

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, April 2, 1991

The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Lee Herberg, First Lutheran Church, Litchville.

The roll was called and all members were present except Senator Tomac.

A quorum was declared by the President.

MOTION

SEN. WOGSLAND MOVED that SB 2003 be moved to the top of the Twelfth order, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2003 as printed on SJ pages 1350-1354, and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2003: Sens. Heinrich, Kelsh, Lips.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Reengrossed SB 2023 as printed on SJ page 1337 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 16.1-01-01 of the North Dakota Century Code, relating to duties of the secretary of state; to amend and reenact sections 23-04-01, 40-04.1-05, 40-05.1-04, 40-08-06, 40-08-06.1, 40-08-10, 40-09-04, 40-10-02, 40-13-02, 40-14-03, 40-14-05, 40-15-03, 40-15-06, 40-21-02, 40-21-03, and 40-33-02 of the North Dakota Century Code, relating to city elections; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tomac

SB 2023 passed and the title was agreed to.

MOTION

SEN. MEYER MOVED that SB 2036, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2231.

Page 1, line 11, remove "within standards"

Page 1, line 12, replace "established under this Act" with "at existing or higher quality"

Page 2, remove lines 9 through 13

Page 2, line 16, after "the" insert "department shall implement or require appropriate mitigation activities or remedial action to prevent future contamination of ground water. The"

Page 2, line 17, remove the second "or"

Page 2, line 18, replace "remedial action" with "pursuant to chapter 4-35"

Page 2, line 19, remove "The department may do the same as it relates to"

Page 2, remove line 20

Page 3, line 10, replace "Siting" with "Pollution prevention"

Page 3, line 12, replace "shall" with "may" and remove "site and"

Page 3, line 13, remove "the"

Page 3, line 14, after "chemicals" insert "at the retail and end use levels" and remove "The department in cooperation with the state"

Page 3, remove lines 15 and 16

Page 3, line 22, replace "with the approval of" with "in consultation with"

Renumber accordingly

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has passed unchanged: HB 1008, HB 1471, HCR 3067.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HCR 3064.

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

MR. SPEAKER: The Senate has failed to pass: HB 1228.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2003, SB 2017, and SB 2020, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2003: Sens. Heinrich; Kelsh; Lips

SB 2017: Sens. Redlin; Robinson; Goetz

SB 2020: Sens. Satrom; Lindaas; Ingstad

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2021, SB 2032, SB 2284, SB 2332, SB 2353, SB 2403, and SB 2457 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, and SCR 4001 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SCR 4003, SCR 4033, SCR 4036, SCR 4048, and SCR 4061 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SCR 4022 and subsequently failed to pass the same.

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

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

Page 1291, line 33, "Jerome" precedes "Stenehjerm"

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1611, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1611: Sens. Graba, Maxson, Holmberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MEYER MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2231 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2231: Sens. Tomac, Moore, DeKrey.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4006: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil and gas gross production tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

MOTION

SEN. YOCKIM MOVED that Engrossed SCR 4006 be amended as follows, which motion prevailed.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 6, after "date" insert "and an expiration date"

Page 1, line 14, after the first "of" insert "one-half of"

Page 1, line 15, after "and" insert "one-tenth of the net tax collections for taxes imposed on taxable" and after the period insert "Beginning July 1, 1995, the amount of the state's share of oil and gas gross production tax revenue deposited in the two funds pursuant to this measure would equal a total of one percent of the gross value at the well of taxable oil and one-fifth of the net tax collections for taxes imposed on taxable gas produced in the state."

Page 1, line 18, after "proposed" insert "two" and replace "section" with "sections"

Page 1, line 19, replace "is" with "are"

Page 1, after line 22, insert:

"SECTION 1. A new section to article X of the Constitution of North Dakota is created and enacted as follows:

The amount of the state's share of revenue from oil and gas gross production taxes equal to one-half of one percent of the gross value at the well of taxable oil and one-tenth of the net tax collections for taxes imposed on taxable gas produced in this state must be allocated, without reduction of any oil and gas gross production tax revenue allocated by law to or for the benefit of political subdivisions, as follows:

1. Fifty percent must be deposited in the common schools trust fund.
2. Fifty percent must be deposited in the foundation aid stabilization fund in the state treasury, the interest income of which must be transferred to the state general fund on July first of each year. The principal of the foundation aid stabilization fund may be expended only upon order of the governor, who may direct such a transfer only to offset per-pupil foundation aid reductions that were made by executive action pursuant to law due to a revenue shortage."

Page 2, line 5, after "and" insert "one-fifth of the net tax collections for taxes imposed on taxable"

Page 2, line 17, after "DATE" insert "- EXPIRATION DATE" and after the comma insert "section 1 of"

Page 2, line 18, after "1993" insert ", and is ineffective for tax revenue from oil and gas produced after June 30, 1995" and after the period insert "If approved by the electors, section 2 of this measure is effective for tax revenue from oil and gas produced after June 30, 1995."

Renumber accordingly

SCR 4006: A concurrent resolution to create and enact two new sections to article X of the Constitution of North Dakota, relating to deposit of certain oil and gas gross production tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date and an expiration date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 22 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Graba; Hanson, E.; Heinrich; Jerome; Keller; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Satrom; Tomac; Traynor; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Goetz; Hanson, O.; Heigaard; Holmberg; Ingstad; Kelly; Kelsch; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalawaja; Nelson; Nething; Peterson; Schoenwald; Solberg; Streibel; Tallackson; Tennefos; Thane; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer; Stenehjem

SCR 4006 lost.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1016, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1016: Reps. Schmidt; Gerntholz; Meyer

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2012, SB 2024, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, SB 2329, SB 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, SB 2397, SB 2431, SB 2447, SCR 4057.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2012, SB 2024, SB 2204, SB 2210, SB 2275, SB 2281, SB 2327, SB 2329, SB 2340, SB 2351, SB 2352, SB 2354, SB 2372, SB 2389, SB 2397, SB 2431, SB 2447, SCR 4057.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1018, HB 1019.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2033, SB 2203, SB 2588, SB 2589, SB 2590, SB 2593, SCR 4067.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2033, SB 2203, SB 2588, SB 2589, SB 2590, SB 2593, SCR 4067.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2193, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2270, SB 2274, SCR 4011.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2193, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2270, SB 2274, SCR 4011.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2231, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2231: Sens. Tomac; Moore; DeKrey

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1043, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1043: Sens. Schoenwald, Keller, Krebsbach.

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1378, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1378: Sens. Keller, Krauter, David.

MOTION

SEN. WOGSLAND MOVED that HB 1532 be moved to the top of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1532: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 1380-1381 be adopted with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1532: A BILL for an Act to provide for a state employees compensation commission; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 19 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Jerome; Krebsbach; Lips; Moore; Mutch; Nelson; Peterson; Satrom; Solberg; Stenehjem; Traynor; Vosper

NAYS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lindaas; Lindgren; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Schoenwald; Streibel; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

HB 1532 lost.

MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1043: Sens. Schoenwald; Keller; Krebsbach

HB 1378: Sens. Keller; Krauter; David

HB 1611: Sens. Graba; Maxson; Holmberg

APPOINTMENT OF CONFERENCE COMMITTEES

SEN. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1333, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1333: Sens. Meyer, Tomac, Moore.

SEN. MEYER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HCR 3038, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HCR 3038: Sens. Meyer, Traynor, DeKrey.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1020, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1020: Sens. Redlin, Lindaas, Ingstad.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1016, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1016: Sens. Satrom, Robinson, Ingstad.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1013, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1013: Sens. Redlin, Satrom, Nething.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1014, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1014: Sens. Mushik, Kelly, Naaden.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1558, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1558: Sens. Mushik, Wogsland, Thane.

REPORTS OF CONFERENCE COMMITTEES

SEN. KRAUTER MOVED that the conference committee report on Reengrossed SB 2039 as printed on SJ page 1337 be adopted, which motion lost on a verification vote.

SEN. KELSH MOVED that the conference committee report on SB 2067 as printed on SJ page 1294 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2067: A BILL for an Act to amend and reenact subsection 6 of section 15-27.2-04 and section 15-27.4-03 of the North Dakota Century Code, relating to tax credits for those who own property within dissolved and annexed school districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeKrey; Lips; Mathern; Maxson; Satrom; Schoenwald; Thane; Traynor

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2067 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Reengrossed SB 2083 as printed on SJ page 1293 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted licenses; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2083 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. WOGSLAND MOVED that SB 2090 and SB 2149, which are on the Seventh order, be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. MARKS MOVED that the conference committee report on Engrossed SB 2115 as printed on SJ page 1384 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2115: A BILL for an Act to create and enact two new subsections to section 24-05-20 of the North Dakota Century Code, relating to grasshopper control and other plant pest control programs in township and county road rights of way; to provide an appropriation; and to declare an emergency.

ROLL CALL

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

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

NAYS: Heinrich

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2115 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2118 as printed on SJ page 1294 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to create and enact a new section to chapter 25-02, a new subdivision to subsection 8 of section 25-03.1-02, and a new section to chapter 25-03.1 of the North Dakota Century Code, relating to maintenance of state hospital accreditation, definition of a mental health professional, and court-authorized involuntary treatment with prescribed medication.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Kinnoin; Langley; Meyer

SB 2118 passed and the title was agreed to.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1013: Sens. Redlin; Satrom; Nothing
 HB 1014: Sens. Mushik; Kelly; Naaden
 HB 1016: Sens. Satrom; Robinson; Ingstad
 HB 1020: Sens. Redlin; Lindaas; Ingstad
 HB 1333: Sens. Meyer; Tomac; Moore
 HB 1558: Sens. Mushik; Wogsland; Thane
 HCR 3038: Sens. Meyer; Traynor; DeKrey

REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Reengrossed SB 2151 as printed on SJ pages 1384-1385 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to amend and reenact subsection 3 of section 4-10.2-02 and sections 4-10.2-08, 4-10.2-09, and 4-10.2-11 of the North Dakota Century Code, relating to first purchasers of certain crops, assessments, and penalties; to repeal sections 4-10.2-12 and 4-10.2-14 of the North Dakota Century Code, relating to penalties for nonpayment of assessment and violations of the chapter; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Krauter; Krebsbach; Lindaas; Lindgren; Lips;

Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehj em; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2151 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. WOGSLAND MOVED that the conference committee report on Engrossed SB 2211 as printed on SJ page 1338 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact sections 57-02-08.1, 57-02-08.4, 57-02-08.5, 57-02-11, and 57-61-10 of the North Dakota Century Code, relating to the property tax credits for persons sixty-five years of age or older with limited income, to the conditional property tax exemption for owners of wetlands and the wetlands tax exemption payment, to the assessment of property that has been damaged, and to money collected and paid to the coal development fund.

ROLL CALL

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

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Satrom; Schoenwald; Solberg; Stenehj em; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Holmberg; Moore; O'Connell; Peterson; Robinson

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2211 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on Engrossed SB 2324 as printed on SJ page 1385 be adopted, which motion prevailed.

MOTIONS

SEN. HEIGAARD MOVED that SB 2335, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2385, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Reengrossed SB 2422 as printed on SJ page 1385 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2422: A BILL for an Act to amend and reenact subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the excise tax that counties or cities may impose on telephone access lines.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Goetz; Graba; Heigaard; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; DeKrey; Evanson; Freborg; Hanson, E.; Hanson, O.; Heinrich; Moore; Mutch; Naaden; O'Connell; Solberg

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2422 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. KRAUTER MOVED that the conference committee report on Engrossed SB 2425 as printed on SJ page 1385 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to oral transmission of refilled prescriptions; and to amend and reenact subsections 4 and 18 of section 43-15-01 of the North Dakota Century Code, relating to definitions for the purposes of dispensing prescription drugs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2425 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. O'CONNELL MOVED that the conference committee report on Engrossed SB 2542 as printed on SJ pages 1385-1386 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new section to chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction; and to amend and reenact section 5 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 2 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; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Kelly; Peterson

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2542 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Reengrossed SB 2249 be adopted as printed on SJ page 1418 which motion prevailed.

SECOND READING OF SENATE BILL

SB 2249: A BILL for an Act to create and enact two new sections to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain centrally assessed pipeline and associated property used to promote enhanced recovery of oil or natural gas and to provide for payments in lieu of taxes; and to provide an effective date.

ROLL CALL

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

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

NAYS: Heinrich; Lips; Maxson; Satrom; Wogsland

ABSENT AND NOT VOTING: Kinnoin; Langley; Meyer

SB 2249 passed and the title was agreed to.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Wald, Whalen and Sen. Tallackson introduced:

(Approved by the Committee on Delayed Bills)

HCR 3071: A concurrent resolution urging Congress to continue its declared policy that the continued regulation and taxation by the several states of the business of insurance is in the public interest.

Was read the first time.

MOTION

SEN. TALLACKSON MOVED that the rules be suspended, that HCR 3071 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.

Reps. Wald, Whalen and Sen. Tallackson introduced:

(Approved by the Committee on Delayed Bills)

HOUSE CONCURRENT RESOLUTION NO. 3071

A concurrent resolution urging Congress to continue its declared policy that the continued regulation and taxation by the several states of the business of insurance is in the public interest.

WHEREAS, the safety and soundness of insurance companies operating in the United States is a prime objective of state insurance regulation; and

WHEREAS, the public depends on solvent insurance companies to provide retirement income, income protection in case of death or disability, protection from catastrophic loss, and safe investment opportunities; and

WHEREAS, states are endeavoring to improve insurance company solvency regulation in order to protect state treasuries, fiscally sound companies, state guaranty fund systems, and guaranteed investment contracts; and

WHEREAS, the National Association of Insurance Commissioners has developed an agenda to enhance a state's authority to monitor and regulate insurance company solvency through:

1. Financial regulatory standards and state accreditation;
2. Uniform reinsurance evaluation;
3. Examination processes assessment;
4. Further enhancement of the National Association of Insurance Commissioners' solvency analysis support to state insurance departments; and
5. Review of annual statement disclosure of capitalization and reserving requirements; and

WHEREAS, states are acting to provide an alternative to federal intervention in insurance company solvency regulation and federal preemption of the states' insurance premium tax base;

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

That the Fifty-second Legislative Assembly urges the Congress of the United States to continue its declared policy, as expressed in the McCarran-Ferguson Act, that "the continued regulation and taxation by the several States of the business of insurance is in the public interest"; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to each member of the North Dakota Congressional Delegation.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCRC 3071: A concurrent resolution urging Congress to continue its declared policy that the continued regulation and taxation by the several states of the business of insurance is in the public interest.

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

HCRC 3071 was declared adopted on a voice vote.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HCR 3071.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)
MR. SPEAKER: The Senate has not adopted the conference committee report on SB 2039.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2022, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585, SCR 4020, SCR 4023, SCR 4041, SCR 4042, SCR 4045, SCR 4069.

MOTIONS

SEN. WOGSLAND MOVED that the absent member be excused, which motion prevailed.

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate stand adjourned until 8:00 a.m., Wednesday, April 3, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

HB 1006, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 17, replace "20,895,109" with "21,265,109"

Page 1, line 19, replace "9,247,504" with "9,652,504"

Page 1, replace line 22 with:

"Galactosemia equipment and testing program 280,000"

Page 2, line 2, replace "53,038,064" with "53,943,064"

Page 2, line 3, replace "39,090,105" with "39,565,105"

Page 2, line 4, replace "13,947,959" with "14,377,959"

Page 2, replace lines 15 through 20 with:

"SECTION 4. GALACTOSEMIA TESTING PROGRAM FUNDING. The estimated income line item in section 1 of this Act includes \$280,000 which the department of health and consolidated laboratories may spend from the department of health and consolidated laboratories operating account for the galactosemia testing program for the biennium beginning July 1, 1991, and ending June 30, 1993, as appropriated in section 1 of this Act."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Operating Expenses

This amendment adds a total of \$370,000 to operating expenses, of which \$25,000 is from the general fund, to provide a total of \$50,000 from the general fund, \$300,000 from other funds for a health task force, and \$45,000 from other funds to implement Senate Bill No. 2589 relating to a directory of physicians. The health task force will study the health care delivery system in North Dakota and address health care cost containment and the uninsured and underinsured.

Grants, Benefits, and Claims

This amendment adds \$100,000 from the general fund to the grants line item for emergency medical technician grants to provide a total of \$500,000, the level recommended in the executive budget. The House provided \$400,000 for this purpose.

In addition, the grants line item is also increased by \$305,000 from the general fund to increase funds for local health district grants to \$1,000,000. The House provided \$695,000 for this purpose.

Other Line Items

This amendment provides funding of \$280,000 from estimated income for a galactosemia equipment and testing program line item as required by Senate Bill No. 2522.

The amendment also eliminates the \$150,000 from special funds vaccination program and Section 4 related to the program added by the House.

HB 1048: 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 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 3, after "purchases" insert "and for purchases of property used exclusively for agricultural purposes" and replace the second "and" with "to amend and reenact subsection 2 of section 57-39.2-02.1 and subsection 2 of section 57-40.2-02.1 of the North Dakota Century Code, relating to sales and use taxes on sales of certain property used for agricultural purposes;"

Page 1, line 6, after "equipment" insert "; and to provide an effective date"

Page 1, after line 7, insert:

"SECTION 1. AMENDMENT. Subsection 2 of section 57-39.2-02.1 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. There is hereby imposed a tax of three percent upon the gross receipts of retailers from all sales at retail of mobile homes used for residential or business purposes, except as provided in subsection 35 of section 57-39.2-04, ~~and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural purposes within the state of North Dakota to consumers or users.~~"

Page 1, line 8, replace "A" with "Two" and replace "section" with "sections"

Page 1, line 9, replace "is" with "are"

Page 1, underscore lines 10 through 21

Page 2, underscore lines 1 through 28

Page 3, underscore lines 1 through 16

Page 3, after line 16, insert:

"Sales tax exemption for property used exclusively for agricultural purposes. Gross receipts from sales of farm machinery, farm machinery repair parts, irrigation equipment and any other tangible personal property used directly and exclusively for agricultural purposes are exempt from taxes under this chapter.

SECTION 3. AMENDMENT. Subsection 2 of section 57-40.2-02.1 of the 1990 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. An excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes, except as provided in subsection 19 of section 57-40.2-04, ~~and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for~~

~~agricultural purposes~~ purchased at retail for storage, use, or consumption in this state at the rate of three percent of the purchase price thereof. Except as limited by section 57-40.2-11, and except as provided in subsection 35 of section 57-39.2-04, an excise tax is imposed on the storage, use, or consumption in this state of mobile homes used for residential or business purposes ~~and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes~~ not originally purchased for storage, use, or consumption in this state at the rate of three percent of the fair market value of mobile homes used for residential or business purposes ~~and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes~~ at the time it was brought into this state."

Page 3, after line 18, insert:

"SECTION 5. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 1993."

Reumber accordingly

REPORTS OF CONFERENCE COMMITTEES

SB 2008, as engrossed: Your conference committee (Sens. Lindaas, Yockim - refused to sign, Naaden and Reps. Wald, Myrdal, Brokaw) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1101-1102 and then place it on the Seventh order.

SB 2010: Your conference committee (Sens. Robinson, Yockim, Thane and Reps. Howard, Schmidt, Laughlin) recommends that the SENATE ACCEDE to the House amendments on SJ page 1155 and then place it on the Seventh order.

SB 2041: Your conference committee (Sens. Meyer, Tomac, DeKrey and Reps. Schindler, D. Olsen, Snyder) recommends that the HOUSE RECEDE from the House amendments on SJ page 926, amend as follows, and then place on the Seventh order:

That the House recede from the House amendments as printed on page 945 of the House Journal and page 926 of the Senate Journal, and that Senate Bill No. 2041 be amended as follows:

Page 1, line 8, after the period insert:

"1."

Page 1, after line 16, insert:

"2. Notwithstanding subsection 1 and section 20.1-03-01.3, a person may not purchase or obtain a license to hunt bighorn sheep, moose, or elk in this state unless that person submits or exhibits the certificate of completion earned by that person for successful completion of the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3. A person who demonstrates hunting proficiency by passing a firearms and bow safety and hunter responsibility course examination is not required to take the course of instruction required by this subsection."

Reumber accordingly

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

MARION HOUN, Secretary