

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 5, 1991

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

The prayer was offered by Rev. Bob Nordvall, Charity Lutheran Church, Bismarck.

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 unchanged: HB 1030, HB 1034, HB 1038, HB 1055, HB 1056, HB 1065, HB 1096, HB 1104, HB 1107, HB 1115, HB 1118, HB 1198, HB 1267.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1047, HB 1070, HB 1195, HB 1224, HB 1480.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2063.

Page 1, line 11, after "tax" insert "and interest"

Re-number accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2261.

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

MR. PRESIDENT: The House has passed unchanged: SB 2037, SB 2042, SB 2043, SB 2086, SB 2122, SB 2127, SB 2131, SB 2141, SB 2195, SB 2251, SB 2295, SB 2299, SB 2302, SB 2482.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, HCR 3016.

REPORTS OF STANDING COMMITTEES

HB 1167, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "39-01-02,"

Page 1, line 3, after "to" insert "the display of official number plates and window decals on state vehicles,"

Page 1, after line 9, insert:

"SECTION 1. AMENDMENT. Section 39-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

39-01-02. Motor vehicles owned or leased by the state to display ~~name on side of vehicles~~ official number plate - Exceptions - Penalty. All motor vehicles owned and operated by the state, except the official vehicle for use by the governor, must ~~have displayed on each front door~~ the words NORTH DAKOTA. ~~The words must be in letters four inches~~

{10-16 centimeters} in height. Two and one-half inches {6-35 centimeters} directly below those words there must be printed in letters one and one-half inches {3-8} centimeters} in height the name of the state agency owning or leasing the motor vehicle. The width of the display required by this section must be proportionate to the required height. The color of the lettering must be in clear and sharp contrast to the background. The state highway patrol and all peace officers of this state shall enforce this section display distinctive official number plates and window decals designed by the director that identify it as a state fleet vehicle. The state auditor, in the course of spot checking or verifying the inventory of any state agency, shall include in the auditor's report to the governor and the legislative assembly any instance of noncompliance with this section that comes to the auditor's attention. The above requirements do not apply to vehicles operated by the attorney general's office, the bureau of criminal investigation, or game and fish department game wardens, the highway patrol, vehicles used for drivers education at state institutions, or vehicles used principally in juvenile, parole, and placement service; selected cars or vehicles of the state penitentiary approved by the director of institutions, vehicles owned and operated by any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long-existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world; or to any truck owned by any state agency. A passenger motor vehicle bearing official plates must be in compliance with this section. The administrator of any state agency who uses or authorizes the use of a motor vehicle which is not marked as required by this section is guilty of a class B misdemeanor work. The state highway patrol and all peace officers of this state shall enforce this section."

Renumber accordingly

HB 1431: 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 (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 3, overstrike "The" and insert immediately thereafter "Each year, the"

Page 2, overstrike lines 4 and 5

Page 2, line 6, overstrike "learning, to fill", remove "the association's", and overstrike "advisory position. The state board"

Page 2, line 7, overstrike "of higher education shall make the appointment from this list" and insert immediately thereafter "select one member to serve as its representative for a term of one year"

Page 2, line 9, overstrike "The term of the student advisory"

Page 2, overstrike lines 10 through 16

Page 2, line 18, remove "and the council"

Page 2, line 19, remove "of college faculties representative" and overstrike "shall" and insert immediately thereafter "and the council of college faculties representative are entitled to"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

- SCR 4020: SEN. O'CONNELL (Joint Constitutional Revision Committee) MOVED that the amendments on SJ page 855 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.
- HB 1108: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 855 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1152: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 856 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1157: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ page 856 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1159: SEN. SCHOENWALD (Committee on Transportation) MOVED that the amendments on SJ pages 856-857 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1313: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 857 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1317: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ pages 857-858 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.
- HB 1434: SEN. MEYER (Committee on Natural Resources) MOVED that the amendments on SJ page 858 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

It shall be numbered SCR 4064.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Schoenwald, Krebsbach, Maxson, Redlin and Reps. B. Anderson, Porter, Price, Snyder, Thorpe, Timm, Tollefson, Wentz introduced:
(Approved by the Committee on Delayed Bills)

SCR 4064: A resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

Was read the first time.

MOTION

SEN. SCHOENWALD MOVED that the rules be suspended, that SCR 4064 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE CONCURRENT RESOLUTION NO. 4064

A concurrent resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

WHEREAS, the Minot Gym Dandies Acro Team has achieved national prominence through performances in many parts of the United States before thousands of people at professional and amateur sporting events and is scheduled to appear in March at two National Basketball Association games in Los Angeles and one in Sacramento and at Sea World; and

WHEREAS, the enthusiastic and talented performances of the Minot Gym Dandies Acro Team make North Dakotans proud that this group is from our state and display one of the great virtues of our state in strong and healthy children; and

WHEREAS, the goodwill already, and yet to be, generated by the Minot Gym Dandies Acro Team is deserving of official recognition;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Minot Gym Dandies Acro Team is recognized for their national prominence and the team is hereby designated as "Official Goodwill Ambassadors of North Dakota"; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to each member of the Minot Gym Dandies Acro Team and their coach.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4064: A concurrent resolution also introduced by the following: Senator Redlin; Representatives Snyder, Thorpe, Timm, Tollefson, and Wentz - A resolution recognizing the Minot Gym Dandies Acro Team for their national prominence and designating the team as Official Goodwill Ambassadors of North Dakota.

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

SCR 4064 was declared adopted on a voice vote.

MOTIONS

SEN. SCHOENWALD MOVED that the vote by which SCR 4064 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. SCHOENWALD MOVED that the rules be suspended and that SCR 4064 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4064.

SECOND READING OF HOUSE BILLS

HB 1035: 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 the establishment of a combination game and fish license.

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

HB 1035 passed and the title was agreed to.

HB 1203: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the term director; and to amend and reenact section 24-02-19 of the North Dakota Century Code, relating to department of transportation bidding procedures for construction, and equipment, materials, and supplies.

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

HB 1203 passed and the title was agreed to.

HB 1497: A Bill for an Act to amend and reenact subdivision c of subsection 1 of section 54-40.1-03 and subsection 1 of section 54-40.1-04 of the North Dakota Century Code, relating to membership, powers, and duties of regional planning councils.

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

YEAS: Bowman; David; DeKrey; Dotzenrod; 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

NAYS: Evanson

HB 1497 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that HB 1161, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1154: A BILL for an Act to amend and reenact section 15-04-20 of the North Dakota Century Code, relating to permits to cut timber on land under control of the board of university and school lands.

ROLL CALL

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

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

HB 1154 passed and the title was agreed to.

HB 1174: A BILL for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to the suspension of drivers' licenses upon conviction, suspension, or revocation in another state.

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 26 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Maxson; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Streibel; Tallackson; Tennefos; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, O.; Heigaard; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Marks; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Stenehjerm; Thane; Tomac; Vosper

HB 1174 lost.

HB 1181: A BILL for an Act to amend and reenact section 37-10-03.2 of the North Dakota Century Code, relating to the sale of military lands by the adjutant general; and to repeal section 37-10-03.1 of the North Dakota Century Code, relating to the sale of military lands by the adjutant general.

ROLL CALL

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

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

HB 1181 passed and the title was agreed to.

HB 1209: A BILL for an Act to amend and reenact sections 15-20.2-01, 15-20.2-02, 15-20.2-03, 15-20.2-04, 15-20.2-05, 15-20.2-07, 15-20.2-08, 15-20.2-09, 15-20.2-10, 15-20.2-11, 15-20.2-12, 15-20.2-13, 15-20.2-14, 15-20.2-15; 15-20.2-16, subsection 1 of section 15-47-38.1, and subsection 3 of section 52-09-08 of the North Dakota Century Code, relating to multidistrict vocational education centers.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; 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

ABSENT AND NOT VOTING: Hanson, O.

HB 1209 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1258, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1307: A BILL for an Act to amend and reenact section 55-01-01 of the North Dakota Century Code, relating to the state historical board.

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

NAYS: Kinnoin; O'Connell

HB 1307 passed and the title was agreed to.

HB 1366: A BILL for an Act to amend and reenact section 44-08-06 of the North Dakota Century Code, relating to dimensions of the seal of a court or officer.

ROLL CALL

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

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

HB 1366 passed and the title was agreed to.

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.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 3 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; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Lips; O'Connell; Satrom

HB 1371 passed and the title was agreed to.

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.

ROLL CALL

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

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

HB 1398 passed and the title was agreed to.

HB 1399: A BILL for an Act to amend and reenact section 15-34.2-16 of the North Dakota Century Code, relating to school district agreements for the provision of comprehensive transportation services.

ROLL CALL

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

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

HB 1399 passed and the title was agreed to.

MOTIONS

SEN. INGSTAD MOVED that HB 1424 be amended as follows:

Page 1, line 14, remove "inappropriate or"

Renumber accordingly

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

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1424 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1424: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations of a health service corporation.

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 43 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Heinrich; Ingstad; Keller; Kelsh; Lindaas; O'Connell; Satrom; Schoenwald; Wogsland

HB 1424 passed and the title was agreed to.

HB 1501: A BILL for an Act to amend and reenact subsection 25 of section 15-29-08 of the North Dakota Century Code, relating to a school district's official newspaper.

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 47 YEAS, 6 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; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Stenehjem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland

NAYS: Kinnoin; Maxson; Schoenwald; Solberg; Tennefos; Yockim

HB 1501 passed and the title was agreed to.

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.

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, 7 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; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjsem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Keller; Kelly; Langley; Maxson; Meyer; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Naaden

HB 1580 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that Joint Rule 206, subsection 6 be suspended for SCR 4048, SCR 4050, SCR 4051, and SCR 4054, which motion prevailed.

SEN. WOGSLAND MOVED that SCR 4048, SCR 4050, SCR 4051, and SCR 4054 be placed at the top of the consent calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4048: A concurrent resolution directing the Legislative Council to study means of providing incentives for individuals to obtain nursing home insurance.

SCR 4050: A concurrent resolution directing the Legislative Council to study the distribution of child support enforcement incentive payments made by the federal government.

SCR 4051: A concurrent resolution directing the Legislative Council to study the feasibility of providing basic statewide health and work-related accident insurance to all North Dakota workers and their dependents.

SCR 4054: A concurrent resolution directing the Legislative Council to study the economic and social impact of federal programs that take agricultural land out of production.

The question being on the final adoption of the resolutions, which have been read.

The resolutions were declared adopted on a voice vote.

MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4048, SCR 4050, SCR 4051, and SCR 4054 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 SCR 4048, SCR 4050, SCR 4051, and SCR 4054 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4048, SCR 4050, SCR 4051, SCR 4054.

MOTION

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Ninth order of

business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 1:00 p.m., Wednesday, March 6, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

- SB 2572: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2572 was placed on the Eleventh order on the calendar.
- SCR 4052: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4052 was placed on the Tenth order.
- SCR 4053: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4053 was placed on the Tenth order.
- HB 1010: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1010 was placed on the Fourteenth order on the calendar.
- HB 1012: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1012 was placed on the Fourteenth order on the calendar.
- HB 1052: Committee on Judiciary (Sen. Marks, Vice Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1052 was placed on the Fourteenth order on the calendar.
- HB 1077, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1077 was placed on the Fourteenth order on the calendar.
- HB 1084: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1084 was placed on the Fourteenth order on the calendar.
- HB 1106, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1106 was placed on the Fourteenth order on the calendar.
- HB 1206: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1206 was placed on the Fourteenth order on the calendar.
- HB 1253, as engrossed: Committee on Judiciary (Sen. Marks, Vice Chairman) recommends DO PASS (5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1253 was placed on the Fourteenth order on the calendar.
- HB 1264: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1264 was placed on the Fourteenth order on the calendar.
- HB 1308: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1308 was placed on the Fourteenth order on the calendar.
- HB 1469: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1469 was placed on the Fourteenth order on the calendar.

HB 1565: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1565 was placed on the Fourteenth order on the calendar.

HB 1593, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1593 was placed on the Fourteenth order on the calendar.

HCR 3023: 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). HCR 3023 was placed on the Tenth order.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill for an act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation coverage of aerial applicators.

It shall be numbered SB 2592.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sen. Maxson and Rep. Carlisle introduced:
(Approved by the Committee on Delayed Bills)

SB 2592: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to workers' compensation coverage of aerial applicators.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution urging Congress to make permanent federal legislation confirming that Indian tribes retain criminal misdemeanor jurisdiction over all Indians in Indian country.

It shall be numbered SCR 4058.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Jerome introduced:
(Approved by the Committee on Delayed Bills)

SCR 4058: A concurrent resolution urging Congress to make permanent federal legislation confirming that Indian tribes retain criminal misdemeanor jurisdiction over all Indians in Indian country.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution urging that a high quality physical education program be provided to each North Dakota student from kindergarten through grade 12.

It shall be numbered SCR 4059.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Peterson introduced:

(Approved by the Committee on Delayed Bills)

SCR 4059: A concurrent resolution urging that a high quality physical education program be provided to each North Dakota student from kindergarten through grade 12.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution urging the United States Department of the Interior's Bureau of Land Management and the North Dakota Congressional Delegation to take action to allow mining of the maximum amount of coal available from the Glenharold mine in west central North Dakota.

It shall be numbered SCR 4060.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Keller, Freborg introduced:

(Approved by the Committee on Delayed Bills)

SCR 4060: A concurrent resolution urging the United States Department of the Interior's Bureau of Land Management and the North Dakota Congressional Delegation to take action to allow mining of the maximum amount of coal available from the Glenharold mine in west central North Dakota.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution urging the United States Congress to pass legislation giving the United States Secretary of the Interior the authority to establish a reduced royalty rate on low-Btu federal lignite with a heating value below 7,500 Btus per pound.

It shall be numbered SCR 4062.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Freborg, Keller, Bowman and Reps. Whalen, Delzer, Bodine introduced:

(Approved by the Committee on Delayed Bills)

SCR 4062: A concurrent resolution urging the United States Congress to pass legislation giving the United States Secretary of the Interior the authority to establish a reduced royalty rate on low-Btu federal lignite with a heating value below 7,500 Btus per pound.

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

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolution: SR 2.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 2:53 p.m., March 5, 1991: SR 2.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2114, SB 2156, SB 2157, SB 2216, SB 2222, SB 2268, SB 2286, SB 2292, SB 2392, SB 2535, SCR 4024.

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

MR. SPEAKER: The President has signed: HB 1025, HB 1099, HB 1128, HB 1133, HB 1136, HB 1202, HB 1222, HB 1235, HB 1312, HCR 3013, HCR 3016.

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

MARION HOUN, Secretary