services in force as of the effective date of this Act, must be converted, upon the anniversary date of the contracts, certificates, or policies or plans or agreements for health services to conform to this section.
 5. In addition to any other penalties contained in this chapter, any person who willfully violates any provision of this section is guilty of a Class A misdemeanor and is subject to an administrative fine as determined by the commissioner in an amount not to exceed ten thousand dollars for each violation."

Renumber accordingly

SB 2361: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DD PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 6, after the underscored period insert "Before consideration of any bill or resolution during the session provided by this subsection, the legislative assembly shall adopt rules limiting the introduction of bills and resolutions for consideration during this session to bills and resolutions relating only to budget adjustment purposes or subjects requiring immediate action of the legislative assembly."

Renumber accordingly

SB 2370: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, replace "the" with "any" and after "jurisdiction" insert "with a population of five hundred or less"

Page 1, line 16, after "adult" insert "who has written authority from a parent or guardian"

Renumber accordingly

SB 2411: 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 4, after the first comma insert "and" and remove "and wrestling,"

Page 1, line 7, after the first comma insert "and" and remove ", and wrestling"

Page 1, line 17, remove "wrestling,"

Page 1, line 18, replace "are entitled to" with "shall serve without" and replace "as" with "except"

Page 1, line 19, replace "set by the secretary of state, and" with "for", after "for" insert "actual and necessary", and after "expenses" insert "at the same rate as allowed state employees"

Page 1, line 20, remove "in the amounts provided by law for state"

Page 1, line 21, remove "officers"

Page 2, line 4, after the underscored comma insert "or" and overstrike ", or wrestling"

Page 2, line 5, remove "kickboxer," and overstrike "wrestler" and insert immediately thereafter "kickboxer"

Page 2, line 6, remove the underscored comma

Page 2, line 7, remove "kickboxing, sparring," overstrike "or wrestling" and insert immediately thereafter "kickboxing, or sparring", and remove "A person promoting a boxing,"

Page 2, remove lines 8 through 11

Page 2, line 16, remove "wrestling,"

Page 2, line 18, remove "wrestling,"

Page 3, line 1, replace the first underscored comma with "and", remove "and wrestlers", and remove "wrestling,"

Page 3, line 16, after the underscored comma insert "or" and overstrike ", or wrestling"

Page 3, line 19, after the underscored comma insert "or" and overstrike ", or wrestling"

Page 3, line 25, remove "kickboxing, wrestling,"

Page 3, line 28, after the second overstruck comma insert "exhibitions, must be" and after "the" insert "rules and"

Page 4, line 2, after "affiliates:" insert "and"

Renumber accordingly

SB 2482: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after the second comma insert "and"

Page 1, line 2, remove ", and 5-02-06"

Page 1, line 3, replace the first comma with "and the" and remove ", and age of employees in a"

Page 1, line 4, remove "restaurant that serves alcoholic beverages"

Page 2, line 15, remove the overstrike over "determined by the"

Page 2, line 16, remove the overstrike over "governing body" and remove "of not more than ten dollars"

Page 3, line 18, replace "monthly" with "six-month" and replace "from July 1, 1989," with "before the application for the permit"

Page 3, line 19, remove "through June 30, 1991"

Page 4, line 5, replace "monthly" with "six-month" and replace "from July 1, 1989, through" with "before the application for the permit"

Page 4, line 6, remove "June 30, 1991"

Page 4, remove lines 11 through 29

Page 5, remove lines 1 through 8

Renumber accordingly

SB 2513: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 21, after the first underscored comma insert "after the first complaint,"

Page 2, line 23, remove "in the same manner and procedure as the"

Page 2, remove line 24

Page 2, line 25, remove "section"

Renumber accordingly

SB 2533: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, after "premises" insert "including limiting the number of wires or cables entering the building,"

SB 2534: Committee on Education (Sen. Heinrich, 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 1, after "to" insert "create and enact a new section to chapter 43-28 of the North Dakota Century Code, relating to fees assessed by the board of dental examiners; to"

Page 8, line 7, after "and" insert "the annual"

Page 8 after line 17, insert:

6. Establish minimum continuing professional education requirements for dentists, dental hygienists, and dental assistants.
7. Define specific tasks that dentists, dental hygienists, and dental assistants may or may not perform and specify the professional education or training qualifications required to perform those tasks and define supervision requirements under which those tasks may be performed.
8. Define professional training that may be required of dentists, dental hygienists, and dental assistants as prerequisites for the performance of specified clinical services. When these prerequisites are satisfied and a registration fee as determined by the board is paid, the board may issue additional special-purpose registration certificates that constitute a person's authority to perform the specified clinical services.

Page 14, line 23, replace "which constitute a professional" with "if the"

Page 14, line 24, remove "that" and remove "which"

Page 16, after line 25, insert:

"SECTION 22. A new section to chapter 43-28 of the North Dakota Century Code is created and enacted as follows:

Fees. All license fees, registration fees, and other fees authorized to be assessed and collected by the board must be established by rules adopted by the board."

Re-number accordingly

SB 2548: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2548 was placed on the Eleventh order on the calendar.

SB 2553: 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 2, line 10, after the period insert "This section does not diminish the manufacturer's, wholesaler's, or distributor's ability to provide volume discounts, bonuses, or special machine ordering programs commonly used in the industry."

Re-number accordingly

SB 2571: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO NOT PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2571 was placed on the Eleventh order on the calendar.

SCR 4034: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4034 was placed on the Tenth order.

HB 1073: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "of the"

Page 1, line 11, remove the overstrike over "county in which either of the contracting parties or the parents of either of"

Page 1, line 12, remove the overstrike over "the parties resides, or if such county is unorganized, or disorganized, or"

Page 1, line 13, remove the overstrike over "the county to which it is attached for judicial purposes, or"

Page 1, line 14, remove the overstrike over "by", after the first "the" insert "a", and remove the overstrike over "county judge of the"

Page 1, line 15, remove the overstrike over "county wherein the marriage is to be solemnized according to the terms of"

Page 1, line 16, remove the overstrike over "section 14-03-19: For the purpose of obtaining a marriage license, a member"

Page 1, line 17, remove the overstrike over "of the armed forces of the United States stationed within the state of North"

Page 1, line 18, remove the overstrike over "Dakota shall be deemed to reside in the county wherein", after "he" insert "that person", and remove the overstrike over "is stationed"

Re-number accordingly

HB 1129: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Fourteenth order on the calendar.

HB 1197: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1197 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.
Was read the first time and referred to the Committee on Appropriations.

HB 1028: A BILL for an Act to create and enact two new sections to chapter 26.1-22 of the North Dakota Century Code, relating to insuring state-owned property through the state fire and tornado fund; and to amend and reenact section 26.1-22-01 of the North Dakota Century Code, relating to definitions.

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

HB 1029: A BILL for an Act to create and enact a new section to chapter 26.1-22 of the North Dakota Century Code, relating to indirect loss insurance by the state fire and tornado fund; and to amend and reenact sections 26.1-22-01, 26.1-22-02, 26.1-22-06, 26.1-22-14, 26.1-22-15, 26.1-22-17, and 26.1-22-18 of the North Dakota Century Code, relating to the state fire and tornado fund.

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

HB 1292: A BILL for an Act to authorize the director of the department of human services to transfer title and convey certain land owned by the state of North Dakota at the state hospital.

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

HB 1370: A BILL for an Act to amend and reenact section 65-08-01 of the North Dakota Century Code, relating to extraterritorial workers' compensation coverage; to repeal section 65-08-02 of the North Dakota Century Code, relating to reciprocity in extraterritorial application of workers' compensation acts; and to declare an emergency.

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

HB 1371: A BILL for an Act to amend and reenact section 15-10-28 of the North Dakota Century Code, relating to agreements with other states' institutions of higher learning.

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

HB 1377: A BILL for an Act to amend and reenact section 49-09-15 of the North Dakota Century Code, relating to the recording of conveyances of utility real property other than right of way.

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

HB 1390: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of distinctive motor vehicle number plates to national guard members.

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

HB 1422: A BILL for an Act to amend and reenact subsection 1 of section 23-30-02 of the North Dakota Century Code, relating to the area to be included in a hospital district.

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

HB 1459: A BILL for an Act to create and enact a new section to chapter 39-05 of the North Dakota Century Code, relating to the adoption of

rules governing the issuance of certificates of title for salvage and junk motor vehicles; and to provide a penalty.

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

HB 1461: A BILL for an Act to create and enact a new subsection to section 57-38-60 of the North Dakota Century Code, relating to filing of agricultural employers' returns and remittances under income tax withholding laws; and to provide an effective date.

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

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

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

HB 1574: A BILL for an Act to allow imposition of a city option sales tax at a regular or special city election.

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

HB 1580: A BILL for an Act to amend and reenact paragraph 1 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to definitions of employment for purposes of unemployment compensation contributions and benefits.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3006: A concurrent resolution directing the Legislative Council to study and establish procedures necessary to implement annual sessions of the Legislative Assembly beginning in 1993 and 1994.

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

HCR 3017: A concurrent resolution directing the Legislative Council to study employment opportunities for older workers, including barriers, benefit and retirement program options, and workplace education and training, so that older workers can maintain their economic security.

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

HCR 3031: A concurrent resolution directing the Legislative Council to study the impact and potential benefits to be derived from the use of electronic communications in government services.

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