

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, February 9, 1993

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

The prayer was offered by Rev. Jim McEachran, Bethel Assembly of God, Mandan.

The roll was called and all members were present except Senators Naaden and Traynor.

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 2003, SB 2005.

## SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bill: SB 2132.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2132.

## 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 1324, HB 1375, HB 1408, HB 1409, HB 1445, HB 1472, HCR 3021, HCR 3023, HCR 3025.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2112, SB 2121.

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Committees (Sen. Wogsland, Chairman) respectfully submit the following names for your Select Committee to consider the Governor's nomination for the appointment of Joe Peltier to the State Board of Higher Education: Sens. Scherber, Tomac, Lindass, Graba, Goetz, Evanson, and Tennefos.

SEN. WOGSLAND MOVED that the report be adopted.

## REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

The resolution will be SCR 4041.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Solberg, Bowman, Tomac and Reps. Brown, Kempenich, Laughlin introduced: (Approved by the Delayed Bills Committee)

SCR 4041: A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

Was read the first time.

## MOTION

SEN. TOMAC MOVED that the rules be suspended, that SCR 4041 not be printed,

not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Solberg, Bowman, Tomac and Reps. Brown, Kempenich, Laughlin introduced: (Approved by the Delayed Bills Committee)

**SENATE CONCURRENT RESOLUTION NO. 4041**

A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

WHEREAS, Roger Stuber, Bowman, North Dakota, is the owner and operator of Stuber Hereford Ranch; and

WHEREAS, Roger Stuber has held numerous leadership positions in the beef industry, including president of the American Hereford Association and president of the North Dakota Stockmen's Association; and

WHEREAS, Roger Stuber served on the National Cattlemen's Association Board of Directors from 1985 to 1988; and

WHEREAS, Roger Stuber has served as a National Cattlemen's Association regional vice president; and

WHEREAS, on January 30, 1993, Roger Stuber was installed as president of the National Cattlemen's Association; and

WHEREAS, as president of the National Cattlemen's Association, Roger Stuber will be a national spokesman for all segments of the United States beef cattle industry;

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

That the Fifty-third Legislative Assembly extends its congratulations to Roger Stuber upon his election as president of the National Cattlemen's Association; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to Roger Stuber.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

SCR 4041: A resolution congratulating Roger Stuber on his election as president of the National Cattlemen's Association.

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

SCR 4041 was declared adopted on a voice vote.

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**MOTION**

SEN. TOMAC MOVED that the vote by which SCR 4041 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**MOTION**

SEN. TOMAC MOVED that the rules be suspended and that SCR 4041 be messaged to the House immediately.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4041.

**MOTION**

SEN. MATHERN MOVED that until the thirty-third legislative day all Senate Bills be placed on the Eleventh order immediately after consideration of amendments to those bills, which motion prevailed.

**MOTION**

SEN. MATHERN MOVED that SB 2217, which is on the Sixth order, be rereferred to the Education Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2217 was rereferred.

**MOTION**

SEN. MATHERN MOVED that SB 2309, which is on the Sixth order, be rereferred to the Agriculture Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2309 was rereferred.

**MOTION**

SEN. MATHERN MOVED that pursuant to Senate Rule 329, subsection 4, the final date for rereferrals to the Appropriations Committee be amended to read "twenty-seventh legislative day" instead of "twenty-fifth legislative day", which motion prevailed.

**CORRECTION AND REVISION OF THE JOURNAL**

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Twenty-fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 387, line 39, after "p.m" insert ". Friday in which a minor is required to be in attendance, for"

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

**CORRECTION AND REVISION OF THE JOURNAL**

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 369, after line 20, insert:

**"REPORT OF DELAYED BILLS COMMITTEE**

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a bill for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to eligibility for benefits covered by a long-term care insurance policy.

The bill will be SB 2536.

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

**REPORT OF DELAYED BILLS COMMITTEE**

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING in favor of accepting a bill for an Act to amend and reenact subsection 6 of section 11-11.1-03 and sections 11-11.1-04 and 11-11.1-07 of the North Dakota Century Code, relating to authority of job development authorities.

The bill will be SB 2537.

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

**REPORT OF DELAYED BILLS COMMITTEE**

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING

in favor of accepting a concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Plan dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

The resolution will be SCR 4040.

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

#### MOTION

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

#### CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully examined the Journal of the Twenty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 340, line 5, replace "Judiciary" with "Appropriations"

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

#### CONSIDERATION OF AMENDMENTS

SB 2020: SEN. LINDAAS (Appropriations Committee) MOVED that the amendments on SJ page 408 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the office of administrative hearings.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Nelson; Solberg; Streibel; Tennesfos

ABSENT AND NOT VOTING: Naaden; Traynor

SB 2020 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SB 2389: SEN. SCHOENWALD (Transportation Committee) MOVED that the amendments on SJ page 415 be adopted and then be placed on the Eleventh order with DO PASS, which motion failed.

#### MOTION

SEN. WOGSLAND MOVED that SB 2389 bypass the Appropriations Committee, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2389: A BILL for an Act to create and enact a new section to chapter

24-09 of the North Dakota Century Code, relating to department of transportation responsibility for railroad crossing safety measures.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Kinnoin; Mathern; O'Connell; Schoenwald; Tallackson; Urlacher; Wogsland; Yockim

**NAYS:** Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2389 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2419: SEN. GRINDBERG (Transportation Committee) MOVED** that the amendments on SJ pages 415-416 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2419:** A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Heinrich

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2419 passed and the title was agreed to.

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#### MOTION

**SEN. GRABA MOVED** that SB 2259 be returned to the Senate floor from the **Political Subdivisions Committee** for the purpose of withdrawal, which motion prevailed.

#### REQUEST

**SEN. SOLBERG REQUESTED** the unanimous consent of the Senate to withdraw SB 2259. There being no objection, it was so ordered by the President.

#### CONSIDERATION OF AMENDMENTS

**SB 2426: SEN. LINDGREN (Human Services Committee) MOVED** that the amendments

on SJ pages 416-419 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

**MOTION**

**SEN. LINDGREN MOVED** that SB 2426 be amended as follows, which motion prevailed.

Page 4, line 5, replace "shall" with "may"

Page 4, line 20, after "benefits" insert "to health care consumers"

Page 4, line 25, after "agreement" insert "to health care consumers"

Page 5, line 11, replace "ability" with "bargaining power"

Page 5, line 14, replace "to negotiate optimal" with "in negotiating"

Page 5, line 26, after "benefits" insert "to health care consumers"

Page 5, line 29, replace "resulting" with "to health care consumers which result"

Page 7, line 3, replace "resulting" with "to health care consumers which result"

Page 7, line 12, replace "resulting" with "to health care consumers which result"

Page 7, line 18, replace "resulting" with "to health care consumers which result"

Page 7, line 26, replace "resulting" with "to health care consumers which result"

Page 8, line 21, replace "resulting" with "to health care consumers which result"

Renumber accordingly

**MOTION**

**SEN. MATHERN MOVED** that SB 2426 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2426 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2471: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 420 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2471:** A BILL for an Act to create and enact a new section to chapter 10-25 of the North Dakota Century Code, relating to merger with a foreign corporation; to amend and reenact sections 10-24-02, 10-25-01, 10-25-02, 10-25-03, 10-25-04, 10-25-05, and 10-25-06, relating to the merger of not for profit corporations with business corporations; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Heinrich; Naaden; Tallackson; Traynor

SB 2471 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2473: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ pages 420-421 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. SCHOENWALD MOVED** that SB 2473 be amended as follows, which motion prevailed.

Page 2, line 6, replace "anorexia" with "anoxia"

ReNUMBER accordingly

#### SECOND READING OF SENATE BILL

**SB 2473:** A BILL for an Act to impose a surcharge on persons convicted of driving while under the influence of intoxicants and to provide services for persons with traumatic brain injury; to provide a continuing appropriation subject to budget section approval; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 5 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; Lindgren; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Urlacher; Wogsland; Yockim

**NAYS:** Marks; Maxson; O'Connell; Stenehjem, W.; Tomac

**ABSENT AND NOT VOTING:** Naaden; Tallackson; Traynor

SB 2473 passed and the title was agreed to.

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#### MOTION

**SEN. URLACHER MOVED** that the Senate reconsider its action whereby SCR 4024 passed, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4024:** A concurrent resolution urging the Secretary of the United States Department of Transportation to place the entire state on central standard time.

#### REQUEST

**SEN. KRAUTER REQUESTED** a recorded roll call vote, which request was granted.

#### ROLL CALL

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

read, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Kelly; Kinnoin; Langley; Lindgren; Mathern; Maxson; Mushik; Robinson; Sand; Scherber; Stenehjem, W.; Tomac; Wogsland

**NAYS:** Andrist; Bowman; Evanson; Jerome; Keller; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Marks; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Naaden; Tallackson; Traynor

SCR 4024 lost.

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#### CONSIDERATION OF AMENDMENTS

**SB 2474:** SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 421-422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2474:** A BILL for an Act to amend and reenact sections 43-07-04 and 43-07-10 of the North Dakota Century Code, relating to contractor licensing.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Keller; Naaden; Tallackson; Traynor

SB 2474 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2482:** SEN. ANDRIST (Political Subdivisions Committee) MOVED that the amendments on SJ page 422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2482:** A BILL for an Act to amend and reenact section 57-12-01 of the North Dakota Century Code, relating to the time of meetings of the county board of equalization.

#### ROLL CALL

The question being on the final passage of the amended bill, 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin;

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

**ABSENT AND NOT VOTING:** Naaden; Tallackson; Traynor

SB 2482 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2489: SEN. NALEWAJA (Natural Resources Committee) MOVED** that the amendments on SJ page 422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2489:** A BILL for an Act to amend and reenact section 61-21-45 of the North Dakota Century Code, relating to bid requirements for certain water projects.

#### ROLL CALL

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

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

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Naaden; Tallackson; Traynor

SB 2489 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2510: SEN. KELLER (Natural Resources Committee) MOVED** that the amendments on SJ page 422 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2510:** A BILL for an Act to amend and reenact section 36-21.1-07 of the North Dakota Century Code, relating to the inhumane treatment of wild animals; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Naaden; Tallackson; Traynor

SB 2510 passed and the title was agreed to.

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**MOTION**

SEN. MATHERN MOVED that SB 2432, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

SB 2039: A BILL for an Act relating to certain financial arrangements between providers of health care and providers of health care services; to amend and reenact subdivision o of subsection 1 of section 43-05-16 and section 43-28-18, relating to grounds for suspension or revocation of the professional licenses of podiatrists and dentists; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Lindgren; Mathern; Maxson; Mushik; O'Connell; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tennefos; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; Langley; Lips; Marks; Malewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Streibel; Urlacher

ABSENT AND NOT VOTING: Mutch; Naaden; Tallackson; Traynor

SB 2039 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2043: A BILL for an Act to create and enact two new sections to chapter 12.1-20 of the North Dakota Century Code, relating to the affirmative defense of consent in cases involving victims with a mental disease or defect.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Stenehjem, W.

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

ABSENT AND NOT VOTING: Mutch; Naaden; Tallackson; Traynor

SB 2043 lost.

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**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.

#### SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact sections 54-57-03 and 54-57-07 of the North Dakota Century Code, relating to the jurisdiction of the office of administrative hearings and compensation for providing hearing officers.

#### 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor; Wogsland

SB 2086 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to create and enact a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to the authority of the director of the department of corrections and rehabilitation to collect fees from persons on correctional supervision; to amend and reenact subsection 2 of section 12.1-32-07 and subdivision q of subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to the supervision of a probationer; and to declare an emergency.

#### 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Naaden; Traynor; Wogsland

SB 2144 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF SENATE BILL

SB 2251: A BILL for an Act to amend and reenact section 54-52.1-03.4 of the North Dakota Century Code, relating to participation by employees of political subdivisions in the uniform group insurance program; and to provide an appropriation.

**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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Naaden; Traynor; Wogsland

SB 2251 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2269:** A BILL for an Act to amend and reenact section 36-01-01 of the North Dakota Century Code, relating to the state board of animal health; and to provide for transition.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Kelsh; Lindaas; Solberg

**ABSENT AND NOT VOTING:** Naaden; Traynor; Wogsland

SB 2269 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE BILL**

**SB 2285:** A BILL for an Act to provide for the medical testing of a sex offense defendant for sexually transmitted diseases and the human immunodeficiency virus; to create and enact a new subdivision to subsection 1 of section 23-07.5-05 of the North Dakota Century Code, relating to disclosure of test results; and to provide a penalty.

**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, 0 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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:** Naaden; Traynor

SB 2285 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2296:** A BILL for an Act to amend and reenact section 11-18-05 of the North Dakota Century Code, relating to filing and recording fees charged by the register of deeds.

**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 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; Kelly; Kelsh; Maxson; Mushik; O'Connell; Redlin; Sand; Yockim

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2296 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2304:** A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for agricultural buildings; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 29 YEAS, 18 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Dotzenrod; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

**NAYS:** Bowman; Evanson; Freborg; Goetz; Grindberg; Krebsbach; Lindgren; Marks; Mutch; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Urlacher

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2304 passed and the title was agreed to.

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**MOTION**

**SEN. MATHERN MOVED** that SB 2325, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2334:** A BILL for an Act to amend and reenact subsection 6 of section 60-02-01 and subsection 6 of section 60-03-01 of the North Dakota Century Code, relating to the definition of public warehouseman and roving grain and hay buyer.

**CONFLICT OF INTEREST**

**SEN. KRAUTER STATED** that he had a conflict of interest on SB 2334 and requested permission to vote.

The question being on whether Sen. Krauter could vote on SB 2334, which request was granted.

**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, 0 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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:** Naaden; Traynor

SB 2334 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2358:** A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of a portion of a county's share of coal severance tax revenues to the lignite research fund; to amend and reenact subsection 3 of section 57-62-02 of the North Dakota Century Code, relating to allocation of a portion of the state general fund share of coal severance tax revenues to the lignite research fund; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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:** Naaden; Traynor

SB 2358 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2367:** A BILL for an Act to create and enact a new section to chapter 14-02.4 of the North Dakota Century Code, relating to limitation of damages; and to amend and reenact sections 14-02.4-01, 14-02.4-03, 14-02.4-06, 14-02.4-08, and 14-02.4-20 of the North Dakota Century Code, relating to discriminatory practices in employment.

**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, 0 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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: Naaden; Traynor

SB 2367 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to amend and reenact section 12.1-16-01 of the North Dakota Century Code, relating to the definition of murder.

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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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: Langley; Naaden; Traynor

SB 2373 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to provide for transfer of computer equipment to the county register of deeds; and to declare an emergency.

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, 0 NAYS, 0 EXCUSED, 2 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; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; 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: Naaden; Traynor

SB 2375 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2395:** A BILL for an Act to amend and reenact sections 4-10.2-08, 4-10.3-08, subsection 1 of section 4-10.4-08, sections 4-10.5-07, and 4-28-07 of the North Dakota Century Code, relating to the percentages of agricultural commodity assessments.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Dotzenrod; Graba; Heinrich; Keller; Kelly; Kelsh; Marks; Mathern; Mushik; Redlin; Scherber; Schoenwald; Tallackson; Wogsland; Yockim

**NAYS:** Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Maxson; Mutch; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Urlacher

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2395 lost.

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**SECOND READING OF SENATE BILL**

**SB 2412:** A BILL for an Act to amend and reenact sections 26.1-40-05 and 26.1-40-06 of the North Dakota Century Code, relating to nonrenewal of certain automobile insurance policies.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Kinnoin; O'Connell

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

**ABSENT AND NOT VOTING:** Naaden; Traynor

SB 2412 lost.

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**MOTION**

**SEN. MATHERN MOVED** that SB 2245, which is on the Eleventh order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2245 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, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the

Senate stand adjourned until 1:00 p.m., Wednesday, February 10, 1993, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2001: Appropriations Committee (Sen. Tallackson, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "\$3,988,411" with "\$3,944,635"

Page 1, line 20, replace "\$6,040,007" with "\$5,996,231"

Page 2, line 1, replace "\$3,169,677" with "\$3,158,349"

Page 2, line 4, replace "\$4,509,044" with "\$4,497,716"

Page 2, line 5, replace "\$10,549,051" with "\$10,493,947"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

SENATE - The salaries and wages line item is decreased by \$43,776 from the general fund for reduced employee health insurance premium costs.

DEPARTMENT 160 - LEGISLATIVE COUNCIL

SENATE - The salaries and wages line item is decreased by \$11,328 from the general fund for reduced employee health insurance premium costs.

**REPORT OF STANDING COMMITTEE**

**SB 2046: Judiciary Committee (Sen. Maxson, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2046 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2152: Appropriations Committee (Sen. Tallackson, Chairman)** recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2311: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "and a"

Page 1, line 2, remove "new subsection to section 57-38-30.3"

Page 1, line 3, replace "lifetime nursing" with "long-term care"

Page 1, line 4, remove "facility"

Page 1, line 8, replace "lifetime nursing facility" with "long-term care"

Page 1, line 9, replace "individual" with "an individual's"

Page 1, line 11, replace "lifetime nursing facility" with "long-term care"

Page 1, line 13, replace "taxpayer" with "policy purchased"

Page 1, remove lines 15 through 19

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2353: Finance and Taxation Committee (Sen. Dotzenrod, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2396: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "subsection" with "subsections 14 and"

Page 1, line 2, replace "definition" with "definitions" and replace "an" with "employee and"

Page 1, line 5, replace "Subsection" with "Subsections 14 and"

Page 1, line 6, replace "is" with "are"

Page 1, after line 7, insert:

"14. "Employee" means every person engaged in a hazardous employment under any appointment, contract of hire, or apprenticeship, express or implied, oral or written, and:

a. The term includes:

- (1) All elective and appointed officials of this state and its political subdivisions, including municipal corporations and including the members of the legislative assembly, all elective officials of the several counties of this state, and all elective peace officers of any city.
- (2) Aliens.
- (3) Poor relief workers except such as are engaged in repaying to counties relief moneys which the counties have been compelled by statute to expend for poor relief.
- (4) Minors, whether lawfully or unlawfully employed; a minor is deemed sui juris for the purposes of this title, and no other person may have any claim for relief or right to compensation for any injury to such minor worker, but in the event of the award of a lump sum of compensation to such minor employee, such sum shall be paid only to the legally appointed guardian of such minor.

b. The term does not include:

- (1) Any person whose employment is both casual and not in the course of the trade, business, profession, or occupation of that person's employer.
- (2) Any person who is engaged in an illegal enterprise or occupation.

- (3) The spouse or child of the employer dwelling in the household of the employer.
- (4) Any real estate broker or real estate salesperson, provided the person meets the following three requirements:
  - (a) The salesperson or broker must be a licensed real estate agent under section 43-23-05.
  - (b) Substantially all of the salesperson's or broker's remuneration for the services performed as a real estate agent must be directly related to sales or other efforts rather than to the number of hours worked.
  - (c) A written agreement must exist between the salesperson or broker and the person or firm for whom the salesperson or broker works, which agreement must provide that the salesperson or broker will not be treated as an employee but rather as an independent contractor.
- (5) The members of the board of directors of a business corporation who are not employed in any capacity by the corporation other than as members of the board of directors.

- c. Persons employed by a subcontractor, or by an independent contractor operating under an agreement with the general contractor, for the purpose of this chapter are deemed to be employees of the general contractor who is liable and responsible for the payments of premium for the coverage of these employees until the subcontractor or independent contractor has secured the necessary coverage and paid the premium therefor. This subdivision does not impose any liability upon a general contractor other than liability to the bureau for the payment of premiums which are not paid by a subcontractor or independent contractor."

Page 1, line 17, remove the overstrike over "er" and remove ", or"

Page 1, line 18, remove "board of directors" and after "corporation" insert ", but not members of the board of directors of a business corporation who are not also officers of the corporation."

Page 1, line 21, remove the underscored period

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2448: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2448 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2459: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2459 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "specific and identified"

Re-number accordingly

## REPORT OF STANDING COMMITTEE

SB 2470: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2470 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2495: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2495 was placed on the Sixth order on the calendar.

Page 2, line 2, after the period insert "However, the owner of an aboveground farm or residential tank may, upon application, register the tank and be eligible for reimbursement under this Act."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SB 2496: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2496 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2511: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2511 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4021: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4021 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4033: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4033 was placed on the Eleventh order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. O'Connell, Graba, Traynor and Reps. Allmaras, Martin, Sveen introduced:  
SCR 4045: A concurrent resolution directing the Legislative Council to study political subdivision record retention.  
Was read the first time and referred to the Political Subdivisions.

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

CAROL SIEGERT, Secretary