

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 3, 1993

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

The prayer was offered by Rev. Rex Wilson, First Baptist Church, Bismarck.

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

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 2031, SB 2055, SB 2215, SB 2231, SB 2314, SB 2420.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Arnold Pietran.

CONSIDERATION OF AMENDMENTS

SB 2070: SEN. HEINRICH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 306 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2429: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 307 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of the judges of the supreme and district courts.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2002 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2009 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile registration and trail tax fees and providing for an annual transfer of highway tax distribution fund moneys to the snowmobile fund.

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

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

NAYS: Tennefos

ABSENT AND NOT VOTING: Keller

SB 2120 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2240: A BILL for an Act to amend and reenact section 44-02-05 of the North Dakota Century Code, relating to calling of a special county election to fill a vacancy in the board of county commissioners.

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 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Mushik; Naaden; Nalewaja; O'Connell; Redlin; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Holmberg; Kelly; Kinnoin; Langley; Lindgren; Maxson; Mutch; Nelson; Nething; Robinson; Stenehjem, W.

ABSENT AND NOT VOTING: Keller

SB 2240 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2265: A BILL for an Act to amend and reenact sections 5-02-01.1, 5-02-03, 5-02-05, and 12.1-30-03 of the North Dakota Century Code, relating to permits and fees for dispensing and consuming alcoholic beverages; and to repeal sections 5-02-05.1 and 5-02-05.2 of the North Dakota Century Code, relating to Sunday alcoholic beverage permits.

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 35 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Evanson; Freborg; Goetz; Graba; Grindberg; Lindaas; Marks; Naaden; Nelson; Scherber; Solberg; Streibel; Tennefos

ABSENT AND NOT VOTING: Keller

SB 2265 passed and the title was agreed to.

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 1072, HB 1111, HB 1136, HB 1138, HB 1143, HB 1178, HB 1225, HB 1228, HB 1233, HB 1254, HB 1286, HB 1302, HB 1335, HB 1344, HB 1355, HB 1379, HB 1405, HB 1412, HB 1419, HCR 3020.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to amend and reenact section 38-08-06.4 of the North Dakota Century Code, relating to the flaring of gas, the imposition of the gross production tax and the payment of royalties for gas flared illegally, and the industrial commission's duties; and to provide for application of this 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Mutch

ABSENT AND NOT VOTING: Keller

SB 2342 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to create and enact a new section to chapter 23-20.3 and a new section to chapter 23-29 of the North Dakota Century Code, relating to the disclosure of certain violations of the law by applicants for waste management facility permits.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2346 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to establish a North Dakota board of reflexology and to provide for the licensure of reflexologists; and to provide 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, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; DeMers; Graba; Heinrich; Kelly; Krauter; Lindgren; Mathern; Mushik; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos

ABSENT AND NOT VOTING: Keller

SB 2359 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident licenses to sell minnows or other live bait at wholesale; and to amend and reenact subsection 27 of section 20.1-03-12 and section 20.1-06-14 of the North Dakota Century Code, relating to resident licenses to sell minnows or other live bait at wholesale and nonresident minnow bait wholesalers.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2430 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2267, which is on the Eleventh order, be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2267 was rereferred.

MOTION

SEN. O'CONNELL MOVED that SB 2167 be returned to the Senate floor from the **Education Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. O'CONNELL REQUESTED the unanimous consent of the Senate to withdraw SB 2167. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 40-08-12 of the North Dakota Century Code, relating to the publication of the proceedings of a city council.

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 3 YEAS, 45 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Freborg; Krauter; Urlacher

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

ABSENT AND NOT VOTING: Keller

SB 2321 lost.

MOTION

SEN. MATHERN MOVED that SB 2343, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2344: A BILL for an Act to amend and reenact section 15-27.6-05 of the North Dakota Century Code, relating to supplemental payments for consortiums.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 43 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Evanson; Lindgren; Maxson; Traynor

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

ABSENT AND NOT VOTING: Keller; Mutch

SB 2344 lost.

SECOND READING OF SENATE BILL

SB 2345: A BILL for an Act to amend and reenact section 39-21-01 of the North Dakota Century Code, relating to the display of vehicle lights during inclement weather.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2345 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to create and enact a new section to chapter 26.1-41 of the North Dakota Century Code, relating to reporting the termination of a motor vehicle policy to the department of transportation.

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

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; President Myrdal

ABSENT AND NOT VOTING: Keller

SB 2376 lost.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to amend and reenact section 61-16.1-14 of the North Dakota Century Code, relating to contracts for construction or maintenance of water resource district projects.

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

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

NAYS: O'Connell; Yockim

ABSENT AND NOT VOTING: Keller

SB 2380 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to amend and reenact section 46-02-07 of the North Dakota Century Code, relating to performance bond requirements for state printing work.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2382 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2468: A BILL for an Act to repeal section 4 of chapter 99 of the 1991 Session Laws of North Dakota, relating to eliminating the time limit for access to the list of sales tax permitholders by the secretary of state.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2468 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to the application of sales taxes to magazine subscriptions.

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 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Marks; Mutch; Naaden; Nalewaja; Nething; Solberg; Stenehjem, B.; Streibel; Yockim

ABSENT AND NOT VOTING: Keller

SB 2515 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4001: A concurrent resolution expressing legislative support for the corps of North Dakota state employees and expressing legislative purpose that the recruitment, training, and retention of valuable state employees be given priority by each branch of state government.

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

SCR 4001 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that SB 2034 and SB 2411, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to amend and reenact section 23-06.4-03 of the North Dakota Century Code, relating to declarations governing the use, withholding, or withdrawal of life-prolonging treatment.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 44 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kinnoin; Maxson; Schoenwald

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

ABSENT AND NOT VOTING: Keller

SB 2045 lost.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact section 24-02-40 of the North Dakota Century Code, relating to short-term financing for the department of transportation.

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

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

NAYS: Kinnoin; Tomac

ABSENT AND NOT VOTING: Keller

SB 2128 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to create and enact a new section to chapter 39-19 of the North Dakota Century Code, relating to a single state insurance registration system; to amend and reenact sections 24-02-01.5 and 49-18-42 of the North Dakota Century Code, to delete references to sections being repealed; to repeal section 49-18-41.1 of the North Dakota Century Code, relating to interstate registration and identification; 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 PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller

SB 2129 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2233: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the mission of the North Dakota state university extension service and establishment of regional extension service centers; to amend and reenact subsections 4 and 5 of section 57-15-06.7 of the North Dakota Century Code, relating to tax levies for county agent work; and to repeal chapter 4-08 of the North Dakota Century Code, relating to county agents.

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, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Lindgren; Maxson

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Mushik; 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; Yockim

ABSENT AND NOT VOTING: Keller

SB 2233 lost.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to create and enact new section to chapter 61-04.1 and a new subsection to section 61-16.1-09 of the North Dakota Century Code, relating to the creation of temporary weather modification authorities and to powers of water resource 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 36 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Traynor; Urlacher; Yockim

NAYS: DeMers; Kelly; Krauter; Marks; Mushik; Mutch; Naaden; Nelson; Solberg; Tennefos; Tomac; Wogsland

ABSENT AND NOT VOTING: Keller

SB 2305 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to amend and reenact subsection 2 of section 23-06.4-03, subsection 2 of section 23-06.4-05, and section 23-06.4-14 of the North Dakota Century Code, relating to declarations governing the use, withholding, or withdrawal of life-prolonging treatment.

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, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Maxson; Stenehjem, B.

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

ABSENT AND NOT VOTING: Keller

SB 2316 lost.

SECOND READING OF SENATE BILL

SB 2329: A BILL for an Act to amend and reenact section 61-24.5-10 of the North Dakota Century Code, relating to the levying of taxes by the southwest water authority; and to declare an emergency.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Keller

SB 2329 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 26.1-03-13 of the North Dakota Century Code, relating to reporting of product liability information.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller

SB 2340 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact two new sections to chapter 15-39.1 of the North Dakota Century Code and a new subsection to section 21-10-06 of the North Dakota Century Code as amended by section 7 of chapter 667 of the 1989 Session Laws of North Dakota and section 5 of chapter 628 of the 1991 Session Laws of North Dakota, relating to the teachers' retiree health benefits fund; to amend and reenact sections 15-39.1-23, 15-39.1-28, 15-39.1-29, 15-39.1-30, and subdivision b of subsection 1 of section 57-15-14.2 of the North Dakota Century Code, relating to the teachers' retiree health benefits fund; to provide an appropriation; and to provide for application of this Act.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Graba; Heinrich; Holmberg; Jerome; Kelsh; Lindaas; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Grindberg; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Schoenwald; Solberg; Streibel; Tennefos; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Keller

SB 2352 lost.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

POINT OF PERSONAL PRIVILEGE

SEN. REDLIN: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Yesterday afternoon witnessed the passing of a towering North Dakota newsman who endeared himself to all North Dakotans and his home city of Minot for his unflagging zeal in promoting all of the significant developments in our state which make our state a splendid place to live.

Carl Flagstad came to Minot in 1948 joining the staff of the Minot Daily News, and for these forty-four years covered every phase of news reporting in a manner reflecting great credit on his profession, including six years covering this very legislature with insight and fairness. Senator Conrad has stated "Carl was a great reporter, he was someone who always got the story, got it right, cared deeply about the community and about fully and fairly reporting the news". Carl was a bomber navigator during World War II in the Army-Air Corps and spent eighteen months in a German prison camp after his plane was shot down. Carl's funeral will be Saturday at 2:00 p.m. at Little Flower Catholic Church, at 800 University Avenue West, in Minot, a prayer vigil will be Friday evening at 7:00 p.m. at Little Flower.

North Dakota has lost a print media champion and I am proud that our journal will show our recognition of his contribution to a better brand of North Dakota.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to define what constitutes insurance fraud, facilitate the detection of insurance fraud, allow reporting of suspected insurance fraud, grant immunity for reporting suspected insurance fraud, and require the restitution of fraudulently obtained insurance benefits; and to provide a penalty.

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 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller; Kelsh; Langley; Maxson; Scherber; Solberg; Wogsland

SB 2384 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to amend and reenact sections 49-18-08, 49-18-12, 49-18-14, 49-18-32, 49-18-40, and 49-18-41 of the North Dakota Century Code, relating to the regulation of common motor carriers by the public service commission; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller; Langley; Mathern; Maxson; Scherber; Solberg; Wogsland

SB 2397 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to amend and reenact sections 11-13-14, 57-29-01, and 57-29-02 of the North Dakota Century Code, relating to the county auditor's certificates on conveyances to the Bank of North Dakota and recording of the conveyance and suspension and reinstatement of tax liens on land acquired by the state.

ROLL CALL

The question being on the final passage of the bill, which has been read, and

has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller; Langley; Maxson; Scherber; Solberg

SB 2413 passed and the title was agreed to.

REQUEST

SEN. MATHERN REQUESTED that on SB 2397, his vote show as Yea, as he was present, which request was granted.

SECOND READING OF SENATE BILL

SB 2484: A BILL for an Act to authorize the North Dakota independent living council to develop and implement a statewide network of centers for independent living and independent living services for people with disabilities.

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 39 YEAS, 5 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Mutch; Naaden; Nelson; Streibel; Tennefos

ABSENT AND NOT VOTING: Keller; Langley; Maxson; Scherber; Solberg

SB 2484 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2516: A BILL for an Act to create and enact a new subsection to section 57-15-20.2 of the North Dakota Century Code, relating to township mill levy authority; and amend and reenact section 24-06-04 of the North Dakota Century Code, relating to payment for township road machinery.

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 37 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Heinrich; Mutch; Naaden; O'Connell; Stenehjem, B.; Streibel; Tennefos

ABSENT AND NOT VOTING: Keller; Langley; Maxson; Scherber; Solberg

SB 2516 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

- SCR 4010:** A concurrent resolution directing the Legislative Council to study the eligibility criteria for economic and medical assistance programs and study the feasibility and desirability of standardizing income and asset criteria for those programs, standardizing pass-through, disallowance, and disregard income criteria, and of establishing criteria to allow persons eligible for those programs to earn income without losing their eligibility for benefits.
- SCR 4012:** A concurrent resolution directing the Legislative Council to study the optimum structure and staff development services necessary to meet the needs of middle-level adolescents identified as the at-risk group in North Dakota schools.
- SCR 4013:** A concurrent resolution directing the Legislative Council to study the establishment of a state repository for living wills, durable powers of attorney for health care, and other medical documents.
- SCR 4015:** A concurrent resolution directing the Legislative Council to study methods for providing civil legal representation and dispute resolution services for poor citizens.
- SCR 4016:** A concurrent resolution directing the Legislative Council to study the methods of distributing highway taxes and the effect the present highway tax distribution formula has on counties and cities.
- SCR 4018:** A concurrent resolution directing the Legislative Council to study means of gathering data on sentencing in all felony cases and in all misdemeanor cases involving violations of North Dakota Century Code Chapters 12.1-17, 12.1-20, and 14-07.1.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Keller; Kinnoin; Langley; Maxson; Nething; Scherber; Solberg

SCR 4010, SCR 4012, SCR 4013, SCR 4015, SCR 4016, and SCR 4018 were declared adopted and the titles were agreed to.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 4, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2035: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2035 was placed on the Sixth order on the calendar.

Page 1, line 22, replace "section" with "sections 54-17.2-21 and"

Page 2, line 2, replace "that section" with "those sections"

Page 3, line 24, replace "section" with "sections 54-17.2-21 and"

Page 4, line 4, replace "section" with "sections 54-17.2-21 and"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2040: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2072: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2072 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "15-20.4-02" insert "and 15-20.4-04"

Page 2, after line 14, insert:

"SECTION 2. AMENDMENT. Section 15-20.4-04 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-20.4-04. Minimum standards. All postsecondary educational institutions shall ~~must~~ be accredited by national or regional accrediting agencies recognized by the United States department of education. The board may additionally require such further evidence and make such further investigation as in its judgment may be necessary. Any postsecondary educational institution domiciled in this state seeking its first authorization to operate may be issued a provisional authorization to operate on an annual basis until the institution becomes eligible for accreditation by a recognized accrediting agency. Upon completion of the accreditation process, the institution shall submit evidence of accreditation, or a substantial good faith showing of progress toward such status. Only upon accreditation shall an institution become eligible for a regular authorization to operate. This section does not apply to institutions other than academic or professional postsecondary institutions that are domiciled in this state, and which enroll a limited number of students as determined by the board."

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2080: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2093: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2093 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2150: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2181: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 2, line 3, after "adopt" insert "nonbinding"

Page 2, line 5, after "for" insert "guidance to, and"

Page 2, line 6, after "by" insert an underscored comma

Page 2, line 7, after "general" insert ", nonbinding"

Page 2, line 8, after "appropriate" insert ", nonbinding"

Page 3, line 16, replace "shall" with "may"

Page 3, line 17, after "technical" insert "or financial" and after "assistance" insert ", within the limits of legislative appropriations or from contributions or grants received from other public or private sources."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2199: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 23-29-07.4,"

Page 1, line 4, after "to" insert "reporting requirements for collection of the solid waste management surcharge,"

Page 1, line 12, remove "and" and after "date" insert "; and to declare an emergency"

Page 1, after line 13, insert:

"SECTION 1. AMENDMENT. Section 23-29-07.4 of the North Dakota Century Code is amended and reenacted as follows:

23-29-07.4. Report of surcharge collection. No later than thirty days after the conclusion of each quarter, each person or political subdivision operating a service for collection of municipal waste shall send to the state tax commissioner a correct report of the surcharge collected for the previous quarter as required under section 23-29-07.3. The provisions of chapter 57-39.2 relating to the

administration of the sales tax, ~~except the provisions relating to refunds and credits and any provision in conflict with sections 23-29-07.2 through 23-29-07.5,~~ govern the administration of the surcharge imposed under section 23-29-07.3. A surcharge that has been collected, but which is not due, must be used to offset any surcharge to be imposed against the person from whom the surcharge was originally collected. A dispute relating to the imposition of the surcharge may be appealed to the department for a final decision. The department's decision may not be appealed under chapter 28-32."

Page 9, after line 13, insert:

"SECTION 9. EMERGENCY. Section 1 of this Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2294: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2294 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 1, line 3, after "victims" insert "; and to amend and reenact subsection 16 of section 12.1-34-02 of the North Dakota Century Code, relating to fair treatment standards for victims and witnesses"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 16 of section 12.1-34-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16. Prompt notice of custodial release. Victims and witnesses must be informed by the appropriate custodial authority whenever a criminal defendant receives a temporary, provisional, or final release from custody or whenever the defendant escapes from custody. Notification must include the transfer of the defendant to a work-release program, a community residential program, or transfer to a mental health facility. All notices to the victim and witnesses concerning this release information must be within a reasonable time prior to the defendant's release or transfer. The notice given by the custodial authority must be given by any means reasonably calculated to give prompt notice."

Page 1, line 8, underscore "Victims", after "Victims" insert "and witnesses", and underscore "of a crime to the extent necessary to comply with the"

Page 1, underscore line 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2303: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "ø", remove the first underscored comma, and remove ",_or judge"

Page 1, line 15, overstrike "and" and insert immediately thereafter "which" and overstrike "that"

Page 1, line 16, after the comma insert "or any person engaged in a judicial proceeding."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2339: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2339 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2348: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2354: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2354 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2355: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2355 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2356: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2356 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2360: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2360 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2368: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2369: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2369 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2399: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2399 was placed on the Sixth order on the calendar.

Page 2, line 8, replace "Two" with "If a majority of the townships in the county are organized townships, two"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2410: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2410 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2432: Education Committee (Sen. Heinrich, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2432 was placed on the Sixth order on the calendar.

Page 9, line 16, replace "no fewer" with "less"

Page 9, line 19, replace "twenty" with "fifteen"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2448: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2448 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2453: Judiciary Committee (Sen. Maxson, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2453 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2460: Judiciary Committee (Sen. Maxson, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2460 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2508: Education Committee (Sen. Heinrich, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2508 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Heinrich, Holmberg and Reps. Hanson, Monson introduced:

SCR 4039: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing programs to assist first-year teachers.

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

FIRST READING OF HOUSE BILLS

HB 1072: A BILL for an Act to create and enact a new section to chapter 54-52 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to continuing appropriations for certain retirement benefits and health insurance benefits; to amend and reenact subsection 18 of section 54-52-01, sections 54-52-02.6, 54-52-03, subsection 8 of section 54-52-04, and sections 54-52-17, 54-52-17.4, and 54-52-26 of the North Dakota Century Code, relating to definitions repurchase of past service, public employees retirement system board authority, public employees retirement system board membership and compensation, purchase of additional credit, payment for prior service, service benefits, consultant fees, and confidentiality of records under the public employees retirement system; and to provide a continuing appropriation.

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

HB 1111: A BILL for an Act to create and enact chapters 30.1-05, 30.1-06, a new section to chapter 30.1-07, chapters 30.1-09.1, and 30.1-10 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article II - Intestacy, Wills, and Donative Transfers (1990) which pertain to the elective share of a surviving spouse, a spouse and children unprovided for in a will, applicable law at the time of death, rules of construction applicable to donative dispositions, and general provisions concerning probate and nonprobate transfers; to amend and reenact sections 30.1-01-04, 30.1-01-06, 30.1-04-01, 30.1-04-02, 30.1-04-03, 30.1-04-03.1, 30.1-04-04, 30.1-04-06, 30.1-04-08, 30.1-04-09, 30.1-04-10, 30.1-04-11, 30.1-04-12, 30.1-04-13, 30.1-07-01, 30.1-07-02, 30.1-07-03, 30.1-08-02, 30.1-08-04, 30.1-08-06, 30.1-08-07, 30.1-08-08, 30.1-08-09, 30.1-08-11, 30.1-08-13, 30.1-09-03, 30.1-09-04, 30.1-09-05, 30.1-09-06, 30.1-09-07, 30.1-09-08, 30.1-09-09, 30.1-09-10, 30.1-09-12, 30.1-09-13, 30.1-11-01, 30.1-11-02, 30.1-14-03, 30.1-14-08, 30.1-20-05, subsection 2 of section 30.1-29-07, subsection 1 of section 30.1-31-09, subsection 2 of section 30.1-31-12, and subsection 1 of section 47-24.1-18 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article II which pertain to evidence of death, definitions, intestate succession, exempt property and allowances, wills, will contracts, custody and deposit of wills, rules of construction applicable only to wills, the Uniform Probate Code Article VI - Nonprobate Transfers on Death (1989), and general probate provisions; and to repeal present chapters 30.1-05, 30.1-06, sections 30.1-08-03, 30.1-09-01, 30.1-09-02, 30.1-09-11, chapters 30.1-10, 31-12, and 47-11.1 of the North Dakota Century Code, relating to the elective share of the surviving spouse, spouse and children unprovided for in wills, holographic wills, rules of construction, general provisions, Uniform Disclaimer of Transfers Under Nontestamentary Instruments Act, and the Uniform Simultaneous Death Act.

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

HB 1136: A BILL for an Act to amend and reenact section 65-05-08.1 of the North Dakota Century Code, relating to workers' compensation verification of temporary total disability; and to provide an effective date.

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

HB 1138: A BILL for an Act to amend and reenact section 65-02-20 of the North Dakota Century Code, relating to the workers compensation bureau managed care program; and to provide for application of this Act.

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

HB 1143: A BILL for an Act to amend and reenact section 61-04-23 of the North Dakota Century Code, relating to forfeiture of water rights by state agencies.

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

HB 1178: A BILL for an Act providing for the adoption of an interstate agreement titled "The National Guard Mutual Assistance Counter-Drug Activities Compact" and for its implementation.

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

HB 1225: A BILL for an Act to create and enact a new section to chapter 12.1-31 of the North Dakota Century Code, relating to care of an elderly adult; and to provide a penalty.

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

HB 1228: A BILL for an Act to create and enact nine new sections to chapter 43-04 of the North Dakota Century Code, relating to barber continuing

education requirements; and to amend and reenact sections 43-04-01 and 43-04-39 of the North Dakota Century Code, relating to the registration of barbers by the board of barber examiners.

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

HB 1233: A BILL for an Act to authorize the state board of higher education to exchange certain state-owned land at Bismarck state college for certain property owned by Robert Asker.

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

HB 1254: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of cases from municipal court to county court or district court if a jury trial is not waived and transfer of cases to municipal court from county court or district court; and to provide an effective date.

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

HB 1286: A BILL for an Act to amend and reenact subsection 3 of section 29-15-21 of the North Dakota Century Code, relating to a demand for change of judge.

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

HB 1302: A BILL for an Act to amend and reenact section 40-38-03 of the North Dakota Century Code, relating to compensation of the board of directors of a public library.

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

HB 1335: A BILL for an Act to amend and reenact section 65-05-09.1 of the North Dakota Century Code, relating to social security offset against workers' compensation benefits.

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

HB 1344: A BILL for an Act to amend and reenact section 43-15-31.3 of the North Dakota Century Code, relating to the oral transmission of prescriptions to a pharmacist.

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

HB 1355: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to game and fish license fees; and to amend and reenact sections 20.1-03-12.2 and 20.1-08-04.1 of the North Dakota Century Code, relating to hunting license and permit application fees and participation by nonresidents in the bighorn sheep license lottery.

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

HB 1379: A BILL for an Act to amend and reenact section 61-12-02 of the North Dakota Century Code, relating to qualifications of members and appointment of flood irrigation boards.

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

HB 1405: A BILL for an Act to amend and reenact subsection 3 of section 20.1-13-10 of the North Dakota Century Code, relating to windsurfing or boardsailing.

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

HB 1412: A BILL for an Act to amend and reenact section 4-10.5-02 of the North Dakota Century Code, relating to North Dakota soybean council elections.

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

HB 1419: A BILL for an Act to create and enact two new subsections to section 51-18-08 of the North Dakota Century Code, relating to

exceptions to home solicitation sales regulations; and to declare an emergency.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3020: A concurrent resolution directing the Legislative Council to study the data collection systems relating to the criminal justice and quasi-criminal civil systems in North Dakota, including law enforcement, prosecutors, and courts, and the data collection systems of other states.

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

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

CAROL SIEGERT, Secretary