

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, January 21, 1993

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

The prayer was offered by Rev. Mark Bayert, First Presbyterian Church, Bismarck.

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

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Jerry Waldera.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2027, SB 2041, SB 2117, SB 2156, SB 2173, SB 2192, SB 2219.

MOTION

SEN. MATHERN MOVED that SCR 4009, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SCR 4009 was rereferred.

MOTION

SEN. MATHERN MOVED that SB 2194, SB 2317, SB 2385, and SB 2440 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2194, SB 2317, SB 2385, and SB 2440 were rereferred.

MOTION

SEN. MATHERN MOVED that SB 2347 be returned to the Senate floor from the **Judiciary Committee** and be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2347 was rereferred.

MOTION

SEN. HOLMBERG MOVED that SB 2332 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. HOLMBERG REQUESTED the unanimous consent of the Senate to withdraw SB 2332. There being no objection, it was so ordered by the President.

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 1040, HB 1113, HB 1129, HB 1151, HB 1153, HB 1160, HB 1162, HB 1175, HB 1280, HB 1307, HCR 3015.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Howard Freed.

CONSIDERATION OF AMENDMENTS

SB 2185: SEN. SCHERBER (**Education Committee**) MOVED that the amendments on

SJ page 173 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2257: SEN. BOWMAN (Human Services Committee) **MOVED** that the amendments on SJ page 173 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to create and enact two new sections to chapter 26.1-23.1 of the North Dakota Century Code, relating to the board of directors of a government self-insurance pool.

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 14 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Grindberg; Holmberg; Mutch; Naaden; Nalewaja; Nelson; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane

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

ABSENT AND NOT VOTING: Lindgren; Mushik; Yockim

SB 2172 lost.

SECOND READING OF SENATE BILL

SB 2101: A BILL for an Act to create and enact a new section to chapter 47-30.1 of the North Dakota Century Code, relating to making confidential the audit records under the uniform abandoned property act.

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 2101 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2177: A BILL for an Act to amend and reenact section 57-15-27 of the North Dakota Century Code, relating to school district interim fund balance limits.

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

NAYS: Maxson; Schoenwald

ABSENT AND NOT VOTING: Lindgren; Mushik; Yockim

SB 2177 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2180: A BILL for an Act to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to inoculation required before admission to school.

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 39 YEAS, 7 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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wogsland

NAYS: Mutch; Naaden; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Lindgren; Mushik; Yockim

SB 2180 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2183: A BILL for an Act to amend and reenact subsection 8 of section 15-27.4-02 of the North Dakota Century Code, relating to the holding of a hearing by the state board under certain circumstances when a school district must be dissolved.

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 2183 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to amend and reenact sections 15-27.2-01 and 15-27.2-02 of the North Dakota Century Code, relating to school district annexation petitions and requirements for an annexation involving an exchange of property.

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 2188 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact subsection 4 of section 43-35-02, sections 43-35-05, 43-35-11, 43-35-14, and 43-35-19 of the North Dakota Century Code, relating to the definition of "constructing", the annual meeting date of the board of water well contractors, certificate requirements, bonds for federal and North Dakota government employees for monitoring well or pump and pitless unit installation certificates, and rules regarding the plugging of wells.

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 2204 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2253: A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to the admissibility of evidence regarding a victim's manner of dress in sex offense cases.

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 2253 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2024: A BILL for an Act providing optional property tax levy increase authority for political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration 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 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Nalewaja; Nelson; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland

NAYS: Bowman; Freborg; Krebsbach; Maxson; Mutch; Naaden; Nething; O'Connell; Redlin; Solberg; Streibel; Traynor

ABSENT AND NOT VOTING: Lindgren; Mushik; Yockim

SB 2024 passed and the title was agreed to.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Kelsh introduced:

SCR 4019: A concurrent resolution designating Senate and House employees and fixing their compensation.
Was read the first time.

MOTION

SEN. KELSH MOVED that the rules be suspended, that SCR 4019 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Kelsh introduced:

SENATE CONCURRENT RESOLUTION NO. 4019

A concurrent resolution designating Senate and House employees and fixing their compensation.

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

That for the Fifty-third Legislative Assembly, the following persons are employed and appointed as employees of the Senate and House and are to be

paid the daily wages opposite their respective names in accordance with their positions:

SENATE

Carol Siegert, Secretary of the Senate	\$95.00
Linda Putz, Assistant Secretary of the Senate	80.00
Sally Paul, Desk Reporter	89.00
Nancy Ludwig, Bill Clerk	74.00
Kevin Urness, Sergeant-at-Arms	74.00
Sandi Kershaw, Secretary to the Majority Leader	80.00
Melynda Schmitz, Staff Assistant to the Majority Leader	74.00
Renee Doan, Secretary to the Minority Leader	80.00
Nancy Lewis, Staff Assistant to the Minority Leader	74.00
Maureen Muhlhauser, Chief Stenographer and Payroll Clerk	74.00
Barbara Dove, Stenographer	62.00
Patricia Heidt, Stenographer	62.00
Stacy Knodle, Stenographer	62.00
Marilyn Rose, Stenographer	62.00
Mary Schmitz, Chief Committee Clerk	74.00
Karen Hilfer, Chief Appropriations Committee Clerk	76.00
Cheryl Kram, Assistant Appropriations Clerk	68.00
Elizabeth Allen, Committee Clerk	68.00
Dolores Boutilier, Committee Clerk	68.00
Jolene Christenson, Committee Clerk	68.00
Lori Domine, Committee Clerk	68.00
Linda Hendrix, Committee Clerk	68.00
Jeri Kurle, Committee Clerk	68.00
Shirley Pasicznyk, Committee Clerk	68.00
Colleen Popelka, Committee Clerk	68.00
Jeannette Shaw-Lynch, Committee Clerk	68.00
Peggy Sims, Committee Clerk	68.00
Wanda Homan, Assistant Committee Clerk	65.00
Michael Kemnitz, Deputy Sergeant-at-Arms	62.00
William Kershaw, Deputy Sergeant-at-Arms	62.00
Vernon Erickson, Assistant Sergeant-at-Arms	58.00
Tony Clark, Assistant Sergeant-at-Arms	58.00
Chris Dahl, Assistant Sergeant-at-Arms	58.00
William Skjerven, Supply Room Coordinator	58.00
Althea Yantzer, Chief Page and Bill Book Clerk	65.00
Daniel Holden, Desk Page	58.00
Carol Smith, Journal Page	58.00
Jim DuBois, Page and Bill Book Clerk	58.00
Mark Jensen, Page and Bill Book Clerk	58.00
Cheryl Meyer-Bailey, Page and Bill Book Clerk	58.00
Lynn Senger, Page and Bill Book Clerk	58.00
Jeff Spitzer, Page and Bill Book Clerk	58.00
Kylah Aull, Page and Bill Book Clerk	58.00
Robbie Jewett, Page and Bill Book Clerk	58.00
Shane Molander, Page and Bill Book Clerk	58.00
Clint Schiefelbein, Telephone Attendant	58.00
Lorissa Birst, Telephone Attendant	58.00
Ruby Stadick, Telephone Attendant	58.00
Dolores Draeb, Telephone Attendant	58.00
Janet Mertens, Telephone Page	58.00
Maida Loehrke, Information Desk Attendant	58.00
Pamela Bergman, Chief Bill and Journal Clerk	68.00
Burnetta Barth, Bill Room Clerk	58.00
Selma Carlson, Bill Room Clerk	58.00
Scott Wagar, Bill Room Clerk	58.00
Ledores Robey, Bill Room Clerk	58.00
Nettie Monroe, Journal Room Clerk	58.00
Paul Janke, Journal Room Clerk	58.00
Walter Schramm, Parking Lot Attendant	58.00
Lucas Giesinger, Janitor (partial pay only)	57.28

Martha Heid, Janitor (partial pay only)	44.80
Ron Glaser, Janitor (partial pay only)	36.00

HOUSE

Roy Gilbreath, Chief Clerk	\$95.00
Jeanne Marschke, Assistant Chief Clerk	80.00
Barbara Middaugh, Desk Reporter	89.00
Lance Hagen, Bill Clerk	74.00
Richard Chorlton, Sergeant-at-Arms	74.00
Lorrie Giese, Secretary to the Speaker	74.00
Mavis Patchen, Secretary to the Majority Leader	80.00
Keith Magnusson, Staff Assistant to the Majority Leader	74.00
Arlene Haunson, Secretary to the Minority Leader	80.00
April Fairfield, Staff Assistant to the Minority Leader	74.00
Georgia Clement, Chief Stenographer and Payroll Clerk	74.00
Sharon Jensen, Stenographer	62.00
Phyllis Johnson, Stenographer	62.00
DeLores Knutson, Stenographer	62.00
Candace Makeeff, Stenographer	62.00
John Warner, Stenographer	62.00
Lynette Dunbar, Typist	62.00
Inez Ryberg, Typist	62.00
Darlyne Clausnitzer, Chief Committee Clerk	74.00
Carol Nitschke, Appropriations Committee Clerk	76.00
Carolyn Hoffmann, Assistant Appropriations Committee Clerk	68.00
Judi Markegard, Assistant Appropriations Committee Clerk	68.00
Kathleen Steidler, Assistant Appropriations Committee Clerk	68.00
Lavata Becker, Committee Clerk	68.00
Jocelyn Deutsch, Committee Clerk	68.00
Patricia Dietz, Committee Clerk	68.00
Laurie Kaelberer, Committee Clerk	68.00
Janel Rogstad, Committee Clerk	68.00
Lois Schmidt, Committee Clerk	68.00
Constance Simenson, Committee Clerk	68.00
Janice Stein, Committee Clerk	68.00
Wanda Thompson, Committee Clerk	68.00
Jonathan Thomson, Committee Clerk	68.00
Barbara Langemo, Assistant Committee Clerk	65.00
Judi Kallis, Deputy Sergeant-at-Arms	62.00
Marion Bassingwaite, Assistant Sergeant-at-Arms	58.00
Bernice Clark, Assistant Sergeant-at-Arms	58.00
Stephanie Fisher, Assistant Sergeant-at-Arms	58.00
Brenda Huff, Assistant Sergeant-at-Arms	58.00
John McMahon, Assistant Sergeant-at-Arms	58.00
Jerome Moszer, Assistant Sergeant-at-Arms	58.00
John Wanser, Assistant Sergeant-at-Arms	58.00
Gloria Olson, Chief Page and Bill Book Clerk	65.00
David Hougen, Assistant Chief Page and Bill Book Clerk	62.00
Jocelyn Soderstrom, Journal Page	58.00
Barbara Larson, Desk Page	58.00
Karen Schmidt, Desk Page	58.00
Gere Stetson, Desk Page	58.00
Tracy Duchsherer, Page and Bill Book Clerk	58.00
Kathleen Erhardt, Page and Bill Book Clerk	58.00
Christine Harmon, Page and Bill Book Clerk	58.00
David Hogness, Page and Bill Book Clerk	58.00
Scott Immel, Page and Bill Book Clerk	58.00
Bunny Malm, Page and Bill Book Clerk	58.00
Hope Olson, Page and Bill Book Clerk	58.00
Perry Ostmo, Page and Bill Book Clerk	58.00
Lana Overton, Page and Bill Book Clerk	58.00
Jeff Peterson, Page and Bill Book Clerk	58.00
Fay Pitzer, Page and Bill Book Clerk	58.00
Scott Power, Page and Bill Book Clerk	58.00

Kenneth Radenz, Page and Bill Book Clerk	58.00
Brenda Smith, Page and Bill Book Clerk	58.00
Carl Strum, Page and Bill Book Clerk	58.00
Matthew Thon, Page and Bill Book Clerk	58.00
Dawn Van Horn, Page and Bill Book Clerk	58.00
Phyllis Connolly, Chief Telephone Attendant	62.00
Nancy Dawson, Telephone Attendant	58.00
Lorraine Moos, Telephone Attendant	58.00
Merry Hook, Telephone Page	58.00
Margaret Puetz, Information Desk Attendant	58.00
Faye Caya, Bill Room Clerk	58.00
Peter Nagel, Bill Room Clerk	58.00
Elias Nemer, Bill Room Clerk	58.00
Peter Schafer, Bill Room Clerk	58.00
Hella Keller, Journal Room Clerk	58.00
Richard Schell, Journal Room Clerk	58.00
Joe Emineth, Parking Lot Attendant	58.00
Erick Glasser, Janitor (partial pay only)	36.00
Vern Hoffmann, Janitor (partial pay only)	39.00
Jeffrey Jensen, Janitor (partial pay only)	36.00
Francis Scharosch, Janitor (partial pay only)	41.00

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution designating Senate and House employees and fixing their compensation.

ROLL CALL

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

SCR 4019 was declared adopted on a recorded roll call vote.

MOTION

SEN. KELSH MOVED that the vote by which SCR 4019 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. KELSH MOVED that the rules be suspended and that SCR 4019 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4019.

MOTION

SEN. WOGSLAND MOVED that SB 2235 and SB 2236 be returned to the Senate floor from the Finance and Taxation Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2235 and SB 2236. There being no objection, it was so ordered by the President.

MOTION

SEN. MATHERN MOVED that SB 2261, which is on the Eleventh order, be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2261 was rereferred.

MOTION

SEN. MATHERN MOVED that SB 2313 be returned to the Senate floor from the Natural Resources Committee and be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2313 was rereferred.

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 12:30 p.m., Friday, January 22, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2023: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2059: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2059, as amended, was placed on the Sixth order on the calendar.

Page 1, line 2, remove "50-25.2-04,"

Page 1, line 8, after the second "adult" insert "who is at least fifty-five years of age and has been abused, neglected, or exploited, or an adult"

Page 1, line 9, remove "or an adult who is at least fifty-five years"

Page 1, line 10, remove "of age"

Page 2, line 15, after "possible" insert "and"

Page 3, remove lines 1 through 14

Page 3, line 26, replace "Shall" with "May"

Page 3, line 27, replace "shall" with "may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2105: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2107: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2108: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2111: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2111 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2161: 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 2161, as amended, was placed on the Sixth order on the calendar.

Page 1, line 7, remove "and" and after "23-01-01" insert ", and subsection 1 of section 43-43-01"

Page 5, after line 13, insert:

"SECTION 9. AMENDMENT. Subsection 1 of section 43-43-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. "Advisory board" means the following or their appointed agents: state health officer as chairperson, ~~the director of the consolidated laboratories branch of the department of health and consolidated laboratories,~~ the commissioner of the North Dakota department of agriculture, and the president of the North Dakota environmental health association. The state health officer shall appoint one agent of a district or local health unit environmental health practitioner and one consumer."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2228: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2228, as amended, was placed on the Sixth order on the calendar.

Page 5, line 19, after the underscored period insert "Any customer, employee, or agency affected by the transfer of the state toxicologist from North Dakota state university of agriculture and applied science to the department must be given at least ninety days' notice before the physical transfer occurs. The physical transfer may occur not before a forensic pathologist is employed by the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248: Human Services Committee (Sen. Mathern, Chairman) recommends DO

PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2252: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2273: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1221: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1221 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Sand, Krauter introduced:

SB 2442: A BILL for an Act to amend and reenact subsection 3 of section 5-02-02 of the North Dakota Century Code, relating to the qualifications for retail liquor licensure.

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

Sen. Nelson introduced:

SB 2443: A BILL for an Act to amend and reenact subsection 3 of section 16.1-08-02 of the North Dakota Century Code, relating to political committee registration.

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

Sen. Thane introduced:

SB 2444: A BILL for an Act to create and enact three new subsections to section 43-15-01 of the North Dakota Century Code, relating to definitions under the pharmacy laws; and to amend and reenact subsection 16 of section 43-15-01 of the North Dakota Century Code, relating to the practice of pharmacy.

Was read the first time and referred to the Human Services Committee.

Sen. Thane introduced:

SB 2445: A BILL for an Act to amend and reenact section 43-17-04 of the North Dakota Century Code, relating to the term of office of members of the board of medical examiners.

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

Sens. DeMers, Graba and Reps. C. Carlson, Glassheim, Poolman introduced:

SB 2446: A BILL for an Act to amend and reenact section 2-06-06 of the North Dakota Century Code, relating to compensation paid to commissioners of an airport authority.

Was read the first time and referred to the Natural Resources Committee.

Sens. Robinson, Evanson, O'Connell and Reps. Coats, Goffe introduced:

SB 2447: A BILL for an Act to create and enact a new subsection to section 15-27.6-04 of the North Dakota Century Code, relating to negotiations between teachers and interim district school boards.
Was read the first time and referred to the **Education Committee**.

Sen. Wogsland and Reps. Nicholas, Thorpe introduced:

SB 2448: A BILL for an Act to create and enact a new subsection to section 57-01-02 of the North Dakota Century Code, relating to authorizing the tax commissioner to require payments of one hundred thousand dollars or more due on a return, report, or other document to be paid by a method in which the funds are immediately available to the state, requiring a taxpayer to provide the tax commissioner with evidence of the payment, providing for penalties and interest on late payments, authorizing the tax commissioner to adopt rules necessary for the administration of this payment method; to provide a penalty; and to provide an appropriation.

Was read the first time and referred to the **Finance and Taxation Committee**.

FIRST READING OF HOUSE BILLS

HB 1040: A BILL for an Act to create and enact two new subsections to section 34-05-01.3, a new section to chapter 34-05, a new subsection to section 52-01-01, and a new subsection to section 65-01-02 of the North Dakota Century Code, relating to making job service North Dakota and the workers compensation bureau divisions of the labor department; to amend and reenact sections 19-20.2-07, 21-03-32, 21-10-01, subsection 6 of section 23-01.1-02, subdivision b of subsection 2 of section 26.1-23-08, subsection 2 of section 28-32-08, sections 28-32-14, 34-05-01.2, 37-11-02, 37-18.1-01, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-25, 50-01-17.1, 51-04-08, subsections 8 and 20 of section 52-01-01, sections 52-01-02, 52-01-03, 52-02-01, 52-08-02, 52-08-03, subdivision c of subsection 6 of section 52-09-20, subsection 1 of section 52-11-01, subsection 1 of section 54-06-04, sections 54-16-10, 54-56-01, subsection 4 of section 57-38-57, section 57-39.2-23, subsections 4 and 6 of section 65-01-02, sections 65-01-13, 65-02-01, 65-02-01.1, 65-02-07, 65-04-04.2, 65-04-10, 65-04-15, 65-04-31, 65-05-29, and paragraph 1 of subdivision i of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to making job service North Dakota and the workers compensation bureau divisions of the department of labor; to repeal section 65-02-02 of the North Dakota Century Code and sections 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 21, 22, 27, 28, 33, and 75 of chapter 714 of the 1991 Session Laws of North Dakota and the amendments to subsections 6 and 11 of section 65-01-02 of the North Dakota Century Code as provided by section 23 of chapter 714 of the 1991 Session Laws of North Dakota, relating to the merger of the workers compensation bureau and job service North Dakota; to provide an effective date; and to declare an emergency.

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

HB 1113: A BILL for an Act to create and enact a new subsection to section 6-09.13-01 and a new subsection to section 6-09.13-02 of the North Dakota Century Code, relating to the definition of on-farm business and adoption of rules regarding buydown of interest rates on loans to on-farm businesses.

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

HB 1129: A BILL for an Act to amend and reenact subsection 5 of section 38-14.1-21 of the North Dakota Century Code, relating to surface coal mine permit approval or denial standards.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1151: A BILL for an Act to amend and reenact section 6-01-09 of the North Dakota Century Code, relating to unannounced examinations of banks and

authority to examine bank holding companies and subsidiaries of banks under the commissioner's supervision.

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

HB 1153: A BILL for an Act to amend and reenact section 6-01-01 of the North Dakota Century Code, relating to department of banking and financial institutions supervision of state-chartered credit unions.

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

HB 1160: A BILL for an Act to amend and reenact subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the hazardous chemicals preparedness and response program fund and facility fee system.

Was read the first time and referred to the **Natural Resources Committee.**

HB 1162: A BILL for an Act to amend and reenact section 60-07-01 of the North Dakota Century Code, relating to fees charged for licensing storage companies as public warehouses.

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

HB 1175: A BILL for an Act to amend and reenact sections 6-01-02, 6-03-13.1, 6-03-17, and 6-03-19 of the North Dakota Century Code, relating to the definition of paying and receiving activity conducted at separate facilities and paying and receiving stations, and to publishing a notice to discontinue a paying and receiving station.

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

HB 1280: A BILL for an Act to amend and reenact section 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, and 16.1-16-07 of the North Dakota Century Code, relating to the duties of clerks of district court to preserve election ballots; to provide an effective date; and to provide an expiration date.

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

HB 1307: A BILL for an Act to amend and reenact section 48-08-07 of the North Dakota Century Code, relating to the length of time a county may enter a lease of a public building.

Was read the first time and referred to the **Political Subdivisions Committee.**

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution directing the Legislative Council to study tax preferences under existing law, with emphasis on prevention of unfair competitive advantages to entities receiving tax preferences.

Was read the first time and referred to the **Finance and Taxation Committee.**

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

CAROL SIEGERT, Secretary