

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 20, 1991

The Senate convened at 1:00 p.m., with President Pro Tem Heinrich presiding.

The prayer was offered by Pastor Carol Shelby, United Church of Christ, Steele.

The roll was called and all members were present.

A quorum was declared by the President Pro Tem.

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

MR. SPEAKER: The President has signed: HB 1091, HB 1123, HB 1195, HB 1415, HB 1551, HB 1553, HB 1588.

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

MR. SPEAKER: The President has signed: HB 1045, HB 1120, HB 1131, HB 1146, HB 1160, HB 1268, HB 1351, HB 1377, HB 1448, HB 1455, HCR 3006, HCR 3017, HCR 3022, HCR 3046.

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

MR. SPEAKER: The President has signed: HB 1207, HB 1218, HB 1284, HB 1316.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1231, HB 1484.

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

MR. SPEAKER: The Senate has failed to pass: HB 1166.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4021.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2214.

Page 2, line 5, after the underscored period insert "For purposes of this subdivision, property does not include a residence or other real estate where a coowner, whether by joint tenancy, tenancy in common, or tenancy by the entireties, of the residence or other real estate, has not been convicted of the criminal offense that was facilitated by the use or intended use of the property."

Renumber accordingly

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

MR. PRESIDENT: The House has amended and failed to pass: SB 2376.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1044, HB 1047, HB 1108, HB 1137, HB 1141, HB 1159, and HB 1161 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1164, HB 1203, HB 1208, HB 1216, HB 1245, HB 1248, and HB 1270 and subsequently passed the same.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1277 and subsequently passed the same. The emergency clause carried.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2039.

Page 1, line 11, replace "16" with "15"

Page 1, line 14, replace "16" with "15"

Page 1, line 17, replace "16" with "15" and after the comma insert "operates" means to be in motion, en route, but not at anchor or aground; "vessel" means any watercraft used or designed to be used for navigation on the water such as a boat operated by machinery, either permanently or temporarily affixed, a sailboat other than a sailboard, an inflatable manually propelled boat, a canoe, kayak, or rowboat, but does not include an inner tube, air mattress, or other water toy;"

Page 1, line 19, replace the comma with a semicolon

Page 1, line 22, replace "16" with "15"

Page 2, line 6, replace "16" with "15"

Page 2, line 19, replace "16" with "15"

Page 4, line 29, replace "reasonable grounds" with "probable cause"

Page 5, line 3, replace "16" with "15"

Page 5, line 14, remove "or 16"

Page 5, line 21, replace "16" with "15"

Page 5, line 26, replace "reasonable grounds" with "probable cause"

Page 5, line 27, replace the comma with "had observed that the motorboat or vessel was operated in a negligent, reckless, or hazardous manner as defined by the commissioner by rule"

Page 5, remove lines 28 and 29

Page 6, remove line 1

Page 6, line 2, replace "thereof" with a comma

Page 6, line 4, remove "or 16"

Page 6, line 11, replace "16" with "15," and after "or" insert "for a violation of"

Page 6, line 16, replace "16" with "15," and after "or" insert "for a violation of"

Page 6, line 21, replace "16" with "15"

Page 8, line 13, replace "reasonable grounds" with "probable cause"

Page 8, line 24, replace "16" with "15"

Page 8, line 29, replace "16" with "15"

Page 9, line 4, replace "16" with "15"

Page 9, line 19, after "vessel" insert "for operating a motorboat or vessel"

Page 9, line 25, replace "reasonable grounds" with "probable cause"

Page 10, line 14, remove "or 16"

Page 10, line 19, replace "reasonable grounds" with "probable cause"

Page 10, line 23, remove "The scope of a hearing for refusing to submit to a"

Page 10, remove lines 24 through 29

Page 11, remove lines 1 and 2

Page 11, line 6, replace "16" with "15"

Page 13, remove lines 16 through 26

Page 13, line 27, replace "3" with "1"

Page 14, line 4, replace "4" with "2"

Page 14, line 8, replace "5" with "3"

Page 14, line 20, replace "6" with "4"

Page 15, line 14, replace "7" with "5", replace "5" with "3", and replace "6" with "4"

Page 15, line 17, replace "8" with "6"

Page 15, line 20, replace "16" with "15"

Page 15, line 21, replace "9" with "7"

Page 15, line 27, replace "10" with "8"

Page 15, line 28, replace "5" with "3"

Page 16, line 10, replace "16" with "15"

Page 16, line 24, replace "16" with "15"

Page 16, remove lines 26 through 29

Page 17, remove lines 1 through 28

Page 18, remove lines 1 and 2

ReNUMBER accordingly

REPORTS OF STANDING COMMITTEES

HB 1014, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 11, replace "264,332" with "328,332"

Page 1, line 13, replace "153,143" with "158,143"

Page 1, line 15, replace "1,254,516" with "1,259,516"

Page 1, line 16, replace "7,516" with "9,516"

Page 1, line 17, replace "1,690,872" with "1,766,872"

Page 1, line 19, replace "539,263" with "615,263"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 709 - COUNCIL ON THE ARTS

The salaries and wages line item is increased by \$64,000 from the general fund to provide funding for one FTE folklorist position.

Funding from the general fund removed by the House is restored as follows:

Transfer to the cultural endowment fund	\$2,000
Operating expenses	5,000
Community services program grants	<u>5,000</u>
General fund increase	\$12,000

HB 1215, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace "board of university and school lands" with "state department of health and consolidated laboratories"

Renumber accordingly

HB 1431: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

In addition to the amendments adopted by the Senate as printed on page 862 of the Senate Journal, House Bill No. 1431 is further amended as follows:

Page 1, line 22, overstrike "his"

Renumber accordingly

MOTION

SEN. WOGSLAND MOVED that HB 1552 and HB 1574 be placed at the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1552: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 1057 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

HB 1575: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 1057-1059 be adopted and then be REREFERRED to the Committee on Appropriations with DO PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4067: A concurrent resolution directing the Legislative Council to study workers' compensation, insurance, and contract issues that may arise when an employer or insurer requires subrogation, additional insured coverage, or indemnification of an employee or contractor.

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

SCR 4067 was declared adopted.

MOTIONS

SEN. SCHOENWALD MOVED that Engrossed HB 1439 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 4, remove "to provide a penalty;"

Page 4, remove lines 4 through 6

Page 7, line 6, remove "Any tariffs imposed by sections 16 and 17 of this Act;"

Page 7, line 7, remove "2." and replace "21" with "16"

Page 7, line 8, replace "3" with "2" and replace "27" with "22"

Page 7, line 10, replace "4" with "3"

Page 7, line 11, replace "5" with "4"

Page 7, remove lines 14 through 29

Page 8, remove lines 1 through 28

Page 9, remove lines 1 through 5

Page 10, line 7, replace "22" with "17"

Page 10, line 23, replace "22" with "17"

Page 13, line 23, replace "21" with "16"

Re-number accordingly

SEN. WOGSLAND MOVED that the rules be suspended and that HB 1439 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1439: A BILL for an Act to provide for cleanup of petroleum spills through the establishment of a petroleum release compensation fund; to repeal sections 1 through 31 and section 33 of chapter 341 of the 1989 Session Laws of North Dakota; to provide a continuing appropriation; to provide an appropriation; to provide an expiration date; and to declare an emergency.

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 30 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1439 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. WOGSLAND MOVED that the Senate vote on HB 1468 no later than 2:10 p.m., which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the worker's compensation law.

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 22 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; 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: Heigaard

HB 1468 lost.

MOTIONS

SEN. WOGSLAND MOVED that HB 1512 be placed at the top of the Fourteenth order, which motion prevailed.

SEN. GRABA MOVED that the vote by which HB 1468 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1512: A BILL for an Act to amend and reenact sections 4-10.1-03, 4-10.1-04, and 4-10.1-13 of the North Dakota Century Code, relating to potato growers; to repeal section 4-10.1-12 of the North Dakota Century Code, relating to refunds of the tax on potatoes; 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 NOT PASS, the roll was called and there were 9 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeKrey; Hanson, O.; Maxson; Mushik; Satrom; Solberg; Tallackson; Tennefos; Thane

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

ABSENT AND NOT VOTING: Heigaard

HB 1512 lost.

HB 1495: A BILL for an Act to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to requiring the workers compensation bureau to establish a managed care program; and to amend and reenact subsection 6 of section 65-01-02 and section 65-05-28 of the North Dakota Century Code, relating to the implementation of a managed care 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 22 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Dotzenrod; Heigaard

HB 1495 lost.

HB 1168: A BILL for an Act to create and enact a new section to chapter 65-02 of the North Dakota Century Code, relating to requiring the workers compensation bureau to contract for administrative services.

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 1 YEA, 50 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Nalewaja

NAYS: Bowman; David; DeKrey; 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; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Dotzenrod, Yockim

HB 1168 lost.

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.

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

YEAS: Bowman; David; DeKrey; 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; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Schoenwald

ABSENT AND NOT VOTING: Dotzenrod

HB 1370 passed, the title was agreed to, and the emergency clause carried.

HB 1385: A BILL for an Act to create and enact a new section to chapter 65-05.1 of the North Dakota Century Code, relating to requiring the workers compensation bureau to solicit bids for vocational rehabilitation services.

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 16 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Hanson, O.; Ingstad; Kelly; Kinnoin; Krebsbach; Lindgren; Mushik; Naaden; Nalewaja; Nelson; Peterson; Solberg; Streibel; Vosper

NAYS: David; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelsh; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg

HB 1385 lost.

HB 1506: A BILL for an Act to amend and reenact section 65-04-18 of the North Dakota Century Code, relating to charge for the subsequent injury or aggravation of a previous injury or condition of an employee.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Hanson, O.; Lindgren; Nalewaja

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

ABSENT AND NOT VOTING: Peterson

HB 1506 lost.

HB 1476: A BILL for an Act to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to the confidentiality of an employer's workers' compensation reports.

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 22 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1476 lost.

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

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; 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: Naaden

HB 1007 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that HB 1110, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Heinrich presiding.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2591, SCR 4063, SCR 4068, SCR 4069.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to create and enact a new subsection to section 10-04-05 of the North Dakota Century Code, relating to securities exemptions; and to amend and reenact subsection 7 of section 10-04-10 of the North Dakota Century Code, relating to fees collected by the securities commissioner.

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; Ootzenrod; 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; 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: Naaden

HB 1247 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1227 be placed at the top of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to create and enact chapter 26.1-36.1, a new subsection to section 26.1-45-05, and sections 26.1-45-05.2, 26.1-45-11, and 26.1-45-12 of the North Dakota Century Code, relating to the regulation of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; to amend and reenact subdivision 1 of subsection 9 of section 26.1-04-03, sections 26.1-45-01, 26.1-45-04, subsection 2 of section 26.1-45-05, subsection 4 of section 26.1-45-06, sections 26.1-45-07, 26.1-45-09, and 26.1-45-10 of the North Dakota Century Code, relating to medicare supplement policies and the Prohibited Practices Act, noncustodial care coverage and provisions of long-term care insurance policies; to repeal sections 26.1-36-31, 26.1-36-32, 26.1-36-33, 26.1-36-34, 26.1-36-35, 26.1-36-36, 26.1-36-36.1, and 26.1-36-37 of the North Dakota Century Code, relating to the provisions of medicare supplement insurance policies and sales, and provisions of long-term care insurance policies; and to provide a penalty.

MOTION

SEN. KREBSBACH MOVED that Engrossed HB 1227 be amended as follows:

Page 5, line 2, after "arrangements" insert "no more restrictive than the federal requirements for medicare supplement policies as contained in the Omnibus Budget Reconciliation Act of 1990 [Pub. L. 101-508; 104 Stat. 1388]"

Renumber accordingly

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1227, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1227, the roll was called and there were 25 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden

The proposed amendments to Engrossed HB 1227 lost.

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 34 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nething;

O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Krebsbach; Lindgren; Meyer; Moore; Mutch; Nalewaja; Nelson; Peterson; Solberg; Streibel; Teneffos; Vosper

ABSENT AND NOT VOTING: Naaden

HB 1227 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that HCR 3063 be placed at the top of the Fourteenth order, which motion prevailed.

SEN. KRAUTER MOVED that the vote by which HB 1227 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3063: A concurrent resolution urging the National Credit Union Administration to refrain from regulations on agricultural lending which would reduce the ability of North Dakota credit unions to provide agricultural loans to their members.

ROLL CALL

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

REQUEST

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

The roll was called and there were 43 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; Evanson; Freborg; Krebsbach; Solberg; Streibel; Teneffos; Traynor

ABSENT AND NOT VOTING: Naaden

HCR 3063 was declared adopted.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HCR 3063.

SECOND READING OF HOUSE BILLS

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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Yockim

ABSENT AND NOT VOTING: Naaden

HB 1292 passed and the title was agreed to.

HB 1343: A BILL for an Act to provide for the admission as evidence of the videotaped statement of the child victim of certain sexual offenses.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Lindgren; Naaden; Tallackson

HB 1343 passed and the title was agreed to.

HB 1420: A BILL for an Act to create and enact two new sections to chapter 5-01, a new subsection to section 5-01-01, a new subsection to section 5-02-02, two new subsections to section 5-03-01, and a new section to chapter 5-03 of the North Dakota Century Code, relating to violations of alcoholic beverage laws and alcoholic beverage license applicants; to amend and reenact sections 5-01-11, 5-03-02, 5-03-05, 5-03-06, subsection 3 of section 5-04-01, and section 5-04-14 of the North Dakota Century Code, relating to alcoholic beverage laws; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

HB 1420 passed and the title was agreed to.

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 an exemption from filing of agricultural employers' returns and remittances under income tax withholding laws; 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 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; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden; Tallackson

HB 1461 passed and the title was agreed to.

HB 1483: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Ootzenrod; 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; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Lips; Nalewaja; Peterson

ABSENT AND NOT VOTING: Naaden

HB 1483 passed and the title was agreed to.

HB 1507: A BILL for an Act to amend and reenact sections 10-22-01, 10-27-01, and 57-39.2-23 of the North Dakota Century Code, relating to the right of foreign corporations to transact business in this state and the release of certain confidential information by the tax commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Ingstad

ABSENT AND NOT VOTING: Naaden

HB 1507 passed and the title was agreed to.

HB 1556: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to call identification services.

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

YEAS: Evanson; Graba; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Goetz; Hanson, E.; Hanson, O.; Holmberg; Kinnoin; Krebsbach; Langley; Lindgren; Meyer; Moore; Mutch; Nelson; Peterson; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Naaden

HB 1556 passed and the title was agreed to.

MOTION

SEN. SCHOENWALD MOVED that the vote by which HB 1556 passed be reconsidered and the motion to reconsider be laid on the table, which motion failed on a verification vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3032: A concurrent resolution directing the Legislative Council to study the problems caused by and associated with severed mineral interests.

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

HCR 3032 was declared adopted.

HCR 3039: A concurrent resolution directing the Legislative Council to study all aspects of special education.

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

HCR 3039 was declared adopted.

SECOND READING OF HOUSE BILLS

HB 1023: A BILL for an Act to provide an appropriation relating to pay equity adjustments; to provide requirements for the expenditure of funds for pay equity adjustments; and to provide for progress reports to the legislative council.

ROLL CALL

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

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

HB 1023 passed and the title was agreed to.

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.

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

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Naaden

HB 1029 passed and the title was agreed to.

HB 1111: A BILL for an Act to amend and reenact section 23-20.3-10 of the North Dakota Century Code, relating to applicability of hazardous waste laws.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Heigaard; Naaden; Tallackson

HB 1111 passed and the title was agreed to.

HB 1151: A BILL for an Act to amend and reenact subsection 7 of section 55-08-03 of the North Dakota Century Code, relating to the authority of the director to convey land owned by the state parks and recreation department.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Heigaard; Naaden; Tallackson

HB 1151 passed and the title was agreed to.

HB 1176: A BILL for an Act to amend and reenact sections 43-23-08.2 and 43-23-13.1 of the North Dakota Century Code, relating to renewal and cancellation of licenses of real estate brokers and salesmen.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Tallackson; Tomac

HB 1176 passed and the title was agreed to.

HB 1185: A BILL for an Act to amend and reenact section 54-52-17 of the North Dakota Century Code, relating to eligibility for and computation of disability retirement benefits, and computation of normal retirement benefits under the public employees retirement system; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO 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, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Hanson, E.; Mutch; Naaden; Tallackson

HB 1185 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that HB 1186, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1188: A BILL for an Act to amend and reenact sections 54-52.1-03.2 and 54-52.1-03.3 of the North Dakota Century Code, relating to the inclusion of members of the retirement program established by job service North Dakota as recipients of retiree health benefits under 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 PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Tallackson; Yockim

HB 1188 passed and the title was agreed to.

HB 1189: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelsh; Naaden; Tallackson

HB 1189 passed and the title was agreed to.

HB 1196: A BILL for an Act to create three new subsections to section 20.1-01-02 of the North Dakota Century Code to provide definitions for certain types of wildlife; to amend and reenact subsections 32 and 42 of section 20.1-01-02, subsection 14 of section 20.1-02-05, sections 20.1-02-15 and 20.1-03-12 of the North Dakota Century Code, relating to definitions of wildlife and shooting preserves powers of the game and fish commissioner to regulate possession and propagation of wildlife; to repeal chapter 20.1-09 of the North Dakota Century Code, relating to

fees for propagation and shipment of wildlife and protected birds and animals; to provide a penalty; and to provide an expiration date.

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, 48 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Heinrich; Ingstad

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

ABSENT AND NOT VOTING: Kelsh; Naaden; Tallackson

HB 1196 lost.

MOTION

SEN. WOGSLAND MOVED that HB 1271 be moved to the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1285: A BILL for an Act to create and enact a new section to chapter 54-44.4 of the North Dakota Century Code, relating to purchase of paper or paper products containing recycled material for use by state entities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 24 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Ingstad; Kelsh; Langley; Meyer; Naaden; Nalewaja; Yockim

HB 1285 lost.

HB 1293: A BILL for an Act to amend and reenact subsection 1 of section 15-10-18.2 of the North Dakota Century Code, relating to the definition of dependents of certain veterans for purposes of receiving free tuition.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

Keller; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Maxson; Moore; Mutch; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Kelly; Kelsh; Langley; Mathern; Meyer; Mushik; Naaden; Nalewaja; Yockim

HB 1293 passed and the title was agreed to.

HB 1318: A BILL for an Act to provide for a real estate broker trust account program.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelly; Kelsh; Langley; Mathern; Meyer; Mushik; Naaden; Nalewaja; Yockim

HB 1318 passed and the title was agreed to.

MOTION

SEN. HOLMBERG MOVED that SCR 4027 be returned to the Senate floor from the Joint Constitutional Revision Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SCR 4027. There being no objection, it was so ordered by the President Pro Tem.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact subdivision b of subsection 14 of section 65-01-02 of the North Dakota Century Code, relating to exemption of certain real estate brokers and real estate salespersons from mandatory contribution participation under the workers compensation laws.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kelly; Kelsh; Langley; Mathern; Meyer; Mushik; Naaden; Nalewaja; Yockim

HB 1324 passed and the title was agreed to.

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 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 stand adjourned until 9:00 a.m., Thursday, March 21, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2594: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, after line 29, insert:

"Protection and advocacy project 20,564 20,564"

Page 5, line 27. replace "6,015,557" with "6,036,121" and replace "9,189,878" with "9,210,442"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY PROJECT

This amendment adds \$20,564 from the general fund to provide for a second-year salary increase for Protection and Advocacy Project employees.

SCR 4006: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, replace "common schools trust" with "petroleum reserve"

Page 1, line 5, after "the" insert "petroleum reserve fund and the"

Page 1, line 8, after "measure" insert "creates a petroleum reserve fund and", after "of" insert "the state's share of", and after "revenues" insert ", without reduction of any revenue allocated by law to political subdivisions,"

Page 1, line 9, replace "common schools trust" with "petroleum reserve"

Page 1, line 10, replace ", with" with ". A portion of the" and after the second "the" insert "petroleum reserve fund and the"

Page 1, line 11, after "fund" insert "is"

Page 1, line 12, after "of" insert "the state's share of oil and gas gross"

Page 2, line 1, after "of" insert "the state's share of"

Page 2, line 3, after "allocated" insert ", without reduction of any oil and gas gross production tax revenue allocated by law to or for the benefit of political subdivisions,"

Page 2, line 4, replace "common schools trust" with "petroleum reserve" and after the second period insert "The state treasurer shall transfer sixty percent of the interest and income of the petroleum reserve fund from the most recently ended fiscal year to the general fund in the state treasury before August first of each year. The principal and the

retained interest and income of the petroleum reserve fund may not be appropriated for any purpose."

Page 2, line 6, remove "in the state treasury, the interest income of which must be"

Page 2, line 7, replace "transferred to the state general fund on July" with ". The state treasurer shall transfer sixty percent of the interest and income of the foundation aid stabilization fund from the most recently ended fiscal year to the general fund in the state treasury before August"

Renumber accordingly

HB 1009, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, replace "46,903" with "96,903"

Page 1, line 18, replace "4,813,308" with "4,863,308"

Page 1, line 19, replace "3,232,463" with "3,282,463"

Page 2, line 1, replace "307,485" with "315,381"

Page 2, line 5, replace "392,587" with "400,483"

Page 2, line 7, replace "382,587" with "390,483"

Page 2, line 8, replace "1,963,432" with "1,971,328"

Page 2, line 9, replace "3,242,463" with "3,292,463"

Page 2, line 10, replace "5,205,895" with "5,263,791"

Page 2, line 12, replace "S196,876" with "S246,876"

Page 2, line 16, replace "S26,876" with "S76,876"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

The equipment line item is increased by \$50,000 from the veterans postwar trust fund earnings for additional equipment for the special care unit. Section 2 is amended to reflect the increased spending from the veterans postwar trust fund.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

The salaries and wages line item is increased by \$7,896 from the general fund to fund the 5.5 FTE recommended in the executive budget and to provide an employee a family health plan rather than a single plan.

HB 1103, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1103 was placed on the Fourteenth order on the calendar.

HB 1116: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Fourteenth order on the calendar.

HB 1300, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, 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 16, replace "that include" with "limited to"

ReNUMBER accordingly

HB 1414, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, 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 12, remove "and the tax exemption provided under"

Page 1, line 13, remove "section 57-51.1-03"

Page 1, line 15, remove the overstrike over "and the project operator must"

Page 1, remove the overstrike over lines 16 and 17

Page 1, line 18, remove the overstrike over "have been recovered under normal recovery operations" and after the period insert "To be eligible for the tax exemption provided under section 57-51.1-03 and subsequent thereto the rate reduction provided under section 57-51.1-02, a secondary recovery project must be certified as qualifying by the industrial commission and the project operator must have obtained incremental production as defined in subsection 5 of section 57-51.1-03."

Page 2, line 16, remove "and the tax exemption provided under section"

Page 2, line 17, remove "57-51.1-03"

Page 2, line 18, remove "and"

Page 2, line 20, remove the overstrike over "and the project operator must have achieved for at least"

Page 2, remove the overstrike over lines 21 and 22

Page 2, line 23, remove the overstrike over "operations" and after the period insert "To be eligible for the tax exemption provided under section 57-51.1-03 and subsequent thereto the rate reduction provided under section 57-51.1-02, a tertiary recovery project must be certified as qualifying by the industrial commission, the project operator must continue to operate the unit as a qualifying tertiary recovery project, and the project operator must have obtained incremental production as defined in subsection 5 of section 57-51.1-03."

Page 3, line 3, after "for" insert "oil produced from"

Page 3, line 4, overstrike the second "and" and insert immediately thereafter "for oil produced from a secondary or tertiary recovery project that was certified as qualifying by the industrial commission before July 1, 1991."

Page 3, line 5, remove "the incremental", after "oil" insert "that does not qualify as incremental oil but is", overstrike "qualifying", and after "secondary" insert "or tertiary"

Page 3, line 6, overstrike "or", remove "from", overstrike "a" and insert immediately thereafter "that is certified as", after "qualifying" insert "by the industrial commission after June 30, 1991, and for incremental oil produced from a secondary or", and after "that" insert

"is certified as qualifying by the industrial commission after June 30, 1991, and which production"

Page 4, line 23, before "a." insert "5."

Page 4, line 25, replace "subsequent to June 30" with "during the period beginning July 1" and after the second underscored comma insert "and ending June 30, 1995,"

Page 4, line 27, remove "The"

Page 4, remove lines 28 and 29

Page 5, line 4, replace "five" with "ten"

Page 5, line 8, replace "interpreting" with "determining"

Page 5, line 15, replace "definition" with "paragraph"

Page 5, line 18, replace "is responsible for determining" with "shall determine"

Page 5, line 19, remove "and must do so"

Page 5, line 20, replace "its existing" with "the" and after "procedure" insert "used by the commission at the time the project is certified"

Page 5, line 21, replace "interpreting" with "determining"

Page 5, line 24, after the underscored comma insert "and where the industrial commission cannot establish an accurate production decline curve,"

Page 6, line 1, replace "five" with "ten"

Page 6, line 2, replace "is responsible for determining" with "shall determine"

Page 6, line 6, replace "definition" with "paragraph"

Page 6, line 10, replace "five" with "ten"

Page 6, after line 11, insert:

"(3) For purposes of determining the exemption provided for in subdivision a of this subsection and with respect to a unit where a secondary recovery project was in existence before July 1, 1991, and where the industrial commission can establish an accurate production decline curve, incremental production means the difference between the total amount of oil produced from the unit during the new secondary recovery project and the total amount of oil that would have been produced from the unit if the new secondary recovery project had not been commenced. For purposes of this paragraph, the total amount of oil that would have been produced from the unit if the new secondary recovery project had not been commenced includes both primary production and production that occurred as a result of the secondary recovery project that was in existence before July 1, 1991. The industrial commission shall determine the amount of oil that would have been produced from the unit if the new secondary recovery project had not been commenced in a manner that conforms to the practice and procedure used by the commission at the time the new secondary recovery project is certified."

Page 6, line 12, replace "(3)" with "(4)" and replace "interpreting" with "determining"

Page 6, line 19, replace "definition" with "paragraph"

Page 6, line 22, replace "is responsible for determining" with "shall determine"

Page 6, line 23, remove "and must do so"

Page 6, line 24, replace "its existing" with "the" and after "procedure" insert "used by the commission at the time the project is certified"

Page 6, line 25, replace "(4)" with "(5)" and replace "interpreting" with "determining"

Page 6, line 28, after "the" insert "difference between the"

Page 7, line 4, replace "five" with "ten"

Page 7, line 5, replace "is responsible for determining" with "shall determine"

Page 7, line 9, replace "definition" with "paragraph"

Page 7, line 13, replace "five" with "ten"

Page 7, after line 14, insert:

"(6) For purposes of determining the exemption provided for in subdivision b of this subsection and with respect to a unit where there is or has been a secondary recovery project and where the industrial commission can establish an accurate production decline curve, incremental production means the difference between the total amount of oil produced from the unit during the tertiary recovery project and the total amount of oil that would have been produced from the unit if the tertiary recovery project had not been commenced. For purposes of this paragraph, the total amount of oil that would have been produced from the unit if the tertiary recovery project had not been commenced includes both primary production and production that occurred as a result of any secondary recovery project. The industrial commission shall determine the amount of oil that would have been produced from the unit if the tertiary recovery project had not been commenced in a manner that conforms to the practice and procedure used by the commission at the time the tertiary recovery project is certified."

Re-number accordingly

HB 1428: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "guidelines" insert "; to provide for the use of arbitration in child support disputes; to direct the legislative council to study the impact of various child support guideline models; and to provide an effective date"

Page 1, line 18, after "shares" insert "and equivalence" and after the underscored period insert "in determining equivalence, both need and

income are to be considered in ensuring that the family unit that has custody of the child does not have a reduced standard of living as compared to the family unit that does not have custody.

SECTION 2. Use of arbitration in divorce proceedings. Either party to a divorce proceeding may request that contested child support be submitted to binding arbitration before a three-person arbitration panel. Both parties to a divorce must consent to binding arbitration. If either party has assigned any child support rights, the consent of the assignee must also be secured.

SECTION 3. Use of arbitration in child support modification proceedings. Either party to a contested proceeding to modify a child support order may request that the child support determination be submitted to binding arbitration before a three-person arbitration panel. Both parties to the proceeding must consent to binding arbitration. If either party has assigned any child support rights, the consent of the assignee must also be secured.

SECTION 4. Arbitration panel - How selected. The arbitration panel must consist of three members. One member must be selected by each parent. The third member must be selected by the first two members unless a parent has assigned any child support rights. If a parent has assigned child support rights, the third member must be selected by the assignee.

SECTION 5. Qualifications of arbitration panel members. The supreme court shall adopt rules establishing the minimum qualifications of arbitration panel members. Only a person who possesses the minimum qualifications may be selected as a member of an arbitration panel.

SECTION 6. Factors to be considered by arbitration panel. The arbitration panel must apply the child support guidelines established pursuant to section 14-09-09.7 absent rebuttal of the presumption that the amount of child support which would result from the application of the child support guidelines is the correct amount of child support. The presumption may be rebutted if a preponderance of the evidence establishes that factors not considered by the guidelines will result in an undue hardship to the obligor or a child for whom support is sought. A written finding must be made if the arbitration panel determines that the presumption has been rebutted.

SECTION 7. Effect of arbitration panel decision. A decision joined by two or three members of an arbitration panel is the decision of the panel. The decision of the panel is binding upon the parties and upon the court in which the divorce or child support modification proceeding has been filed. However, the panel decision is subject to modification by the court, before or after the entry of a divorce decree or order modifying child support, which incorporates the panel decision, on the same terms and conditions under which a court would be authorized to modify a judicial determination concerning child support.

SECTION 8. Costs of arbitration. The fees of the members of the arbitration panel and the costs of the arbitration must be paid by the parties in proportions determined by the arbitration panel. The arbitration panel may require that the parties pay the estimated fees and costs prior to the commencement of arbitration.

SECTION 9. Arbitration panel decision to be in writing - Filed with the court. The arbitration panel shall make a written record of its determination. That record must be filed with the court having jurisdiction of the divorce or child support modification proceedings. Copies of the determination must be served upon each party or upon each party's attorney and upon any assignee who has consented to the arbitration.

SECTION 10. LEGISLATIVE COUNCIL STUDY - IMPACT OF CHILD SUPPORT GUIDELINE MODELS. The legislative council shall study the impact of various child support guideline models on family units and relationships and on children who receive child support. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-third legislative assembly.

SECTION 11. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 1993."

Renumber accordingly

HB 1471, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1471 was placed on the Fourteenth order on the calendar.

HB 1524, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1524 was placed on the Fourteenth order on the calendar.

HB 1533, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1533 was placed on the Fourteenth order on the calendar.

HB 1558, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "provide mandatory fees upon conviction for certain" with "establish a crime victims' account"

Page 1, remove line 2

Page 1, line 3, remove "grants from the fund"

Page 1, replace lines 5 through 16 with:

"SECTION 1. Crime victims' account - Administration. The agency designated by the governor to administer the victims' assistance grants under the federal Victims of Crime Act of 1984 [42 U.S.C. 10601 et seq.] shall administer a crime victims' account in the state treasury. The moneys in the account must be distributed through grants to the crime victims' reparations program; private, nonprofit domestic violence or sexual assault programs; and to victim and witness advocacy programs whose primary function is to provide direct services to victims of and witnesses to crimes. The administering agency shall establish procedures for the distribution of grants.

SECTION 2. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$200,000, or so much thereof as may be necessary, to the agency designated to administer the crime victims' account, for the purpose of distributing grants, for the biennium beginning July 1, 1991, and ending June 30, 1993."

Renumber accordingly

HB 1609, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1609 was placed on the Fourteenth order on the calendar.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3037 and subsequently passed the same.

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2083.

Page 1, line 8, remove "or revoked"

Page 1, line 13, remove "or revocation"

Page 1, line 17, remove "or revoked"

Page 2, line 9, overstrike ", or imposed for an alcohol-related offense"

Page 2, line 10, overstrike "under section 39-06-43"

Renumber accordingly

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

MR. PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2090.

Page 1, line 11, remove "pending or"

Page 1, line 16, after "any" insert "permit application for a" and remove "that has been granted a permit prior to the effective"

Page 1, line 17, remove "date of this Act or to any landfill"

Page 1, line 18, after "ash" insert "or to any court-ordered reapplications"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2008, SB 2036, SB 2038, SB 2096, SB 2205, SB 2338, SB 2559, SCR 4011, SCR 4022, SCR 4048.

HOUSE AMENDMENTS TO ENGROSSED SB 2008

Page 1, line 9, replace "372,734" with "459,664"

Page 1, line 11, replace "148,866" with "171,966"

Page 1, line 12, replace "4,050" with "4,850"

Page 1, line 13, replace "532,719" with "643,549"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

This amendment adds funding from the general fund for one FTE veterinarian position and related expenses as follows:

Salaries and wages - 1 FTE	\$ 83,600
Operating expenses	16,200
Equipment	800
Total	\$100,600

The salaries and wage line item is also increased by \$3,330 from the general fund to provide the four percent or \$50 minimum salary increase to the 1.2 FTE backtagging positions added in the Senate amendments.

The operating expenses line item is increased by \$6,900 from the general fund for pseudorabies testing and surveillance.

HOUSE AMENDMENTS TO ENGROSSED SB 2036

Page 1, line 4, after "reenact" insert "subsection 42 of section 20.1-01-02," and replace the first comma with "and"

Page 1, line 7, after "to" insert "the definition of,"

Page 1, after line 10, insert:

"SECTION 1. AMENDMENT. Subsection 42 of section 20.1-01-02 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

42. "Wildlife" means any member of the animal kingdom including ~~without limitation~~ any mammal, fish, bird (including any migratory, nonmigratory, or endangered bird for which protection is also afforded by treaty or other international agreement), amphibian, reptile, mollusk, crustacean, or other invertebrate, and includes any part, product, egg, or offspring thereof, or the dead body or parts thereof. Wildlife does not include domestic animals as defined by the board of animal health.

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2038

Page 1, line 14, after "home" insert "or" and remove "or usual"

Page 1, line 15, remove "environment" and after the period insert "The term does not include driving or being in actual physical control of a motor vehicle in violation of section 39-08-01 or equivalent ordinance."

Page 13, line 7, after "thereof" insert an underscored comma

Page 23, line 25, replace "6" with "5" and replace "7" with "6"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2096

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsection 1 of section 39-04-36, section 39-26-05, and subsection 1 of section 39-26-08 of the North Dakota Century Code, relating to the removal of license plates prior to purchase of an abandoned vehicle.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 39-04-36 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows.

- 1 Whenever the owner of a vehicle registered under the provisions of this chapter transfers or assigns his title thereto or interest therein, the registration of the vehicle, together with the number plates originally assigned thereto, must be transferred to the transferee as provided in this chapter. The number plates originally assigned to the vehicle must remain attached thereto until the end of the current registration year except as provided in this chapter or as provided by sections 2 and 3 of this Act.

SECTION 2. AMENDMENT. Section 39-26-05 of the North Dakota Century Code is amended and reenacted as follows:

39-26-05. Conditions under which an abandoned vehicle may be sold immediately. When an abandoned motor vehicle is more than seven model years of age, is lacking vital component parts, and does not display a license plate currently valid in North Dakota or any other state or foreign country, it is immediately eligible for disposition and must be disposed of to a scrap iron processor licensed under section 39-26-10, and is not subject to the notification, reclamation, or title provisions of this chapter. Any license plate displayed on an abandoned vehicle must be removed and destroyed prior to the purchaser taking possession of the vehicle.

SECTION 3. AMENDMENT. Subsection 1 of section 39-26-08 of the North Dakota Century Code is amended and reenacted as follows:

1. An abandoned motor vehicle not more than seven model years of age taken into custody and not reclaimed under section 39-26-07 must be sold to the highest bidder at public auction or sale, following reasonable published notice thereof. The purchaser must be given a receipt in a form prescribed by the department which shall be sufficient title to dispose of the vehicle. The receipt also entitles the purchaser to register the vehicle and receive a certificate of title, free and clear of all liens and claims of ownership. The license plates displayed on an abandoned vehicle must be removed and destroyed prior to the purchaser taking possession of the vehicle."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2205

Page 2, line 1, replace "two members appointed by the governor from the state at" with "eight members of Indian descent who are enrolled members"

Page 2, remove line 2

Page 2, line 3, remove "the chairpersons"

Page 2, line 4, overstrike "or"

Page 2, line 14, replace "in the absence of the chairperson, the vice chairperson" with "and who are current voting residents of the state of North Dakota; and the chairperson of the Trenton service area council"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2338

Page 1, line 1, remove the second "and"

Page 1, line 2, after "49-18-41" insert ", and 49-18-41.1"

Page 3, after line 21, insert:

"SECTION 4. AMENDMENT. Section 49-18-41.1 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-18-41.1. Interstate carrier registration and identification. The commission is authorized to assess a ten dollar per vehicle fee as provided by rule for the registration and identification of interstate motor carriers operating within this state. The fee may not exceed the maximums provided for by the laws of the United States. The collection of this fee and issuance of identification stamps must be performed by the director of the department of transportation, who shall act as agent of the public service commission and be subject to the rules adopted by the commission under this section. ~~Until July 1, 1991, the~~ The fee assessed per vehicle under this section and collected before

July 1, 1991, must be paid into the state treasury monthly and credited to the general fund. After July 1, 1991, three dollars of the fee assessed and collected per vehicle must be credited to the highway fund for the use of the highway patrol."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2559

Page 2, line 7, after "~~list~~" insert "select one member to serve as its representative for a term of one year" and remove the overstrike over the overstruck period

Page 2, line 17, remove "select one member to serve as its representative for a term of"

Page 2, line 18, remove "one year" and overstrike the period

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4011

Page 3, line 4, replace "is now obvious" with "appears"

Page 3, line 5, replace "must" with "should"

Page 3, line 6, replace "major" with "greater"

Page 3, line 8, replace "may be" with "should consider entering"

Page 3, line 9, remove "obligated to enter"

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4022

Page 1, after line 15, insert:

"BE IT FURTHER RESOLVED, that the study directed by this resolution be assigned to a committee consisting of seven members of the Senate, four of whom are appointed by the leader of the majority faction of the Senate and three of whom are appointed by the leader of the minority faction of the Senate, and seven members of the House of Representatives, four of whom are appointed by the leader of the majority faction of the House and three of whom are appointed by the leader of the minority faction of the House, and

BE IT FURTHER RESOLVED, that the chairman of the Legislative Council designate a member of the Senate majority faction on the committee as a cochairman of the committee and designate a member of the House majority faction on the committee as a cochairman of the committee, and"

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4048

Page 1, line 2, replace "nursing home" with "long-term care"

Page 1, line 8, replace "nursing home" with "long-term care"

Page 1, line 10, replace "nursing" with "long-term care"

Page 1, line 11, remove "home"

Page 1, line 13, replace "nursing home" with "long-term care"

Page 1, line 15, replace "nursing home" with "long-term care"

Page 1, line 21, replace "nursing home" with "long-term care"

Page 1, line 23, after "homes" insert "or of providing for home health care or basic care"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2054, SB 2118, SB 2149, SB 2211, SB 2275, SB 2279, SB 2352, SB 2493, SB 2494, SB 2508, SB 2526, SB 2556.

HOUSE AMENDMENTS TO ENGROSSED SB 2054

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to establish a state department of tourism; and to amend and reenact section 24-03-21, subsection 2 of section 54-34-06, and subsection 6 of section 57-39.2-28 of the North Dakota Century Code, relating to tourism functions of the economic development commission.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Department of tourism - Director.

1. There is established a state department of tourism to foster and promote tourism to, and within, the state and the full development of the state's tourism resources, and to serve as a planning and coordinating agency for tourism-related programs of the state and the state's political subdivisions. All functions, powers, and duties of the tourism promotion division of the economic development commission are transferred to the department of tourism established under this section.
2. A director of tourism shall supervise and control the department. The governor shall appoint as director a person who is qualified by training, knowledge, and experience that is necessary to ensure professional competency in carrying out the duties enumerated in section 2 of this Act. The governor shall determine the salary of the director, within the limits of legislative appropriations, in an amount comparable to the salary of a department administrator having similar duties.

SECTION 2. Duties of director. The director of tourism, within the limits of legislative appropriations, shall:

1. Implement the state's tourism policy;
2. Prepare and update biennially a tourism master plan for the development of tourism in the state which identifies the state's tourism resources, estimates the impact of tourism on the state's economy, and proposes a five-year plan for activities of the department;
3. Measure and forecast visitor volume, receipts, and related social and economic impacts;
4. Work with the private sector and local, state, and federal agencies to develop the state's tourism-related infrastructure, facilities, services, and attractions, including the state's highways and parks;
5. Organize and coordinate programs designed to promote tourism to, and within, the state through various means. Those means may include:
 - a. Display advertising in magazines and newspapers;

- b. Advertising on radio and television or other advertising media;
 - c. Publishing pamphlets, brochures, and other graphic and pictorial materials; and
 - d. Aiding and assisting representatives of the media to ensure greater coverage of the state's visitor attractions;
6. Participate in travel shows;
 7. Supervise and administer visitor information centers that receive funding from the state;
 8. Develop opportunities for professional and technical education and training in the visitor industry;
 9. Foster an understanding among the state's residents of the economic importance to the state of hospitality and tourism;
 10. Cooperate with local, state, and federal agencies and organizations and the private sector for the promotion and development of tourism to, and within, the state;
 11. Provide advice and technical assistance to local, public, and private tourism organizations in promoting and developing tourism;
 12. Monitor the policies and programs of state agencies that significantly affect the visitor industry, notify those agencies of the effects of their actions on travel to, and within the state, and if necessary recommend programs or policy changes to those agencies;
 13. Appoint personnel as may be determined necessary to carry out sections 1 and 2 of this Act, and fix their compensation; and
 14. Request and receive from any department, agency, institution, or political subdivision of the state any assistance or data necessary to carry out sections 1 and 2 of this Act.

SECTION 3. AMENDMENT. Section 24-03-21 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

24-03-21. Preparation of road maps - Publication of tourist information. The commissioner shall prepare, for general distribution, road maps of the state highway system and such other roads as ~~he shall deem~~ the commissioner deems necessary. Any tourist-oriented material printed on road maps ~~shall~~ must be prepared by the economic development commission department of tourism at no ~~expense~~ cost to the department of transportation.

SECTION 4. AMENDMENT. Subsection 2 of section 54-34-06 of the North Dakota Century Code is amended and reenacted as follows:

2. Plan, execute, and direct a program of publicity, research, and agricultural and industrial promotion, the primary mission and focus of which is the establishment and expansion of primary sector business and industry, which will:
 - a. Attract investors, investment capital, and new residents.
 - b. Foster and promote ~~tourism and~~ international trade.

- c. Assist in improving the business and agricultural climate of North Dakota to encourage the growth and development of business and industry.

SECTION 5. AMENDMENT. Subsection 6 of section 57-39.2-28 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6. Notwithstanding the provisions of section 57-39.2-23, the commissioner may provide names and addresses of Canadian residents claiming a North Dakota sales tax refund to the director of the department of tourism."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2118

Page 1, line 1, after "25-02" insert ", a new subdivision to subsection 8 of section 25-03.1-02,"

Page 1, line 3, after "accreditation" insert ", definition of a mental health professional,"

Page 1, after line 14, insert:

"SECTION 2. A new subdivision to subsection 8 of section 25-03.1-02 of the North Dakota Century Code is created and enacted as follows:

A licensed professional counselor with a master's degree in counseling from an accredited program who has either successfully completed the advanced training beyond the master's degree as required by the national academy of mental health counselors or a minimum of two years of clinical experience in a mental health agency or setting under the supervision of a psychiatrist or psychologist."

Page 3, line 19, replace "and" with a comma and after "progress" insert ", and the patient's concerns"

Re-number accordingly

HOUSE FLOOR AMENDMENTS TO SB 2149

Page 1174 of the House Journal, the forty-ninth line, replace "28" with "18"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2149

Page 1, line 1, replace "section" with "sections 36-05-05," and after "36-09-02.1" insert ", and 36-09-23"

Page 1, line 2, after "to" insert "the expiration and renewal of livestock auction market licenses," and after "marks" insert ", and brand inspections; and to provide a penalty"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 36-05-05 of the North Dakota Century Code is amended and reenacted as follows:

36-05-05. Expiration and renewal of license - Fee returned upon failure to issue or renew license. Each license issued under this chapter expires on the thirty-first day of ~~January~~ March next following the date of issuance ~~thereof~~. Each license must be renewed annually on or before ~~January~~ March thirty-first. The fee for a renewal license is the same as that prescribed for an original license. If the commissioner does not issue a requested original license or renewal

license, the fee paid must be refunded to the applicant. Licenses issued in 1991 extend until March 1992."

Page 2, after line 28, insert:

"SECTION 3. AMENDMENT. Section 36-09-23 of the North Dakota Century Code is amended and reenacted as follows:

36-09-23. Removal of livestock from state - Brand inspection - Penalty. No person may remove cattle, horses, or mules from this state or to within a mile [1.61 kilometers] of any boundary of the state for the purpose of removal unless ~~such the~~ livestock has been inspected for marks and brands by an official brand inspector of the North Dakota stockmen's association and a certificate of inspection must accompany ~~such the~~ livestock to destination. In lieu of ~~such the~~ inspection, the owner or possessor may make and sign an invoice or waybill covering ~~such the~~ stock showing marks and brands, number, sex and kind of the stock and the consignee and market destination where official brand inspection is provided by or for the ~~said~~ stockmen's association and mail a copy of ~~such the~~ invoice or waybill to the association before the stock leaves the state.

It is unlawful for the owner or possessor to remove any ~~such~~ livestock from any place of ~~such~~ regular official brand inspection unless and until official brand inspection has been made and the brand inspection certificate issued.

Any violation of A person who violates this section constitutes is guilty of a class B misdemeanor. A person who violates this section a second time within fifteen years or violates this section three or more times is guilty of a class C felony."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2211

Page 1, line 7. remove "; and to provide an appropriation"

Page 7, line 7, overstrike "before August"

Page 7, line 8, overstrike "first" and insert immediately thereafter "by December tenth"

Page 7, line 9, after "payment" insert "in full" and remove ", in full or in part."

Page 7, line 14, overstrike "March" and insert immediately thereafter "November" and overstrike "beginning in 1988"

Page 8. remove lines 8 through 11

Page 9. remove lines 12 through 17

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2275

Page 8, after line 9, insert:

"6. Telecommunications companies regulated by the public service commission under chapter 49 or regulated by the federal communications commission."

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2279

Page 1, line 13, remove the overstrike over "a" and remove "7"

Page 5, line 6, overstrike "between June first and October thirty-first of any year is"

Page 5, overstrike lines 7 and 8

Page 5, line 9, overstrike "the well of the oil extracted."

Page 5, line 10, remove "If the average price of a barrel of crude oil"

Page 5, line 11, replace "forty" with "thirty-three"

Page 6, line 6, overstrike "between"

Page 6, overstrike line 7

Page 6, line 8, overstrike "dollars or more." and remove "The exemption under this subsection becomes"

Page 6, line 9, remove "ineffective if the average price of a barrel of crude oil"

Page 6, line 10, replace "forty" with "thirty-three"

Page 6, line 11, replace "must go back into effect," with "is reinstated" and after "if" insert an underscored comma

Page 7, line 5, overstrike "between"

Page 7, overstrike line 6

Page 7, line 7, overstrike "dollars or more." and remove "The exemption under this subsection becomes"

Page 7, line 8, remove "ineffective if the average price of a barrel of crude oil"

Page 7, line 9, replace "forty" with "thirty-three"

Page 7, line 10, replace "must go back into effect," with "is reinstated" and after "if" insert an underscored comma

ReNUMBER accordingly

HOUSE AMENDMENTS TO SB 2352

Page 1, line 18, remove "If the annual"

Page 1, remove lines 19 through 21

Page 2, remove lines 1 and 2

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2493

Page 1, line 15, after "five" insert "separate"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2494

Page 1, line 10, replace "fifty" with "thirty"

ReNUMBER accordingly

HOUSE AMENDMENTS TO SB 2508

Page 1, line 20, replace "nominated for" with "that were to be elected to"

Page 3, line 1, replace "nominated for" with "that were to be elected to"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2526

Page 1, line 9, replace "United States" with "the requirements of 40 CFR 403 relating to publicly owned treatment works"

Page 1, line 10, remove "environmental protection agency regulations"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2556

Page 1, line 1, after the second "for" insert "fuel cost line item and"

Page 1, line 4, after "contain" insert "a fuel cost line item and a"

Page 1, line 6, after "contain" insert "a fuel cost line item and"

Page 1, line 11, remove "fuel is bid as a line item and" and after the second "fuel" insert "expected"

Re-number accordingly

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

MARION HOUN, Secretary