

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, January 20, 1993

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

The prayer was offered by Fr. Marvin Klemmer, Ascension Catholic Church, Bismarck.

The roll was called and all members were present except Senators Lindgren, Mushik, and Yockim.

A quorum was declared by the President.

## MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2019, SB 2032, SB 2033, SB 2042, SB 2068, SB 2069, SB 2087, SB 2088, SB 2131, SB 2140, SB 2142, SB 2143, SCR 4002, SCR 4003, SCR 4004.

## THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Adam Krauter.

## MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1053, HB 1093, HB 1104, HB 1169.

## THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Ben Axtman.

## MOTION

SEN. MATHERN MOVED that SB 2024 be moved to the bottom of the calendar, which motion prevailed.

## MOTION

SEN. MATHERN MOVED that SB 2045 be returned to the Senate floor from the Judiciary Committee and be rereferred to the Human Services Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2045 was rereferred.

## CONSIDERATION OF AMENDMENTS

SB 2101: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 158-159 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2177: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 159 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2180: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ page 159 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2183: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ page 159 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2188:** SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 160 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2204:** SEN. SOLBERG (Agriculture Committee) MOVED that the amendments on SJ page 160 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2253:** SEN. MARKS (Judiciary Committee) MOVED that the amendments on SJ page 160 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2030:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to family child care home licensing requirements; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Andrist; Lips; Nelson

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2030 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2057:** A BILL for an Act to provide for immunity from liability for losses caused by an architect or a professional engineer's acts, errors, or omissions in the performance of voluntary engineering services.

**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 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B. Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Heinrich; Maxson

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2057 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2130:** A BILL for an Act to amend and reenact subsections 1, 2, 4, 6, and 9 of section 39-01-15 and section 39-04-10.2 of the North Dakota Century Code, relating to mobility-impaired parking certificates and license plates; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2130 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2171:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-05-11 of the North Dakota Century Code, relating to the entrapment defense.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2171 passed and the title was agreed to.

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**MOTION**

**SEN. MATHERN MOVED** that SB 2172 be moved to the bottom of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2182:** A BILL for an Act to amend and reenact subsection 3 of section 15-27.2-04 of the North Dakota Century Code, relating to the factors to be considered at a hearing on the annexation of school districts.

**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 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Dotzenrod; Evanson; Freborg; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley;

Lindaas; Lips; Mathern; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland

**NAYS:** Bowman; Goetz; Holmberg; Kinnoin; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2182 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2211:** A BILL for an Act to create and enact two new sections to chapter 57-40.6 of the North Dakota Century Code, relating to enhanced 911 data base maintenance.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2211 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact section 2-05-06.5 of the North Dakota Century Code, relating to state assistance for airports and matching fund eligibility of governing bodies and airport authorities.

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

**YEAS:** Andrist; O'Connell

**NAYS:** Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B. Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2212 lost.

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**SECOND READING OF SENATE BILL**

**SB 2232:** A BILL for an Act to amend and reenact subsection 2 of section 1 of

chapter 720 of the 1987 Session Laws of North Dakota as amended by section 1 of chapter 726 of the 1989 Session Laws of North Dakota, relating to standards and guidelines for 911 telephone systems.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2232 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2268:** A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state prior to July 1, 1993.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2268 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2010:** A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

**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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2010 passed and the title was agreed to.

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**MOTION**

**SEN. MATHERN MOVED** that SB 2048 be moved to the bottom of the Eleventh order, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2051:** A BILL for an Act to amend and reenact section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales and use tax exemption for recycling machinery and equipment.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Maxson

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2051 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2116:** A BILL for an Act to amend and reenact section 50-25.1-05.1 of the North Dakota Century Code, relating to findings of child abuse or neglect in cases involving parental religious beliefs.

**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 38 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Bowman; Mutch; Naaden; Nelson; Solberg; Stenehjem, B.; Streibel; Tennefos

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2116 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2155:** A BILL for an Act to create and enact a new subsection to section 53-06.2-08 of the North Dakota Century Code, relating to establishing the period for which licenses are valid; and to amend and reenact subsection 1 of section 53-06.2-01, subsection 2 of section 53-06.2-02, subsections 1 and 4 of section 53-06.2-08, and section 53-06.2-09 of

the North Dakota Century Code, relating to definition of "breeders fund" and racing commission membership, license authorization and fees, and allotment of racing days.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2155 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2178:** A BILL for an Act to amend and reenact subsection 7 of section 15-40.1-08 of the North Dakota Century Code, relating to educational support payments for approved kindergarten programs.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2178 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2184:** A BILL for an Act to amend and reenact section 15-27.3-08 and subsection 3 of section 15-27.3-11 of the North Dakota Century Code, relating to the manner of voting to approve a proposal for the reorganization of school districts; and to repeal section 15-27.3-09 of the North Dakota Century Code, relating to the voting of reorganized school districts as separate voting units when voting on a proposal for the reorganization of school districts.

#### 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson;

Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2184 passed and the title was agreed to.

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#### MOTION

**SEN. MATHERN MOVED** that SB 2258 be moved to the bottom of the Eleventh order, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2278:** A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an optional income tax checkoff for contributions to a capitol grounds beautification fund; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Evanson; Kelsh; Krebsbach; Lips; Mathern; O'Connell; Thane; Traynor

**NAYS:** Andrist; Bowman; DeMers; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinmoin; Krauter; Langley; Lindaas; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Lindgren; Mushik; Yockim

SB 2278 lost.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4006:** A concurrent resolution urging the Congress of the United States to take responsibility to assure that the federal government becomes a responsible landowner by assuming its fair share of the property tax burden on government land.

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

SCR 4006 was declared adopted on a voice vote and the title was agreed to.

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#### MOTION

**SEN. MATHERN MOVED** that SCR 4012, which is on the Eleventh order, be rereferred to the Education Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SCR 4012 was rereferred.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

**SCR 4005:** A concurrent resolution directing the Legislative Council to study the problems associated with the unification of the state's judicial system into a single trial court of general jurisdiction.

#### ROLL CALL

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

read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**ABSENT AND NOT VOTING:** Kelly; Lindgren; Mushik; Yockim

SCR 4005 was declared adopted and the title was agreed to.

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**MOTION**

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

**MOTION**

**SEN. MATHERN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 21, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2044: Judiciary Committee (Sen. Maxson, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2044 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2185: Education Committee (Sen. Heinrich, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2185, as amended, was placed on the Sixth order on the calendar.

Page 2, line 5, after "become" insert "by the end of that year"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2189: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2257: Human Services Committee (Sen. Mathern, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2257, as amended, was placed on the Sixth order on the calendar.

Page 3, remove lines 13 and 14

Page 3, line 15, replace "6" with "5"

Page 3, line 19, replace "7" with "6"

Page 3, line 22, replace "8" with "7"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2261: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)**

recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2280: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)** recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2280 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4009: Education Committee (Sen. Heinrich, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4009, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, replace "performance-based" with "outcome-based"

Page 1, line 12, after "public" insert "and private"

Page 2, line 6, replace "include" with "work toward changing" and remove "provision of performance-based services to"

Page 2, remove line 7

Page 2, line 8, after "accreditation" insert "process" and after "state" insert "so that by the year 2000, accreditation standards include schools setting outcome-based goals and providing services to accomplish the goals"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4010: Human Services Committee (Sen. Mathern, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4010 was placed on the Tenth order on the calendar.

#### FIRST READING OF SENATE BILLS

Sen. Sand introduced:

**SB 2435:** A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to the inclusion of repurchasing agreements as securities which may be pledged as security for public funds.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Nelson, Kelsh, Kinnoin and Rep. Nicholas introduced:

**SB 2436:** A BILL for an Act to create and enact a new section to chapter 4-35 of the North Dakota Century Code, relating to a state preemption of local regulation of pesticides.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Nelson, Mathern introduced:

**SB 2437:** A BILL for an Act to amend and reenact section 46-04-18 of the North Dakota Century Code, relating to charges for and disposal of session laws volumes.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Nelson, Mathern introduced:

**SB 2438:** A BILL for an Act to amend and reenact section 41-09-28.1 of the North Dakota Century Code, relating to refiling of security documents.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Nelson, Mathern introduced:

**SB 2439:** A BILL for an Act to create and enact a new section to chapter 1-06 of the North Dakota Century Code, relating to validation of documents executed with facsimile signatures; and to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to use of a facsimile signature.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

Sens. Nething, Redlin and Reps. Gates, Nelson introduced:

**SB 2440:** A BILL for an Act to create and enact a new subsection to section 49-21-02.1 and three new sections to chapter 49-21 of the North Dakota Century Code, relating to the regulation of interexchange telecommunications companies, the authority of the public service commission, refunds, and quality of service; to amend and reenact sections 49-21-01, 49-21-01.1, 49-21-01.2, 49-21-01.3, 49-21-01.6, 49-21-02.2, 49-21-04, 49-21-06, 49-21-07, 49-21-09, and 49-21-22 of the North Dakota Century Code, relating to the regulation of telecommunications companies; and to provide a continuing appropriation.

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

Sens. Nelson, Kelsh and Rep. Kempenich introduced:

**SB 2441:** A BILL for an Act to amend and reenact section 26.1-30-18 of the North Dakota Century Code, relating to the inception and expiration of insurance policies.

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

#### FIRST READING OF HOUSE BILLS

**HB 1053:** A BILL for an Act to amend and reenact sections 61-04-05 and 61-04-06 of the North Dakota Century Code, relating to water permit applications.

Was read the first time and referred to the **Agriculture Committee.**

**HB 1093:** A BILL for an Act to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to the posting of orders issued by the commissioner of labor.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

**HB 1104:** A BILL for an Act to provide for the donation of accumulated sick leave between state employees.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

**HB 1169:** A BILL for an Act to create and enact a new section to chapter 299 of the 1991 Session Laws of North Dakota, relating to the petroleum tank release compensation fund; and to amend and reenact subsection 4 of section 26.1-21-01, subsection 5 of section 26.1-22-01, sections 26.1-22-06, and 26.1-22-21 of the North Dakota Century Code and section 20 of chapter 299 of the 1991 Session Laws of North Dakota, relating to the state bonding fund, petroleum tank release compensation fund, and fire and tornado fund.

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

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

CAROL SIEGERT, Secretary