

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 17, 1993

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

The prayer was offered by Robert Nordvall, Charity Lutheran Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 11, 1993

This is to inform you that on February 11, 1993, I signed the following: SB 2132.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 12, 1993

As you know, I have appointed Cal Hoovestol for the position of Securities Commissioner. I am appointing Mr. Hoovestol to finish the unexpired term of former commissioner, Glenn Pomeroy, whose term is to expire June 30, 1993, and have appointed Mr. Hoovestol to serve the new term commencing July 1 of this year.

Pursuant to NDCC 10-04-03, I am requesting the Senate to consider Mr. Hoovestol for confirmation of the unexpired term of the former commissioner, and the term thereafter commencing July 1, 1993.

Thank you for your consideration.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 16, 1993

This is to inform you that on February 16, 1993, I signed the following: SB 2075, SB 2268, SB 2112, and SB 2136.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolution: SCR 4041.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4041.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. DEMERS (Appropriations Committee) MOVED that the amendments on SJ pages 515-516 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts; and providing for an appropriation of funds from the cultural endowment fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips;

Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Grindberg; Holmberg; Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Urlacher

Engrossed SB 2012 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2409: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the amendments on SJ page 612 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act relating to the rights of organization and representation of political subdivision employees, collective bargaining negotiations between political subdivision employers and their employees, and the establishment of an employment relations board and employment relations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Heinrich; Holmberg; Keller; Kelly; Kelsh; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Wogsland

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

SB 2409 lost.

CONSIDERATION OF AMENDMENTS

SB 2466: SEN. GRABA (Human Services Committee) MOVED that the amendments on SJ pages 531-532 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to establish a universal health access program for citizens of the state; to provide an appropriation; and to provide an effective date.

MOTION

SEN. SCHOENWALD MOVED that Engrossed SB 2466 be amended as follows, which motion prevailed.

Page 14, line 24, remove "general"

Page 15, line 3, remove "general"

Page 16, line 1, remove "general"

Renumber accordingly

MOTION

SEN. MATHERN MOVED that Engrossed SB 2466 not be rereferred to the Appropriations Committee, which motion prevailed.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2466 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2004, SB 2011, SB 2017, SB 2029, SB 2110, SB 2213, SB 2279, SB 2308, SB 2315, SB 2324, SB 2339, SB 2357, SB 2360, SB 2362, SB 2364, SB 2370, SB 2379, SB 2388, SB 2394, SB 2401, SB 2415, SB 2417, SB 2423, SB 2425, SB 2431, SB 2441, SB 2445, SB 2449, SB 2456, SB 2458, SB 2472, SB 2488, SB 2490, SB 2494, SB 2496, SB 2497, SB 2506, SB 2509, SB 2513, SB 2514.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2517, SB 2524, SB 2527, SB 2533, SB 2534, SCR 4031, SCR 4034.

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-ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 538, remove lines 46 and 47 and insert immediately thereafter: "SEN. HEINRICH MOVED that the vote by which SCR 4029 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

Page 540, remove lines 20 and 21 and insert immediately thereafter: "SEN. DEMERS MOVED that the vote by which HCR 3051 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2014: SEN. REDLIN (Appropriations Committee) MOVED that the amendments on SJ pages 644-646 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director

of the department of transportation; and to provide a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Krebsbach; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Streibel; Urlacher

SB 2014 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 1026, HB 1062, HB 1179, HB 1332, HB 1359, HB 1366, HB 1373, HB 1397, HB 1400, HB 1427, HB 1435, HB 1457, HB 1460, HB 1463, HB 1468, HB 1469, HB 1475, HB 1484, HB 1485, HB 1489, HB 1490, HCR 3026, HCR 3030, HCR 3035.

MOTION

SEN. YOCKIM MOVED that SB 2061 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. YOCKIM REQUESTED the unanimous consent of the Senate to withdraw SB 2061. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2016: SEN. MUSHIK (Appropriations Committee) MOVED that the amendments on SJ pages 646-648 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee; and to provide an appropriation to the legislative council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2016 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 10:50 a.m., which motion prevailed.

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

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

MADAM PRESIDENT: The Speaker has signed: SCR 4041.

CONSIDERATION OF AMENDMENTS

SB 2038: SEN. GRABA (Appropriations Committee) MOVED that the amendments on SJ page 648 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act to establish a health plan for children and pregnant women; to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to contributions to the state health services fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 12 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Kelly; Lindaas; Mathern; Mushik; O'Connell; Robinson; Scherber; Schoenwald; Tallackson; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Wogsland

SB 2038 lost.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 11:02 a.m., February 17, 1993: SCR 4041.

CONSIDERATION OF AMENDMENTS

SB 2059: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments on SJ pages 648-649 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2059: A BILL for an Act to amend and reenact subsection 17 of section 50-25.2-01, sections 50-25.2-03, 50-25.2-05, and 50-25.2-13 of the North Dakota Century Code, relating to vulnerable adult protection services; 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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Jerome; Keller; Kelly; Kelsh; Krauter; Lindaas; Lindgren; Lips; Mathern; Mushik; Nalewaja; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Langley; Marks; Maxson; Mutch; Naaden; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Wogsland

SB 2059 lost.

CONSIDERATION OF AMENDMENTS

SB 2064: SEN. EVANSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 649 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to create and enact a new section to chapter 54-52.1 and a new subsection to section 54-52.1-01 of the North Dakota Century Code, relating to definitions and reimbursement under the uniform group insurance program; and to provide an expiration 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 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Mathern; Mushik; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Sand; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Bowman; Solberg

SB 2064 lost.

CONSIDERATION OF AMENDMENTS

SB 2092: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 649-650 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact sections 37-15-02, 37-15-14, 37-15-14.1, and 37-15-21 of the North Dakota Century Code, relating to the operation of the veterans' home; and to repeal section 37-15-00.1 of the North Dakota Century Code, relating to the definition of domiciliary care.

ROLL CALL

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

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

NAYS: Andrist; Kinnoin; O'Connell

ABSENT AND NOT VOTING: Bowman; Solberg

SB 2092 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2272: SEN. SCHERBER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 651 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to provide for transfer of administrative control of a building module at the developmental center at Grafton from the department of human services to the administrative committee on veterans' affairs to be administered as part of the veterans' home; and to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to administrative authority and control of the developmental center at Grafton.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Evanson; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Krauter; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Nalewaja; O'Connell; Redlin; Robinson; Sand; Scherber; Stenhjem, W.; Tallackson; Urlacher; Wogsland; Yockim

NAYS: Andrist; Dotzenrod; Freborg; Grindberg; Kelly; Kelsh; Kinnoin; Krebsbach; Marks; Naaden; Nelson; Nething; Schoenwald; Solberg; Stenhjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor

SB 2272 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2091 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to authorize the industrial commission acting as the North Dakota building authority to issue evidences of indebtedness, or in the alternative, to authorize the administrative committee on veterans' affairs to obtain a loan to match federal funds available to construct and add twenty additional skilled nursing beds to the facilities at the veterans' home; to provide an appropriation; 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 NOT PASS**, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Dotzenrod; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Mathern; Maxson; Nalewaja; Nelson; Redlin; Schoenwald; Tennefos; Thane; Yockim

NAYS: Andrist; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Lindaas; Lindgren; Lips; Marks;

Mushik; Mutch; Naaden; Nething; O'Connell; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tomac; Traynor; Urlacher

ABSENT AND NOT VOTING: Wogsland

SB 2091 lost.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:15 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2245: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ page 650 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2245: A BILL for an Act to amend and reenact sections 36-09-01, 36-09-02, 36-09-02.1, 36-09-04, 36-09-06, 36-09-08, 36-09-10, 36-09-11, 36-09-12, 36-09-13, 36-09-14, 36-09-15, and 36-09-18 of the North Dakota Century Code, relating to livestock brands and marks; and to provide an appropriation.

CONFLICT OF INTEREST

SEN. TOMAC STATED that he had a conflict of interest on SB 2245 and requested permission to vote.

The question being on whether Sen. Tomac could vote on SB 2245, which request was granted.

CONFLICT OF INTEREST

SEN. SOLBERG STATED that he had a conflict of interest on SB 2245 and requested permission to vote.

The question being on whether Sen. Solberg could vote on SB 2245, which request was granted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland

SB 2245 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2267 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2282: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 651 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2282: A BILL for an Act to create and enact a new chapter to title 6 and section 54-34.3-07.1 of the North Dakota Century Code, relating to loans for businesses developing nonmilitary uses for vacated North Dakota national guard armories and diversifying defense-dependent businesses and the creation of a conversion advisory board; to amend and reenact sections 54-34.3-01, 54-34.3-04, and 54-34.3-06 of the North Dakota Century Code, relating to the duties of the department of economic development and finance for economic conversion; to provide for a transfer of the earnings of the Bank of North Dakota; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Graba; Holmberg; Jerome; Kelly; Krauter; Lindaas; Mathern; Maxson; Mushik; Nalewaja; Robinson; Scherber; Schoenwald; Stenehjerm, W.; Tallackson; Tennefos; Traynor; Wogsland; Yockim

NAYS: Andrist; Freborg; Goetz; Grindberg; Heinrich; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Sand; Solberg; Stenehjerm, B.; Streibel; Thane; Tomac; Urlacher

SB 2282 lost.

CONSIDERATION OF AMENDMENTS

SB 2320: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ pages 652-653 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact three new sections to chapter 4-12.2 of the North Dakota Century Code, relating to Africanized honeybee areas, mating yards, and semen certification; to amend and reenact section 4-12.2-01, subsection 2 of section 4-12.2-04, sections 4-12.2-06, 4-12.2-07, 4-12.2-15, 4-12.2-16, 4-12.2-18, 4-12.2-20, 4-12.2-21, 4-12.2-23, and 4-12.2-25 of the North Dakota Century Code, relating to beekeeping; and to repeal sections 4-12.2-03, 4-12.2-17, and 4-12.2-19 of the North Dakota Century Code, relating to the issuance of emergency orders and rules regarding beekeeping, the maintenance of bees in movable frames, and the sale or exposure of infected bees and equipment.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 33 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher

NAYS: DeMers; Graba; Heinrich; Keller; Kelly; Kelsh; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Scherber; Schoenwald; Wogsland; Yockim

SB 2320 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2275 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to department of agriculture authority to regulate the introduction and dissemination of Africanized honey bees; 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 NOT PASS, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Keller; Kelly; Kelsh; Krauter; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Hoimberg; Jerome; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher

SB 2275 lost.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:40 p.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2322: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ page 653 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact subsection 1 of section 10-04-02, subsections 1 and 4 of section 10-04-03, section 26.1-01-02, subsections 1 and 3 of section 26.1-01-07.1, and subdivision a of subsection 2 of section 51-19-17 of the North Dakota Century Code, relating to replacing references to the "securities commissioner" with "insurance commissioner", the delegation of certain functions by the insurance commissioner, and the operation of the insurance regulatory trust fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson;

Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Uriacher

SB 2322 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2317, SB 2440, SB 2385, SB 2393, and SB 2194 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2317: SEN. TOMAC (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 652 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2317: A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2317 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2440: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 656-657 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to create and enact a new subsection to section 49-21-02.1 and three new sections to chapter 49-21 of the North Dakota Century Code, relating to the regulation of interexchange telecommunications companies, the authority of the public service commission, refunds, and quality of service; to amend and reenact sections 49-21-01, 49-21-01.1, 49-21-01.2, 49-21-01.3, 49-21-01.4, 49-21-01.6, 49-21-02.2, 49-21-04, 49-21-06, 49-21-07, 49-21-09, and 49-21-22 of the North Dakota Century Code, relating to the regulation of telecommunications companies; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; 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

NAYS: Heinrich; Kelly

SB 2440 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2385: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 655 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to the provisioning of dialing parity in the North Dakota intraLATA long distance market; and to provide an expiration 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2385 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2393: SEN. TOMAC (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 655-656 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to amend and reenact section 49-21-22 of the North Dakota Century Code, relating to the regulatory reform review commission and compensation of the members of the commission.

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, 3 NAYS, 0 EXCUSED, 0 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; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Heinrich; Mathern; Scherber

SB 2393 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact subsection 2 of section 49-21-01 of the North Dakota Century Code, relating to the definition of the essential telecommunications price factor.

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

YEAS: Heinrich; Kelly; Lindaas

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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

SB 2194 lost.

CONSIDERATION OF AMENDMENTS

SB 2348: SEN. SCHOENWALD (Appropriations Committee) MOVED that the amendments on SJ pages 653-654 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2348: A BILL for an Act to create and enact two new sections to chapter 65-02 of the North Dakota Century Code, relating to the commissioners of the workers compensation bureau; and to amend and reenact section 21-10-01, subsection 2 of section 28-32-08, subsection 1 of section 54-07-01.2, sections 65-01-02, 65-02-01, 65-02-02, 65-02-09, 65-02-12, 65-02-15, 65-02-16, 65-04-11, 65-04-31, 65-08-04, 65-11-01, and 65-12-01 of the North Dakota Century Code, relating to replacing the director of the workers compensation bureau with a three-member commission.

MOTION

SEN. WOGSLAND MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Heinrich; Jerome; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Schoenwald; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kelly; Kinnoin; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Keller

SB 2348 lost.

CONSIDERATION OF AMENDMENTS

SB 2436: SEN. MARKS (Agriculture Committee) MOVED that the amendments on SJ page 656 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

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

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; 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: Dotzenrod

SB 2436 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2487: SEN. JEROME (Political Subdivisions Committee) MOVED that the amendments on SJ page 658 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2487: A BILL for an Act to amend and reenact subsection 1 of section 54-35.2-02.1 of the North Dakota Century Code, relating to local government efficiency planning grants; and to provide an appropriation.

MOTION

SEN. MATHERN MOVED that SB 2487 bypass the **Appropriations Committee**, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Traynor; Wogsland; Yockim

NAYS: Freborg; Goetz; Holmberg; Langley; Mutch; Naaden; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Urlacher

SB 2487 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2502: SEN. HEINRICH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 658-659 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2502: A BILL for an Act to provide for rights of organization and representation of state employees, collective bargaining negotiations between the state of North Dakota and its employees, establishment of a public employment relations board, and public employment relations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Lindaas; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher

SB 2502 lost.

MOTION

SEN. MATHERN MOVED that SB 2512 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2522: SEN. KELSH (Agriculture Committee) MOVED that the amendments on SJ pages 676-678 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2522: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to aquaculture; to amend and reenact subsection 27 of section 20.1-01-02, subsection 3 of section 20.2-02-15, subsection 3 of section 20.1-03-04, section 20.1-03-08, subsection 29 of section 20.1-03-12, subsection 4 of section 20.1-06-10, and section 20.1-06-12 of the North Dakota Century Code, relating to private fish ponds; to provide a penalty; 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, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2522 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2523: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ page 679 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2523: A BILL for an Act to amend and reenact sections 63-01.1-02, 63-01.1-03, 63-01.1-04, 63-01.1-04.1, 63-01.1-05, 63-01.1-05.1, 63-01.1-06, 63-01.1-08, 63-01.1-12.1, 63-01.1-12.2, 63-01.1-13, and 63-01.1-15 of the North Dakota Century Code, relating to noxious weed control; and to repeal sections 63-01.1-06.1, 63-01.1-06.2, 63-01.1-06.3, 63-01.1-06.4, 63-01.1-06.5, 63-01.1-06.6, 63-01.1-13.1, 63-01.1-16, and 63-01.1-17 of the North Dakota Century Code, relating to the leafy spurge and cannabis control programs, the control of noxious weeds on game and fish property, and to judicial review of rules, actions, and penalties relating to noxious weed control.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2523 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2104.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2104

Page 1, line 3, after "property" insert "; and to declare an emergency"

Page 4, after line 13, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SCR 4032: SEN. MARKS (Agriculture Committee) MOVED that the amendments on SJ page 679 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE RESOLUTION

SCR 4032: A concurrent resolution urging Congress to continue a land retirement program in excess of 45 million acres at the expiration of the current conservation reserve program contracts.

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

SCR 4032 was declared adopted on a verification vote.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative June Enget.

CONSIDERATION OF AMENDMENTS

SB 2351: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 654-655 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. TRAYNOR MOVED that Engrossed SB 2351 be amended as follows, which motion prevailed.

Page 4, remove lines 19 through 28

Page 5, remove lines 1 through 11

ReNUMBER accordingly

MOTION

SEN. TRAYNOR MOVED that Engrossed SB 2351 be amended as follows, which motion prevailed.

Page 7, after line 12, insert:

"28-01.3-05. Determination of defective product. No product may be considered to have a defect or to be in a defective condition, unless at the time the product was sold by the manufacturer or other initial seller, there was a defect or defective condition in the product which made the product unreasonably dangerous to the user or consumer."

Page 7, line 13, replace "28-01.3-05" with "28-01.3-06"

ReNUMBER accordingly

MOTION

SEN. TRAYNOR MOVED that Engrossed SB 2351 be amended as follows, which motion prevailed.

Page 7, line 20, replace "Products" with "Product", remove "claim or", replace "by" with "against", and after "a" insert "manufacturer or seller of a product, regardless of the substantive legal theory or theories upon which the action is brought, for or on account of personal injury, death, or property damage caused by or resulting from the manufacture, construction, design, formula, installation, preparation, assembly, testing, packaging, labeling, or sale of any product, or the failure to warn or protect against a danger or hazard in the use, misuse, or unintended use of any product, or the failure to provide proper instructions for the use of any product."

Page 7, remove lines 21 and 22

ReNUMBER accordingly

SECOND READING OF SENATE BILL

SB 2351: A BILL for an Act to create and enact chapter 28-01.3 of the North Dakota Century Code, relating to products liability; to amend and reenact section 13 of chapter 404 of the 1987 Session Laws, sections 32-03.2-02 and 32-03.2-11 of the North Dakota Century Code, relating to comparative fault and punitive damages; and to repeal section 15 of chapter 404 of the 1987 Session Laws, and chapter 28-01.1 and section 32-03.2-03 of the North Dakota Century Code, relating to the expiration date of legislation concerning tort liability, products liability, and comparative fault.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 13 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Marks; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Graba; Heinrich; Jerome; Kelly; Lindaas; Lindgren; Mathern; Maxson; Mushik; Mutch; Schoenwald; Stenehjem, W.

SB 2351 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Allan Richards.

MOTION

SEN. W. STENEHJEM MOVED that SB 2267 be moved to the top of the Sixth order, which motion prevailed.

REQUEST

SEN. W. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2267. There being no objection, it was so ordered by the President.

MOTION

SEN. MATHERN MOVED that SB 2426 be reprinted, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:20 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to provide financial assistance to tribally controlled community colleges; 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 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Freborg; Lindgren; Mutch; Nelson; Nething; Solberg; Stenehjem, W.; Streibel; Tennefos; Urlacher

SB 2170 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact section 48-02-03 of the North Dakota Century Code, relating to the maximum cost of alterations

or improvements to public buildings which may be done without competitive bidding.

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

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

NAYS: Heinrich; Kelly; Lindgren; Mushik; O'Connell; Redlin; Schoenwald

SB 2201 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to definitions; to amend and reenact section 1 of chapter 181 of the 1991 Session Laws of North Dakota, section 10 of chapter 2 and sections 4 and 7 of chapter 198 of the 1989 Session Laws of North Dakota, relating to home-based instruction of students; and to repeal section 9 of chapter 198 of the 1989 Session Laws of North Dakota, relating to the expiration date for statutes on home-based instruction of students.

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 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Graba; Heinrich; Kelly; Mushik; Redlin; Schoenwald

ABSENT AND NOT VOTING: Krauter

SB 2216 passed and the title was agreed to.

MOTION

SEN. TALLACKSON MOVED that the Senate reconsider its action whereby SB 2052 passed, which motion prevailed.

MOTION

SEN. DOTZENROD MOVED that Engrossed SB 2052 be amended as follows, which motion prevailed.

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

Page 1, line 2, remove "and"

Page 1, remove lines 5 through 9

Page 2, line 28, remove "or"

Page 2, line 29, remove "57-38-30.3"

Renumber accordingly

SECOND READING OF SENATE BILL

SB 2052: A BILL for an Act to create and enact chapter 57-38.5 of the North Dakota Century Code, relating to a seed capital investment income tax credit; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

Engrossed SB 2052 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact chapter 10-32 and section 57-38-60.2 of the North Dakota Century Code, relating to enactment of the North Dakota Limited Liability Company Act and personal liability for income taxes of a governor or manager of a limited liability company; and to amend and reenact sections 10-30.1-01, 10-30.1-04, 10-30.1-06, 10-30.2-01, 10-30.2-11, 10-30.2-12, 10-30.2-14, 40-57.1-02, 40-57.1-04.3, 40-57.2-01, 40-57.3-03, subsection 5 of section 57-38-01, subdivision q of subsection 1 of section 57-38-01.2, sections 57-38-08, 57-38-10, subsection 4 of section 57-38-12, subsection 3 of section 57-38-30.5, section 57-38-42, subsection 3 of section 57-38-45, subsection 3 of section 57-38-67, and section 57-38.1-17.1 of the North Dakota Century Code, relating to limited liability companies.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2222 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2223 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to create and enact chapter 10-06.1, subdivisions

q and r to subsection 3 of section 10-19.1-10, a new subdivision to subsection 5 of section 10-19.1-10, a new subsection to section 10-19.1-14, a new subsection to section 10-19.1-21, a new subsection to section 10-19.1-22, two new subsections to section 10-19.1-50, sections 10-19.1-61.1, 10-19.1-73.1, a new subsection to section 10-19.1-80, a new subsection to section 10-19.1-91, sections 10-19.1-110.1, 10-19.1-113.1, 10-31-02.1, 10-31-03.1, 10-31-07.2, a new subdivision to subsection 1 of section 39-30-05, a new subsection to section 45-10.1-26, section 47-19-28.1, a new subsection to section 51-17-06, a new section to chapter 57-36, a new section to chapter 57-39.2, a new section to chapter 57-43.1, a new section to chapter 57-43.2, and section 61-13-03.1 of the North Dakota Century Code, relating to limited liability companies; to amend and reenact sections 4-11-03, 10-19.1-01, subsection 4 of section 10-19.1-10, sections 10-19.1-13, 10-19.1-15, 10-19.1-16, 10-19.1-18, subsection 22 of section 10-19.1-26, subsection 2 of section 10-19.1-32, subsection 1 of section 10-19.1-48, subdivision b of subsection 1 of section 10-19.1-51, subsections 3 and 4 of section 10-19.1-61, subdivision b of subsection 1 of section 10-19.1-63, subsection 3 of section 10-19.1-64, subsections 3 and 5 of section 10-19.1-65, subsections 1 and 2 of section 10-19.1-72, subsections 1 and 2 of section 10-19.1-73, section 10-19.1-74, subsection 7 of section 10-19.1-79, subsection 1 of section 10-19.1-80, section 10-19.1-84, subsections 1 and 3 of section 10-19.1-87, section 10-19.1-88, subdivision d of subsection 1 of section 10-19.1-89, subsections 1, 5, and 10 of section 10-19.1-91, subsection 1 of section 10-19.1-93, sections 10-19.1-96, 10-19.1-97, 10-19.1-98, subsection 1 of section 10-19.1-99, sections 10-19.1-100, 10-19.1-101, subsection 1 of section 10-19.1-103, subsection 3 of section 10-19.1-108, subsection 1 of section 10-19.1-109, sections 10-19.1-110, 10-19.1-115, 10-19.1-124, 10-31-01, 10-31-02, 10-31-03, 10-31-04, 10-31-05, 10-31-06, 10-31-07, 10-31-07.1, 10-31-08, 10-31-09, 10-31-10, 10-31-11, 10-31-12, 10-31-13, 10-31-13.1, 10-31-14, 12.1-03-02, 13-02.1-01, 13-03-06, 13-03.1-07, 13-05-03, 15-09-01, subdivision b of subsection 1 of section 21-11-02, subsection 2 of section 26.1-20.1-02, subdivision a of subsection 4 of section 26.1-31.1-02, section 26.1-33-35, subsection 4 of section 28-21-08, section 28-25-10, subsection 1 of section 30.1-29-10, sections 34-09-06, 34-13-03, subsection 1 of section 36-04-04, subsection 5 of section 43-15-35, subsection 2 of section 47-19-14.5, section 47-19-14.6, subdivision a of subsection 17 of section 52-01-01, subsection 4 of section 57-40.3-07, subsection 1 of section 57-43.1-14, section 57-43.1-16, subsection 8 of section 57-43.2-01, section 60-05-02, and subsection 15 of section 65-01-02 of the North Dakota Century Code, relating to limited liability companies; to provide for amendment of 677 sections of the North Dakota Century Code by reference and instructions to the legislative council; to repeal chapter 10-06, sections 10-19.1-49, 10-19.1-111, and 10-19.1-113 of the North Dakota Century Code, relating to corporations; to provide a penalty; and to provide a contingent 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; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; 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: Freborg

SB 2223 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 1438, HB 1464, HB 1476.

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 1004, HB 1015, HB 1025, HB 1057, HB 1274, HB 1313, HB 1365, HB 1389.

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 8:00 a.m., Thursday, February 18, 1993, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Robinson, Mushik, Nething and Reps. Gates, Gulleason, Rydell introduced:
SCR 4055: A concurrent resolution directing the Legislative Council to study the provision of services for children, including services related to child care, education, health, corrections, and foster care.

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

Sens. Keller, Freborg, Goetz and Reps. Bodine, Grosz, Tollefson introduced:
SCR 4056: A concurrent resolution directing the Legislative Council to study tax, regulatory, marketing, and other business incentives that can be enacted by the state of North Dakota to maintain and encourage development of our state's abundant lignite resources.

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

Sens. DeMers, Mushik, Nalewaja, W. Stenehjem and Reps. Glassheim, Kretschmar introduced:

SCR 4057: A concurrent resolution directing the Legislative Council to study the Uniform Interstate Family Support Act to determine the desirability of adopting it.

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

Sens. B. Stenehjem, Freborg, Mathern and Reps. Dorso, Payne introduced:
SCR 4058: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of closing the North Dakota State Hospital at Jamestown and to include in the study an audit of the admissions procedures of the North Dakota State Hospital.

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

Sens. Tallackson, Nelson, Wogsland and Reps. Freier, Oban introduced:
SCR 4059: A concurrent resolution directing the Legislative Council to study state agency office space needs, with emphasis on evaluation of whether rental of office space is the best use of state resources.

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

Sens. DeMers, Nalewaja and Reps. Oban, Price introduced:
SCR 4060: A concurrent resolution directing the Legislative Council to study licensure requirements of state and federal law for an assistant to the nurse practicing in a home health care setting and to develop a solution to problems that may arise due to the different requirements.

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

Sens. Kelly, DeMers, Thane and Reps. Rydell, Svedjan introduced:
SCR 4061: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of pooling all sources of funding for health care benefits in conjunction with the study by the North Dakota Health Task Force in exploring the control of costs and the

redistribution of dollars toward improved access to services through a health care reimbursement system.

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

Sens. Kelsh, Kinnoin introduced:

SCR 4062: A concurrent resolution directing the Legislative Council to study the adequacy of current noxious weed laws, regulations, and control efforts.

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

Sens. Mushik, DeMers, Lindaas, Nething and Reps. Rydell, Mutzenberger introduced:

SCR 4063: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a women's correctional facility off the State Penitentiary grounds.

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

Sens. Mushik, Nelson, Wogsland and Reps. Hausauer, Oban introduced:

SCR 4064: A concurrent resolution directing the Legislative Council to study the desirability and necessity of requiring various state agencies to prepare and publish annual or biennial reports, including an analysis of the cost of preparing, printing, and distributing the reports.

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

Sens. Dotzenrod, Graba, Lindgren introduced:

SCR 4065: A concurrent resolution directing the Legislative Council to study the relationship of state and county government to determine the feasibility and desirability of expanding autonomy of counties through statewide county home rule.

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

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

CAROL SIEGERT, Secretary