

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 4, 1993

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

The prayer was offered by Rev. Walter Jansen, Mennonite Church, Harvey.

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

A quorum was declared by the President.

MOTION

SEN. MATHERN MOVED that HB 1172 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1183: SEN. SCHERBER (Education Committee) MOVED that the amendments on SJ page 807 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1229: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 808 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1344: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments on SJ page 808 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1419: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ page 808 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1172: SEN. LANGLEY (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 807 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1046: A BILL for an Act to transfer boiler inspection duties from the workers compensation bureau to the commissioner of insurance as manager of the state fire and tornado fund; and to repeal chapter 65-12 of the North Dakota Century Code, relating to boiler inspection.

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; 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; 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; Nething

HB 1046 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to amend and reenact subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to an extension of the time for claiming a credit or refund of income taxes paid to another state; 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; 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: Naaden; Nething

HB 1061 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 57-38-45 and a new subsection to section 57-38-45 of the North Dakota Century Code, relating to penalties for delinquent income withholding tax returns and payments and imposition of a penalty on corporations for failing to file income tax returns; to amend and reenact section 57-38-60.1 of the North Dakota Century Code, relating to corporate officer liability for compliance with income tax laws; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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: Nething

HB 1126 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1246 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1297: A BILL for an Act to amend and reenact sections 36-01-00.1, 36-01-08, 36-01-12, 36-01-13, 36-01-14, 36-01-17, and 36-01-19 of the North Dakota Century Code, relating to nontraditional livestock.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nothing

HB 1297 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1223: A BILL for an Act to amend and reenact subsection 2 of section 36-01-00.1 of the North Dakota Century Code, relating to the definition of domestic animal for purposes of the state board of animal health.

ROLL CALL

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

YEAS: Marks; O'Connell

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

ABSENT AND NOT VOTING: Nothing

HB 1223 lost.

SECOND READING OF HOUSE BILL

HB 1031: A BILL for an Act to create and enact a new section to chapter 23-09.3 of the North Dakota Century Code, relating to admission of individuals to basic care facilities; and to amend and reenact section 23-09.3-01 of the North Dakota Century Code, relating to definitions concerning basic care facilities.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1031 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1043: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 47-24.1-09 of the North Dakota Century Code, relating to the manner of creating custodial property and effecting transfers under the Uniform Transfers to Minors Act.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Malewaja; Nelson; 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: Nothing

HB 1043 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1072, HB 1157, HB 1182, HB 1188, HB 1263, HB 1308, HB 1380.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1076, HB 1083, HB 1093, HB 1101, HB 1132, HB 1143, HB 1145, HB 1148, HB 1243, HB 1314.

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

MADAM PRESIDENT: The House has failed to pass: SB 2182.

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 2088, SB 2293, SB 2375.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2088

Page 1, line 8, replace "The" with "A"

Page 1, line 9, replace "for each species of captive wildlife is five dollars" with "must be prescribed by rule" and remove "No person may be"

Page 1, remove lines 10 and 11

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2293

Page 1, line 9, remove "penalties for failure to file wage information returns,"

Page 1, line 13, remove "to provide a penalty;"

Page 5, line 11, remove "Every employer not required to withhold state income tax shall"

Page 5, remove lines 12 through 20

Page 5, line 21, remove "6."

Page 6, line 1, replace "7." with "5."

Page 6, line 11, replace "8." with "6."

Page 6, line 20, replace "9." with "7."

Page 7, line 1, replace "10." with "8."

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2375

Page 1, line 13, after the period insert "Each county shall maintain and upgrade the equipment necessary to continue the operation of the Uniform Commercial Code central indexing system."

Renumber accordingly

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2084.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2048, SB 2049, SB 2085, SB 2130, SB 2153, SB 2211, SB 2251, SB 2252, SB 2468.

HOUSE AMENDMENTS TO SENATE BILL NO. 2048

Page 1, line 11, after the underscored period insert "The course must be available on videotape."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2049

Page 1, line 1, replace "governor to appoint a committee" with "office of management and budget" and after "prepare" insert "and submit to the governor and the legislative council"

Page 1, line 5, replace "planning committee" with "plan"

Page 1, replace line 6 with "Submission to the governor and legislative council. By July 1, 1994, the office of management and budget in consultation with the state department of health and consolidated laboratories"

Page 1, remove line 7

Page 1, line 8, remove "least five state employees. By July 1, 1994, the committee"

Page 1, line 9, replace "state department of health and consolidated laboratories" with "governor and the legislative council"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2085

Page 2, line 22, after "~~population~~" insert "subject to section 21-02-10" and remove the overstrike over the overstruck comma

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2130

Page 4, line 8, replace "uniform federal" with "Americans with disabilities"

Page 4, line 9, replace "standards" with "guidelines"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2153

Page 1, line 20, after "float" insert ". However, the interest rate may not exceed eleven percent during the course of the loan"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2211

Page 1, line 2, replace "base" with "bases"

Page 1, line 3, remove "maintenance"

Page 1, line 7, remove "maintenance"

Page 1, line 8, replace "public" with "telecommunications"

Page 1, line 9, replace "utility" with "company" and replace "telephone" with "emergency 911"

Page 1, line 10, remove "service"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2251

Page 1, line 10, remove "or" and after "unit" insert ", or park district"

Page 1, line 17, remove "or" and after "unit" insert ", or park district"

Page 1, line 18, remove "or"

Page 1, line 19, after "unit" insert ", or park district"

Page 2, line 8, remove "or"

Page 2, line 9, after "unit" insert ", or park district"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2252

Page 1, line 13, after "39-04-10.6" insert ", trailers, travel trailers,"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2468

Page 1, line 1, replace "repeal" with "amend and reenact"

Page 1, line 2, remove "eliminating" and after the first "the" insert "expiration date of the"

Page 1, line 5, replace "REPEAL" with "AMENDMENT"

Page 1, line 6, replace "repealed." with "amended and reenacted as follows:

SECTION 4. EXPIRATION DATE. Section 3 of this Act is effective through June 30, ~~1993~~ 1995, and after that date is ineffective."

Renumber accordingly

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

MADAM PRESIDENT: The House has passed unchanged: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2345, SB 2368, SB 2411.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact sections 16.1-11-11 and 16.1-12-02 of the North Dakota Century Code, relating to signature requirements for nomination petitions.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1051 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1068: A BILL for an Act to amend and reenact section 43-17-42 of the North Dakota Century Code, relating to employment of physicians by hospitals.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1068 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1069: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact section 15-39.1-10 and subsection 2 of section 15-39.1-18 of the North Dakota Century Code, relating to computation of benefits and disability retirements under the teachers' fund for retirement; and to provide for application of this Act.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1069 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1107: A BILL for an Act to amend and reenact subsections 2 and 6 of section 14-15-11 and section 14-15-16 of the North Dakota Century Code, relating to petitions for adoption and to information identifying adopted persons and their genetic parents and siblings.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1107 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact subsection 6 of section 57-39.2-04 of the North Dakota Century Code, relating to the sales and use tax exemption of out-of-state political subdivisions.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1128 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1141: A BILL for an Act to repeal section 32 of chapter 714 of the 1991 Session Laws of North Dakota, relating to workers' compensation premium rate changes and payments; to provide an effective date; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1141 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1150: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1150 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1151: A BILL for an Act to amend and reenact section 6-01-09 of the North Dakota Century Code, relating to unannounced examinations of banks and authority to examine bank holding companies and subsidiaries of banks under the commissioner's supervision.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nothing

HB 1151 passed and the title was agreed to.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 5, 1993, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolution: SB 2067, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2137, SB 2173, SB 2178, SB 2188, SB 2202, SB 2203, SB 2311, SB 2380, SB 2399, SB 2489, SB 2510, SCR 4029.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2067, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2137, SB 2173, SB 2178, SB 2188, SB 2202, SB 2203, SB 2311, SB 2380, SB 2399, SB 2489, SB 2510, SCR 4029.

REPORT OF STANDING COMMITTEE

SCR 4007: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO NOT PASS (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4007 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4014: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4014 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4022: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4022 was placed on the Sixth order on the calendar.

Page 2, line 17, replace "appoint" with "select"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1027: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1027 was placed on the Sixth order on the calendar.

Page 1, line 2, after "1990" insert "and to require notice of application of federal accessibility guidelines to construction projects"

Page 4, line 16, replace "For public accommodations, an" with "A state agency or the governing body of a political subdivision shall require from any person preparing plans and specifications for a building or facility subject to the Americans with Disabilities Act of 1990 [Pub. L. 101-336; 104 Stat. 327], a statement that the plans and specifications are, in the professional judgment of that person, in conformance with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities found in the appendix to 28 CFR 36, subject to the exception stated in this section. A statement of conformance must be submitted to the office of intergovernmental assistance for recording."

SECTION 5. Notice of federal accessibility guidelines required. A building permit issued under section 11-33-18, subsection 6 of section 40-05-02, or other similar grant of authority must contain the following statement:

Federal law may require this construction project to conform with the Americans with Disabilities Act Accessibility Guidelines for Buildings and Facilities."

Page 4, remove lines 17 through 20

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1041: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1041 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1042: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1042 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1067: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1067 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1077: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1077 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1078: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1082: Transportation Committee (Sen. Schoenwald, Chairman) recommends no

PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1082 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1089: 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). HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 11, after "professionals" insert ", as defined by department of transportation standards,"

Page 1, line 16, overstrike "and"

Page 1, line 17, after "license" insert ", and must attend an annual bus driver safety training workshop sponsored by the superintendent of public instruction within one year of the driver's employment"

Page 1, line 18, after the period insert "The school board may, at its discretion, require drug or alcohol testing."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1096: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1096 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "and subsection 4 of section 50-24.4-10"

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 6

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1105: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1105 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1112: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1112 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1127: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1181 was placed on the Sixth order on the calendar.

Page 3, line 27, after "exist" insert ", unless it can be clearly ascertained that the payments received are intended as child support due in the next month"

Page 11, line 1, overstrike "that" and remove "criteria, established by the public"

Page 11, line 2, remove "authority." and overstrike "not considered by the guidelines will result in"

Page 11, line 3, remove "a support contribution amount that is"

Page 11, line 4, remove "not in the interest of" and overstrike "a child for whom support is sought" and insert immediately thereafter ", applying criteria established by the public authority which take into consideration the best interests of the child, that the child support amount established under the guidelines is not the correct amount of child support"

Page 20, line 7, overstrike ", or, if indigent, the parent may request"

Page 20, line 8, overstrike "the court to order"

Page 20, line 13, overstrike "that other legal counsel services that may be"

Page 20, overstrike line 14

Page 20, line 15, overstrike "These" and overstrike "legal counsel services include counsel services"

Page 20, line 16, overstrike "for indigent persons" and insert immediately thereafter ". The court shall appoint counsel to represent the interests of a parent who is financially unable to obtain counsel"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1200: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1200 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1254: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1254 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1258: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1258 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1281: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1281 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1295: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1295 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 7, after "leases" insert "- Rules"

Page 1, line 9, remove the overstrike over "~~, but the~~"

Page 1, remove the overstrike over line 10

Page 1, line 11, remove the overstrike over "~~output of oil from the lands leased~~" and after the period insert "Oil leases made by the board may authorize a royalty of less than twelve and one-half percent for production from stripper well properties and qualifying secondary recovery and qualifying tertiary recovery projects as defined in section 57-51.1-01."

Page 1, line 14, after the period insert "The board may adopt rules regarding annual payments and royalties under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1340: Human Services Committee (Sen. Mathern, Chairman) recommends DO NOT PASS (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). HB 1340 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1370: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1370 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1401: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1401 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "or for which"

Page 1, line 10, remove "reimbursement is provided under chapter 50-24.1."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1410: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1410 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1449: Judiciary Committee (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1449 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1472: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1472 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1506: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1506 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1507: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1507 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3025: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3025 was placed on the Fourteenth order on the calendar.

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

CAROL SIEGERT, Secretary