

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 5, 1993

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Fr. Marvin Klemmer, Ascension Catholic Church, Bismarck.

The roll was called and all members were present except Senators Mushik, Nething, and Tallackson.

A quorum was declared by the President.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2069, SB 2119, SB 2129, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2183, SB 2232, SB 2247, SB 2281, SB 2299, SB 2342, SB 2346, SB 2372, SB 2383, SB 2386.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2069, SB 2119, SB 2129, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2183, SB 2232, SB 2247, SB 2281, SB 2299, SB 2342, SB 2346, SB 2372, SB 2383, SB 2386.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1045, HB 1047, HB 1049, HB 1066.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1110.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 4, 1993

This is to inform you that on March 4, 1993, I signed the following: SB 2031, SB 2179, SB 2169, SB 2160, SB 2158, SB 2151, SB 2141, SB 2140, SB 2127, SB 2126, SB 2118, SB 2113, SB 2094, SB 2087, SB 2057, and SB 2044.

CONSIDERATION OF AMENDMENTS

SCR 4022: SEN. MARKS (Joint Constitutional Revision Committee) MOVED that the amendments on SJ pages 820-821 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1027: SEN. GRABA (Human Services Committee) MOVED that the amendments on SJ page 821 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1089: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ page 822 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1096: SEN. JEROME (Human Services Committee) MOVED that the amendments on SJ page 822 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative Don Lloyd

MOTION

SEN. MATHERN MOVED that HB 1181, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1300: SEN. EVANSON (Education Committee) MOVED that the amendments on SJ pages 823-824 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1401: SEN. LINDGREN (Human Services Committee) MOVED that the amendments on SJ page 824 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1172: A BILL for an Act to create and enact a new section to chapter 13-04.1 of the North Dakota Century Code, relating to advance fees by money brokers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1172 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1183: A BILL for an Act to amend and reenact sections 15-59-01, 15-59-02.1, 15-59-04, 15-59-04.1, 15-59-05, 15-59-05.2, 15-59-06, 15-59-06.2, 15-59-07, 15-59-07.2, 15-59-10, 15-59.3-01, 15-59.3-02, 15-59.3-03, 15-59.3-04, 15-59.3-05, 15-59.3-06, and 15-59.3-07 of the North Dakota Century Code, relating to special education and boarding home care for children with disabilities.

MOTION

SEN. SCHERBER MOVED that Engrossed HB 1183 be amended as follows, which motion prevailed.

In lieu of the amendments adopted by the Senate as printed on page 807 of the Senate Journal, Engrossed House Bill No. 1183 is amended as follows:

Page 12, line 26, after the period insert "The parent or guardian of a child with disabilities or the adult with disabilities is encouraged to submit a written request to the appropriate school administrator or director of special education regarding the relief sought prior to a proceeding."

Renumber accordingly

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1183 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1229: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to the deposit or transfer of payments made on pre-need funeral contracts.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1229 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 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; Mutch; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Uriacher; Yockim

ABSENT AND NOT VOTING: Mushik; Naaden; Nething; Tallackson; Wogsland

HB 1344 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1419: A BILL for an Act to create and enact two new subsections to section 51-18-08 of the North Dakota Century Code, relating to exceptions to home solicitation sales regulations; and to declare an emergency.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1419 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. MATHERN MOVED that HB 1025, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to amend and reenact section 57-51-19 of the North Dakota Century Code, relating to interest on overpayment of oil and gas gross production taxes; and to provide an effective date.

ROLL CALL

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1125 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact section 6-08-08.1 of the North Dakota Century Code, relating to the sale or purchase of a banking institution or association.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1152 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Ernest Livingston

SECOND READING OF HOUSE BILL

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

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1153 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1154: A BILL for an Act to amend and reenact section 6-03-53 of the North Dakota Century Code, relating to a banking association's report of borrowings.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjerm, B.; Stenehjerm, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson; Wogsland

HB 1154 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1156: A BILL for an Act to create and enact section 15-47-00.1 of the North Dakota Century Code, relating to the definition of vocational education; and to amend and reenact sections 4-37-03, 14-06.1-07, 15-20.1-01, 15-20.1-02, 15-20.1-05, subsection 5 of section 15-20.2-01,

section 15-20.2-10, subsections 4 and 8 of section 15-20.4-01, sections 15-40.1-16.1, 15-41-05, 15-41-24, 27-21-09, 52-02-02.1, subsection 2 of section 52-08.1-04, subsection 12 of section 54-10-14, section 54-56-01, subdivision m of subsection 1 of section 57-38-01.2, and subsection 2 of section 57-38-67 of the North Dakota Century Code, relating to the changing of "state board of vocational education" to "state board for vocational and technical education", and changing "director of vocational education" to "director of vocational and technical education", and changing "vocational education centers" to "area vocational and technology centers"; and to repeal section 15-20.1-09 of the North Dakota Century Code, relating to vocational school districts.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kelly; Mushik; Nething; Tallackson

HB 1156 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1171: A BILL for an Act to amend and reenact section 6-01-08 of the North Dakota Century Code, relating to senate confirmation for the commissioner of the department of banking and financial institutions for an appointment made when the senate is not in session.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1171 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact section 6-03-07 of the North Dakota Century Code, relating to a banking association investment in fixed assets to include equipment.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1173 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1176: A BILL for an Act to create and enact two new subsections to section 13-05-06 of the North Dakota Century Code, relating to department of banking and financial institutions' cease and desist authority and assessment of civil money penalties involving collection agency activity.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1176 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to amend and reenact sections 6-03-05 and 6-03-08 of the North Dakota Century Code, relating to real estate loans, limitations, and appraisals of real estate loans and other real estate.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1177 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1185: A BILL for an Act to amend and reenact section 49-18-32 of the North Dakota Century Code, relating to filing fees for motor carrier applications.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1185 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2079, SB 2082.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2079

Page 4, line 14, after "title" insert "or by use of the initials L.A.C."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2082

Page 2, line 25, after "Public" insert "rural"

Renumber accordingly

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

MADAM PRESIDENT: The House has failed to pass: SB 2274.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2516.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2032, SB 2081, SB 2107, SB 2248, SB 2338, SB 2404, SB 2416, SB 2420, SB 2455, SB 2477, SB 2509, SB 2517, SCR 4002, SCR 4003, SCR 4004, SCR 4036, SCR 4043.

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

MADAM PRESIDENT: The Speaker has signed: SB 2041, SB 2062, SB 2147, SB 2180, SB 2190, SB 2191, SB 2193, SB 2209, SB 2220, SB 2261, SB 2262, SB 2280, SB 2329, SB 2382, SB 2413, SB 2429, SCR 4008, SCR 4023.

SECOND READING OF HOUSE BILL

HB 1209: A BILL for an Act to repeal chapter 15-64 of the North Dakota Century Code, relating to withdrawing from the compact for education; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Holmberg; Krebsbach; Lindgren; Mutch; Nalewaja; Nelson; Sand; Solberg; Stenehjelm, B.; Stenehjelm, W.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Naaden; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1209 lost.

MOTION

SEN. MATHERN MOVED that HB 1214, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1233 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1235: A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to the acceptance of bids for school 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 38 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Keller; Kelly; Scherber; Schoenwald; Yockim

ABSENT AND NOT VOTING: Graba; Mushik; Nething; Tallackson

HB 1235 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to authorize counties to conduct mail ballot primary elections.

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 41 YEAS, 5 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Mathern; Redlin; Schoenwald

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1253 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1301: A BILL for an Act to amend and reenact section 16.1-03-08 of the North Dakota Century Code, relating to the membership of the state committee of a political party.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1301 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1319: A BILL for an Act to repeal sections 15-36-10, 15-38-05, and 15-47-02 of the North Dakota Century Code, relating to the recording of teacher certificates in the office of the county superintendents of schools, the annual observance of Temperance Day by the public schools, and state institutions of higher education constituting part of the state's free public school system.

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson;

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

NAYS: Yockim

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1319 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1331: A BILL for an Act to create and enact two new sections to chapter 43-17, two new subsections to section 43-17-30.1, seven new subsections to section 43-17-31, and a new section to chapter 43-17.1 of the North Dakota Century Code, relating to the board of medical examiners, state defense of board members, disciplinary action against physicians, and complaints to the commission on medical competency; and to amend and reenact sections 43-17-03, 43-17-32.1, and 43-17.1-06 of the North Dakota Century Code, relating to the board of medical examiners, the suspension of a physician's license, and the commission on medical competency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

HB 1331 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4007: A concurrent resolution for the amendment of section 4 of article IV of the Constitution of North Dakota, relating to the term of office of senators.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Kelly; Kelsh; Kinnoin; Krauter; Maxson; Scherber; Tomac; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Jerome; Keller; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wogsland

ABSENT AND NOT VOTING: Mushik; Nething; Tallackson

SCR 4007 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution for the amendment of section 21 of article X of the Constitution of North Dakota, relating to expenditures from the permanent coal trust fund for clean coal demonstration projects.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Mutch; Nething; Tallackson

SCR 4014 was declared adopted and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which SCR 4014 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the rules be suspended and that SCR 4014 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4014.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:51 p.m., March 5, 1993: SCR 4008, SCR 4023.

MOTION

SEN. MATHERN MOVED that the absent members 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 1:00 p.m., Monday, March 8, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1085: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1091: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Sixth order on the calendar.

Page 1, line 14, after "from" insert "free"

Page 1, line 16, after the underscored period insert "A person who brings into this state any cattle from other free states that reciprocate must

prove that the cattle were located in that state for a period of at least sixty days."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1131: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1131 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1133: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1133 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1147: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1147 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1175: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1175 was placed on the Sixth order on the calendar.

Page 3, line 21, remove the overstrike over "must" and remove "may"

Page 3, line 22, remove the overstrike over "but may"

Page 3, line 23, remove the overstrike over "~~not be within the corporate limits of another city.~~" and remove the underscored period

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1211: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Sixth order on the calendar.

Page 1, line 3, after the third comma insert "10-23-05,"

Page 7, after line 27, insert:

"SECTION 9. AMENDMENT. Section 10-23-05 of the North Dakota Century Code is amended and reenacted as follows:

10-23-05. Miscellaneous charges. The secretary of state shall charge and collect for furnishing a certified copy of any document, instrument, or paper relating to a corporation, one dollar for every four pages, or fraction thereof of a page, and ten fifteen dollars for the certificate and affixing the seal ~~thereto~~ to the certificate."

Page 15, remove lines 25 through 28

Page 16, line 11, after the underscored period insert "This section does not apply to fees submitted for filing documents in or obtaining information from the computerized central notice system, to the computerized Uniform Commercial Code central filing data base system, or to the computerized statutory lien data base."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1216: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1216 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, after line 18, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through September 1, 1993, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1271: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1271 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1279: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1279 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1291: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1291 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "lower of the county average cost per student or the"

Page 1, line 10, after "Such" insert "The", remove the overstrike over "costs", and remove "The full cost"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1307: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1307 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1345: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "transferring" with "concealing the transfer of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1359: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1405: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1405 was placed on the Sixth order on the calendar.

Page 1, line 9, after "person" insert "sixteen years of age or older"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1424: 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 1424 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "any other" with "the building"

Renumber accordingly

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

CAROL SIEGERT, Secretary