

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, April 8, 1991

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Ray Sparkman, Riverwood Baptist Fellowship, Bismarck.

The roll was called and all members were present except Senators Keller, Maaden, and Satrom.

A quorum was declared by the President.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2018: Reps. Payne; Myrdal; Nowatzki

SB 2507: Reps. Clayburgh; Kunkel; Gabrielson

SB 2595: Reps. Payne; Hausauer; Brokaw

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1043 and HB 1384 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2010, SB 2149, SB 2151, and SB 2385.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1575, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1575: Reps. Timm; Belter; Nichols

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2058: Reps. Dorso; Berg, R.; Kaldor

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2036, SB 2113, SB 2205, SB 2206, SB 2231, and SB 2335 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2542, SB 2591, and SCR 4058 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on SB 2003, SB 2090, SB 2115, and SB 2572, subsequently passed the same, and the emergency clause carried.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1053, HB 1073, HB 1117, HB 1132, HCR 3070.

## SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2384, SB 2509.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2384, SB 2509.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1566.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1048.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1603.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2276 and subsequently failed to pass the same.

#### 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 has not adopted the conference committee report on SB 2324.

#### REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2234 as printed on SJ pages 1470-1475 be adopted, which motion lost.

#### REPORT OF CONFERENCE COMMITTEE

HB 1043, as reengrossed: Your conference committee (Sens. Schoenwald, Keller, Krebsbach and Reps. Martinson, Shide, Enget) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 1247-1248, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 1247 and 1248 of the Senate Journal and pages 1446 and 1447 of the House Journal, and that Reengrossed House Bill No. 1043 be amended as follows:

Page 1, line 4, replace "Introduction of" with "Action on"

Page 1, line 12, replace "introduced" with "considered for final passage"

Page 1, line 19, replace "considered" with "received"

Page 1, line 20, replace "a standing committee" with "either house"

Page 1, line 21, replace "legislative council" with "commissioner of insurance"

Page 2, line 22, remove "- Rulemaking" and replace "Every" with "A"

Page 2, line 23, remove "or an amendment of a legislative measure,"

Page 2, line 24, remove "as", replace ", must" with "may", and replace "legislative" with "commissioner of insurance"

Page 2, line 25, remove "council" and replace "required under" with "as provided in"

Page 2, line 26, after "Act" insert "and for the commissioner's review and recommendation", replace "council" with "commissioner", and replace "adopt a procedure whereby all" with "afford"

Page 2, line 27, remove "are afforded"

Page 2, line 29, replace "council" with "commissioner"

Page 3, line 2, remove "Following receipt of"

Page 3, remove lines 3 through 5

Page 3, line 9, replace "legislative council" with "commissioner of insurance"

ReNUMBER accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Reengrossed HB 1043 be adopted, which motion prevailed on a verification vote.

#### SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act relating to proposed legislation mandating health insurance coverage; and to provide an appropriation.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 10 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Evanson; Jerome; Krebsbach; Langley; Lips; Maxson; Stenehjem; Tallackson; Tomac

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

ABSENT AND NOT VOTING: Satrom

HB 1043 lost.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1384, as engrossed: Your conference committee (Sens. Jerome, Bowman, Mathern and Reps. Trautman, Price, Thorpe) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1071, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1071 of the Senate Journal and page 1367 of the House Journal and that Engrossed House Bill No. 1384 be amended as follows:

Page 3, line 6, remove "Notwithstanding that a durable power of attorney for health care is"

Page 3, remove lines 7 and 8

Page 3, line 9, remove "withheld from the principal over the principal's objection."

Page 4, line 25, replace "may be" with "is"

Page 6, line 18, remove "being admitted or is"

Page 6, line 19, replace "an ombudsman," with "a"

Page 6, line 20, after the comma insert "an"

Page 6, line 21, replace "other" with "a" and after "by" insert "the department of human services or"

Page 8, line 1, replace "A" with "Unless a court of competent jurisdiction determines otherwise, a"

Page 8, line 16, remove "only"

Page 9, line 10, remove "In addition, no treatment"

Page 9, remove lines 11 through 13

Page 9, line 14, remove the second comma and after the second "to" insert a comma

Page 9, line 15, after the first "consent" insert "to"

Reumber accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1384 be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to provide for durable powers of attorney for health care; 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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Satrom

HB 1384 passed and the title was agreed to.

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MOTION

SEN. LANGLEY MOVED that the Senate dissolve the conference committee on SB 2058, and a new conference committee be appointed, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2058 as printed on SJ pages 1522-1527 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 new Conference Committee on SB 2058: Sens. Krauter, Yockim, Nething.

MOTIONS

SEN. WOGSLAND MOVED that the vote by which HB 1384 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that the vote by which HB 1043 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. WOGSLAND MOVED that HB 1384 and HB 1043 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1384 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1043 and subsequently failed to pass the same.

#### 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 Senate has dissolved its conference committee on SB 2058 and has appointed a new committee to act with a like committee from the House on:

SB 2058: Sens. Krauter; Yockim; Nothing

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

MR. SPEAKER: The President has signed: HB 1053, HB 1073, HB 1117, HB 1132, HCR 3070.

#### COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

April 8, 1991

This is to inform you that on April 5, 1991, I signed the following: SB 2012, SB 2024, SB 2033, SB 2038, SB 2040, SB 2057, SB 2076, SB 2096, SB 2106, SB 2108, SB 2134, SB 2158, SB 2173, SB 2180, SB 2181, SB 2203, 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, SB 2588, SB 2589, SB 2590, SB 2593, SB 2028, SB 2035, SB 2063, SB 2078, SB 2100, SB 2188, SB 2212, SB 2213, SB 2214, SB 2215, SB 2219, SB 2227, SB 2237, SB 2262, SB 2266, SB 2270, SB 2274, SB 2279, SB 2333, SB 2378, SB 2416, SB 2472, SB 2492, SB 2493, SB 2494, SB 2498, SB 2506, SB 2508, SB 2520, SB 2526, SB 2530, SB 2539, SB 2556, SB 2559, SB 2448, SB 2554, SB 2569, SB 2570, SB 2574, SB 2581, SB 2582, SB 2584, SB 2585, SB 2032, SB 2168, SB 2284, SB 2353, SB 2357, SB 2403, SB 2457, SB 2458, SB 2512, SB 2534, SB 2557, SB 2560, SB 2579, SB 2332, SB 2193.

On April 8, 1991, I signed the following: SB 2021, SB 2022.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 1467-1470 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 2019: Sens. Satrom, Redlin, Lips.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do not concur in the House amendments to Engrossed SB 2324 as printed on SJ page 1186, 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 new Conference Committee on SB 2324: Sens. Heinrich, Jerome, Stenehjem.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2596 as printed on SJ pages 1453-1454 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 2596: Sens. Mushik, Kelly, Ingstad.

## MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 5:00 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 signed: HB 1461, HB 1613.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3072.

## SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2007, SB 2008, SB 2023, SB 2067, SB 2083, SB 2118, SB 2211, SB 2249, SB 2259, SB 2272, SB 2422, SB 2425.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2007, SB 2008, SB 2023, SB 2067, SB 2083, SB 2118, SB 2211, SB 2249, SB 2259, SB 2272, SB 2422, SB 2425.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2019 and SB 2596, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2019: Sens. Satrom; Redlin; Lips

SB 2596: Sens. Mushik; Kelly; Ingstad

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Ring, DeMers, Oban and Sens. Evanson, Heinrich, Mushik introduced:  
(Approved by the Committee on Delayed Bills)

HCR 3072: A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

Was read the first time.

## MOTION

SEN. EVANSON MOVED that the rules be suspended, that HCR 3072 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. Ring, DeMers, Oban and Sens. Evanson, Heinrich, Mushik introduced:  
(Approved by the Committee on Delayed Bills)

## HOUSE CONCURRENT RESOLUTION NO. 3072

A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

WHEREAS, the sixth grade students of teacher Vivian Meiers at Miller Elementary School in Bismarck undertook a study on environmental protection which ultimately led to drafting, securing sponsorship for, and testifying in support of 1991 House Concurrent Resolution No. 3027, which calls for a Legislative Council study of methods to reduce ground pollution in North Dakota landfills with an emphasis on encouraging recycling efforts; and

WHEREAS, the environmental study done by these students was entered in a contest sponsored by the Target Corporation and was selected as the nation's winning entry, for which three students and their teacher will attend "Earth Expo '91" at the United Nations in New York City; and

WHEREAS, the national attention received by these students for their project and the example set by these students of the appropriate manner in which to conduct successful citizen involvement in the legislative process are examples of which North Dakotans can be proud;

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

That the Fifty-second Legislative Assembly extends its congratulations and appreciation to the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for achieving national attention for the state of North Dakota and for the excellent example set by these students in how citizens can make a difference; and

BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to Vivian Meiers and the two classes involved in this project at Miller Elementary School, the Bismarck Superintendent of Schools, and the Bismarck School Board.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3072: A concurrent resolution congratulating the sixth grade students of Vivian Meiers at Miller Elementary School in Bismarck for earning national recognition for taking an interest in our environment and becoming involved in the legislative process.

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

HCR 3072 was declared adopted on a voice vote.

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MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The Senate has passed unchanged: HCR 3072.

#### MOTION

SEN. WOGSLAND MOVED that the Senate dissolve the Conference Committee on HB 1439 and a new conference committee be appointed, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on HB 1439, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1439: Sens. Schoenwald, Meyer, David.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)  
MR. SPEAKER: The President has appointed as a new conference committee to act with a like committee from the House on:

SB 2324: Sens. Heinrich; Jerome; Stenehjem

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2234 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 new Conference Committee on SB 2234: Sens. Marks, Meyer, Stenehjem.

## MOTION

SEN. WOGSLAND MOVED that SB 2006 be placed at the bottom of the Twelfth order, which motion prevailed.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2070 as printed on SJ page 1470, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to political subdivision audits and audit fees; and to provide an exemption to the provisions of section 54-44.1-11 regarding cancellation of unexpended appropriation authority.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Naaden; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Satrom

SB 2070 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2541 as printed on SJ page 1435, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2541: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-06 of the North Dakota Century Code, relating to persons permitted to conduct games of chance.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; Dotzenrod; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindgren; Lips; Maxson; Meyer; Nalewaja; O'Connell; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: DeKrey; Evanson; Freborg; Ingstad; Krauter; Krebsbach; Lindaas; Marks; Mathern; Moore; Mushik; Mutch; Naaden; Nelson; Peterson; Redlin; Robinson; Solberg; Streibel; Tennefos; Traynor; Vosper

ABSENT AND NOT VOTING: Goetz; Nething; Satrom

SB 2541 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2006 as printed on SJ pages 1466-1467, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of the division of emergency management.

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, 6 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; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Mutch; Naaden; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Nething; Satrom

SB 2006 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SB 2039: Your conference committee (Sens. Krauter (refused to sign), Tomac, Traynor and Reps. Timm, Carlisle, Huether (refused to sign)) recommends that the SENATE ACCEDE to the House amendments on SJ pages 1076-1077 and then place it on the Seventh order.

REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Reengrossed SB 2039 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act to provide for implied consent to chemical testing for purposes of determining intoxication while operating a motorboat or vessel; to create and enact a new subsection to section 20.1-02-15.1 of the North Dakota Century Code, relating to the powers of the game and fish commissioner, deputy commissioner, and game wardens; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 3 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; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Keller; Maxson; Schoenwald

ABSENT AND NOT VOTING: Redlin; Satrom

SB 2039 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SB 2595, as engrossed: Your conference committee (Sens. Mathern, Robinson, Evanson and Reps. Payne, Hausauer, Brokaw) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1521-1522, further amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1677 of the House Journal and pages 1521 and 1522 of the Senate Journal, and that Engrossed Senate Bill No. 2595 be amended as follows:

Page 1, line 2, remove the first "and" and after the second semicolon insert "to provide a statement of legislative intent;"

Page 2, line 1, remove "certified"

Page 2, line 2, replace "January" with "July"

Page 2, line 5, replace "67,592" with "43,061", replace "157,714" with "107,212", and replace "225,306" with "150,273"

Page 2, line 6, replace "18,536" with "11,757", replace "43,250" with "29,364", and replace "61,786" with "41,121"

Page 2, line 7, replace "86,128" with "54,818", replace "200,964" with "136,576", and replace "287,092" with "191,394"

Page 2, after line 7, insert:

"SECTION 3. LEGISLATIVE INTENT. It is the intent of the legislative assembly that the general fund appropriation is made in conjunction with the availability of federal matching funds for this Act."

Page 2, line 8, replace "January" with "July"

ReNUMBER accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed SB 2595 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2595: A BILL for an Act to establish a child sexual abuse investigation and prosecution team; to provide an appropriation; to provide a statement of legislative intent; 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Satrom

SB 2595 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SB 2507: Your conference committee (Sens. Keller, Heinrich, Evanson and Reps. Clayburgh, Kunkel, Gabrielson) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1492-1493, further amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1662 of the House Journal and pages 1492 and 1493 of the Senate Journal, and that Senate Bill No. 2507 be amended as follows:

Page 1, line 1, after "reenact" insert "section 54-52-17.4 and"

Page 1, line 2, after "to" insert "purchase of additional credit under the public employees retirement system and to"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 54-52-17.4 of the North Dakota Century Code is amended and reenacted as follows:

54-52-17.4. Purchase of additional credit.

1. A participating member may elect to purchase credit, within one hundred eighty days of beginning eligible employment or by December 31, ~~1989~~ 1991, whichever is later, for years of service and prior service for which the participating member is not presently receiving credit. A member is entitled to purchase additional credit under this section for the following service or prior service:
  - a. Active employment in the armed forces of the United States for up to four years of credit.
  - b. Employment as a permanent employee by a governmental unit that does not participate in the public employees retirement system under this chapter.
  - c. Employment as a permanent employee by a political subdivision participating in the public employees retirement system which did not pay the cost of past service benefits under section 54-52-02.1.
  - d. Service the participating member did not elect to repurchase upon reemployment under section 54-52-02.6.
  - e. Service of an eligible employee, who exercised the privilege to withdraw from the predecessor plan to the public employees retirement system under subsection 10 of section 54-52-17 as created by section 13 of chapter 499 of the 1977 Session Laws, from July 1, 1977, to the date the eligible employee became a participating member of the public employees retirement system. However, participating members who were eligible under section 54-52-19-2, to repurchase prior service credit forfeited by withdrawal from the predecessor plan to the public employees retirement system are not eligible to purchase that prior service credit under this section.
2. The participating member may purchase credit under this section by paying to the board an amount equal to nine and twelve-hundredths percent, times the participating member's monthly salary on the date of the participating member's election to purchase, times the number of months of credit being purchased, plus interest at a rate determined by rules established by the board."

Renumber accordingly

REPORT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the conference committee report on Reengrossed SB 2507 be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2507: A BILL for an Act to amend and reenact section 54-52-17.4 and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to purchase of additional credit under the public employees retirement system and to calculation of the allowable monthly credit toward hospital and medical benefits coverage under the retiree health benefits 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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Heigaard; Satrom

SB 2507 passed and the title was agreed to.

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MOTION

SEN. KELLY MOVED that Engrossed HB 1079 be amended as follows:

In addition to the amendments adopted by the Senate as printed on page 1380 of the Senate Journal, Engrossed House Bill No. 1079 is amended as follows:

Page 8, after line 25, insert:

"SECTION 6. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the office of the attorney general for the purpose of funding narcotics agent positions for enforcement of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993.

Salaries and wages	\$281,824
Information services	6,000
Operating expenses	54,000
Equipment	66,100
Total general fund appropriation	\$407,924"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment is to provide an appropriation to add four full-time narcotics agents to the Attorney General's office, one of whom is to work specifically with the rural narcotics law enforcement task forces.

REQUEST

SEN. MEYER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1079, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1079, the roll was called and there were 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Mathern; Maxson; Meyer; Mushik; Nething; O'Connell; Robinson; Schoenwald; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Redlin; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Satrom

The proposed amendments to Engrossed HB 1079 lost.

## REMARKS OF SENATOR LIPS

Mr. President, I rise in opposition to this amendment. If this is to be provided for the state, I think it should go on SB 2001. That is for state officials; the Attorney General's office. I do not think they have anything to do with this bill and that is why I am opposed. There is \$126,000 in this appropriation, but we heard the bill in the Appropriations Committee. We are quite sure there is ample money to take care of it, based on the testimony for the last six months and the next biennium. It does not go into force until July 1, 1992, and based on the testimony we had, there would probably be very few arrests and convictions prior to the last six months of the next biennium. So, Mr. President, I am opposed to this amendment.

## REQUEST

SEN. NELSON REQUESTED that Senator Lips' remarks be printed in the Journal, which request was granted.

## SECOND READING OF HOUSE BILL

HB 1079: A BILL for an Act to amend and reenact subsection 10 of section 12.1-32-02, sections 12.1-32-02.1, 19-03.1-23, and 54-21-25 of the North Dakota Century Code, relating to sentencing alternatives, prison terms for certain offenders, penalties for unlawful manufacture, delivery, or possession of controlled substances, and authority to contract with other governmental agencies for prisoners and juvenile delinquents; to provide a penalty; to provide an appropriation; 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 41 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Heigaard; Kelly; Langley; Mathern; Maxson; Meyer; Mushik; Schoenwald; Tallackson; Yockim

ABSENT AND NOT VOTING: Satrom

HB 1079 passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that the vote by which HB 1079, SB 2039, SB 2595, SB 2507, SB 2541, SB 2006, and SB 2070 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2019: Reps. Thompson; Jensen; Brokaw

SB 2596: Reps. Dalrymple; Gerntholz; Laughlin

## MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, the Senate stand adjourned until 8:00 a.m., Tuesday, April 9, 1991, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SB 2005, as engrossed: Your conference committee (Sens. Satrom, Lindaas, Goetz and Reps. Howard, Wentz, DeMers) recommends that the HOUSE RECEDE from the House amendments on SJ page 1466 and then place it on the Seventh order.

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

MARION HOUN, Secretary