

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, March 8, 1993

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

The prayer was offered by Rev. Ray Martin, First United Methodist Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

## DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 8:43 a.m., March 8, 1993: SB 2030, SB 2041, SB 2062, SB 2115, SB 2147, SB 2154, SB 2180, SB 2185, SB 2186, SB 2190, SB 2191, SB 2193, SB 2209, SB 2220, SB 2261, SB 2262, SB 2280, SB 2329, SB 2345, SB 2382, SB 2411, SB 2413, SB 2429.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1046, HB 1061, HB 1126, HB 1297.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1031, HB 1043, HB 1051, HB 1068, HB 1069, HB 1107, HB 1128, HB 1141, HB 1150, HB 1151.

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

MR. SPEAKER: The Senate has failed to pass: HB 1223.

## MOTION

SEN. MATHERN MOVED that HB 1211, which is on the Sixth order, be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1211 was rereferred.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4022: A concurrent resolution for the amendment of section 6 of article VIII of the Constitution of North Dakota, relating to the powers and duties of the board of higher education and the election of members to the board.

## ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Grindberg; Jerome; Langley; Lindgren; Naaden; Nalewaja; Nelson; Sand; Solberg; Stenehjerm, B.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Goetz; Graba; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjerm, W.; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch

SCR 4022 was declared lost.

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**REQUEST**

**SEN. MUTCH REQUESTED** that his vote show as yea on SCR 4022, which request was granted.

**SECOND READING OF HOUSE BILL**

**HB 1246:** A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to prohibiting smoking in child care facilities; and to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

**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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Dotzenrod; 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; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**NAYS:** DeMers; Evanson; Schoenwald; Stenehjem, W.

**ABSENT AND NOT VOTING:** Wogsland

HB 1246 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1027:** A BILL for an Act to provide for accessibility standards for buildings and facilities subject to the federal Americans with Disabilities Act of 1990 and to require notice of application of federal accessibility guidelines to construction projects; to amend and reenact section 23-13-04, subsection 9 of section 39-01-15, and section 48-02-19 of the North Dakota Century Code, relating to doors and parking spaces and compliance with Americans with Disabilities Act guidelines; and to repeal sections 23-13-12, 23-13-13, and 40-31-01.1 of the North Dakota Century Code, relating to toilet stalls, toilet rooms, and ramped curbing.

**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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Wogsland

HB 1027 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1089:** A BILL for an Act to amend and reenact section 15-34.2-14 of the North Dakota Century Code, relating to the qualifications of a schoolbus driver.

**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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

**ABSENT AND NOT VOTING:** Wogsland

HB 1089 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1096:** A BILL for an Act to amend and reenact subsections 7, 11, and 16 of section 50-24.4-01 of the North Dakota Century Code, relating to nursing home rates.

**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

HB 1096 passed and the title was agreed to.

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**MOTION**

**SEN. MATHERN MOVED** that HB 1300, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1401:** A BILL for an Act to amend and reenact subsection 4 of section 19-02.1-14.1 of the North Dakota Century Code, relating to the prescription of generic name drug products.

**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

HB 1401 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1025: A BILL for an Act to authorize the state developmental center to sell services.

#### 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 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

HB 1025 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1041: A BILL for an Act to repeal chapter 41-06 of the North Dakota Century Code, relating to the Uniform Commercial Code - Bulk Transfers.

#### 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 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

HB 1041 passed and the title was agreed to.

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#### THE SENATE RECOGNIZED THE PRESENCE OF:

Former Governor Art Link

#### SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to create and enact a new section to chapter 41-03 of the North Dakota Century Code as created by chapter 448 of the 1991 Session Laws of North Dakota, relating to cashier's checks, teller's checks, and certified checks.

#### 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 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

HB 1042 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1067: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to levy when more than one execution is outstanding; to amend and reenact sections 11-15-11, 11-15-17, 11-15-18, 11-15-19, 28-21-07, and 28-21-18 of the North Dakota Century Code, relating to executions; and to repeal sections 28-21-19, 28-21-20, 28-21-21, 28-21-22, 28-21-23, and 28-21-24 of the North Dakota Century Code, relating to amercement of a sheriff or clerk of court.

#### 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 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

HB 1067 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

HB 1077: A BILL for an Act to create and enact four new sections to chapter 27-10 of the North Dakota Century Code, relating to contempt of court; to amend and reenact sections 10-15-35, 14-05-25.1, 14-06-03.1, 14-07.1-06, 14-08.1-05, 14-12.1-09, 14-17-09, 14-17-16, 27-09.1-07, 27-10-07, 27-10-08, 27-10-09, 27-10-10, 27-10-11, 27-10-13, 27-10-18, 27-10-19, 27-10-20, 27-10-23, 27-19-07, 27-20-55, 28-21-12.1, 29-10.1-39, 42-02-10, 42-02-11, 51-15-06.1, and subsection 7 of section 54-35-02 of the North Dakota Century Code, relating to contempt of court; and to repeal sections 12.1-10-01, 27-09.1-16, 27-10-03, 27-10-04, 27-10-05, 27-10-06, 27-10-12, 27-10-14, 27-10-15, 27-10-16, 27-10-17, 27-10-21, 27-10-22, 27-10-24, 27-10-25, 27-10-26, and 27-10-27 of the North Dakota Century Code, relating to contempt of court.

#### 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; 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:** Naaden

HB 1077 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1078:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 12.1-32-07 of the North Dakota Century Code, relating to conditions of probation; to amend and reenact subdivision e of subsection 3 of section 12.1-32-07, sections 12.1-32-08 and 29-07-01.1 of the North Dakota Century Code, relating to conditions of probation and reimbursement of indigent defense costs and expenses; to provide an effective date; and to provide an expiration 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 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

HB 1078 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1082:** A BILL for an Act to create and enact a new section to chapter 24-02 of the North Dakota Century Code, relating to the department of transportation's responsibilities and obligations with respect to the construction of a bridge over the Oahe Reservoir; and to declare an emergency.

#### ROLL CALL

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

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

**ABSENT AND NOT VOTING:** Keller

HB 1082 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

**SEN. MATHERN MOVED** that HB 1281, which is on the Fourteenth order, be

rereferred to the Human Services Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1281 was rereferred.

**MOTION**

SEN. MATHERN MOVED that SB 2466 be reprinted, which motion prevailed.

**MOTION**

SEN. MATHERN MOVED that HB 1085, which is on the Fourteenth order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1085 was rereferred.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1045, HB 1047, HB 1049, HB 1066, 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 amended and subsequently passed: SB 2042, SB 2093, SB 2095, SB 2470.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2042**

Page 1, line 1, after "Act" insert "to create and enact two new subsections to section 12.1-32-02 and a new subsection to section 54-23.3-04 of the North Dakota Century Code, relating to presentence reports in certain felony cases;"

Page 1, line 5, after "Code" insert a comma

Page 1, after line 7, insert:

"SECTION 1. Two new subsections to section 12.1-32-02 of the 1991 Supplement to the North Dakota Century Code are created and enacted as follows:

Effective August 1, 1993, the court shall order the defendant to pay fifty dollars to the department of corrections and rehabilitation at the time a presentence investigation is initiated to partially defray the costs incurred by the department for the preparation of the presentence report. The court may further order that any additional costs incurred by the department relating to the presentence investigation and report be paid by the defendant at a rate of payment up to the full cost of conducting the investigation and preparing the report as established by the department.

Effective July 1, 1994, before sentencing a defendant on a felony charge under chapters 12.1-16, 12.1-17, 12.1-18, 12.1-20, 12.1-21, 12.1-22, 12.1-27.2, or a felony charge under chapter 12.1-23 or 12.1-24 that involves a victim who has suffered a loss of property or services that exceeds five hundred dollars, the court shall order the department of corrections and rehabilitation to conduct a presentence investigation and to prepare a presentence report."

Page 5, after line 4, insert:

"SECTION 3. A new subsection to section 54-23.3-04 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

To collect the costs of any presentence investigation and report incurred under section 1 of this Act, giving due

consideration to the financial obligations and resources of the defendant."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2093

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances; and"

Page 1, line 2, replace the first "subsection" with "subsections 5 and"

Page 1, line 19, replace "Subsection" with "Subsections 5 and"

Page 1, line 20, replace "is" with "are"

Page 1, after line 20, insert:

"5. Hallucinogenic substances. Unless specifically excepted or unless listed in another schedule, any material, compound, mixture, or preparation containing any quantity of the following hallucinogenic substances, including their salts, isomers, and salts of isomers whenever the existence of those salts, isomers, and salts of isomers is possible within the specific chemical designation (for purposes of this subsection only, the term "isomer" includes the optical, position and geometric isomers):

- a. Alpha-ethyltryptamine, its optical isomers, salts and salts of isomers (also known as etryptamine; a-ethyl-1H-indole-3-ethanamine; 3-(2-aminobutyl) Indole).
- b. 4-bromo-2, 5-dimethoxy-amphetamine (also known as 4-bromo-2, 5-dimethoxy-a-methylphenethylamine; 4-bromo-2, 5-DMA).
- ~~b.~~ c. 2, 5-dimethoxy-amphetamine (also known as 2, 5-dimethoxy-a-methylphenethylamine; 2, 5-DMA).
- d. 2,5-dimethoxy-4-ethylamphetamine (also known as DOET).
- ~~e.~~ e. 4-methoxyamphetamine (also known as 4-methoxy-a-methylphenethylamine; paramethoxyamphetamine; PMA).
- ~~f.~~ f. 5-methoxy-3,4-methylenedioxy-amphetamine.
- ~~e.~~ g. 4-methyl-2,5-dimethoxy-amphetamine (also known as 4-methyl-2,5-dimethoxy-a-methylphenethylamine; "DOM" and "STP").
- ~~f.~~ h. 3,4-methylenedioxy amphetamine.
- ~~g.~~ i. 3,4-methylenedioxymethamphetamine (also known as MDMA).
- ~~h.~~ j. 3,4-methylenedioxy-N-ethylamphetamine (also known as N-ethyl-alpha-methyl-3,4(methylenedioxy)phenethylamine, N-ethyl, MDA, MDE, MDEA).
- ~~i.~~ k. N-hydroxy-3,4-methylenedioxyamphetamine (also known as N-hydroxy-alpha-methyl-3,4(methylenedioxy)phenylamine, and N-hydroxy MDA).
- ~~j.~~ l. 3,4,5-trimethoxy amphetamine.

- ~~k-~~ m. Bufotenine (also known as 3-(Beta-Dimethyl-aminoethyl)-5-hydroxyindole; 3-(2-dimethylaminoethyl)-5-indolol; N, N-dimethylserotonin; 5-hydroxy-N,N-dimethyltryptamine; mappine).
- ~~l-~~ n. Diethyltryptamine (also known as N, N-Diethyltryptamine; DET).
- ~~m-~~ o. Dimethyltryptamine (also known as DMT).
- ~~n-~~ p. Hashish.
- ~~o-~~ q. Ibogaine (also known as 7-Ethyl-6, 6B, 7, 8, 9, 10, 12, 13-octahydro-2-methoxy-6, 9-methano-5 H-pyrido [1', 2':1,2] azepino (5,4-b) indole; Tabernanthe iboga).
- ~~p-~~ r. Lysergic acid diethylamide.
- ~~q-~~ s. Marijuana.
- ~~r-~~ t. Mescaline.
- ~~s-~~ u. Parahexyl (also known as 3-Hexyl-1-hydroxy-7,8,9,10-tetrahydro-6,6,9-trimethyl-6H-dibenzol[b,d]pyran; Synhexyl).
- ~~t-~~ v. Peyote (all parts of the plant presently classified botanically as *Lophophora williamsii* Lemaire, whether growing or not, the seeds thereof, any extract from any part of such plant, and every compound, manufacture, salts, derivative, mixture, or preparation of such plant, its seeds or extracts).
- ~~u-~~ w. N-ethyl-3-piperidyl benzilate.
- ~~v-~~ x. N-methyl-3-piperidyl benzilate.
- ~~w-~~ y. Psilocybin.
- ~~x-~~ z. Psilocyn.
- ~~y-~~ aa. Tetrahydrocannabinols (synthetic) equivalents of the substances contained in the plant, or in the resinous extractives of Cannabis, sp. or synthetic substances, derivatives, and their isomers with similar chemical structure and pharmacological activity such as the following:
- (1) Delta-1 cis or trans tetrahydrocannabinol, and their optical isomers.
  - (2) Delta-6 cis or trans tetrahydrocannabinol, and their optical isomers.
  - (3) Delta-3,4 cis or trans tetrahydrocannabinol, and its optical isomers. (Since nomenclature of these substances is not internationally standardized, compounds of these structures, regardless of numerical designation of atomic positions covered.)
- ~~z-~~ bb. Ethylamine analog of phencyclidine (also known as N-ethyl-1-phenylcyclohexylamine, (1-phenylcyclohexyl)

ethylamine, N-(1-phenylcyclohexyl) ethylamine,  
cyclohexamine, PCE.)

- ~~aa-~~ cc. Pyrrolidine analog of phencyclidine (also known as 1-(1-phenylcyclohexyl)-pyrrolidine, PCPy, PHP.)
- ~~bb-~~ dd. Thiophene analog of phencyclidine (also known as (1-[1-(2-thienyl) cyclohexyl] piperidine; 2-Thienylanalog of phencyclidine; TPCP, TCP).
- ~~ee-~~ ee. 1-[1-(2-thienyl)cyclohexyl]pyrrolidine (also known as TCPy)."

Page 2, after line 5, insert:

"b. Cathinone (also known as 2-amino-1-phenyl-1-propanone, alpha-aminopropiophenone, 2-aminopropiophenone, and norephedrone."

Page 2, line 6, replace "b." with "c."

Page 2, line 7, replace "c." with "d."

Page 2, line 9, replace "d." with "e."

Page 2, line 11, replace "e." with "f."

Page 2, line 12, replace "f." with "g."

Page 2, after line 14, insert:

"SECTION 3. A new subdivision to subsection 4 of section 19-03.1-11 of the North Dakota Century Code is created and enacted as follows:

Zolpidem."

Re-number accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2095

Page 1, line 10, overstrike "twenty-four hours of the time of separation at the"

Page 1, line 11, overstrike "employer's place of business" and remove "However, upon agreement by"

Page 1, line 12, remove "the employee and employer, the employer may" and overstrike "pay those wages within"

Re-number accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2470

Page 3, line 27, remove the overstrike over "No", remove "A", and remove the overstrike over "~~may be required to file any statement required by this~~"

Page 3, line 28, remove the overstrike over "~~chapter if the candidate~~" and remove "who"

Page 4, line 1, remove the overstrike over "~~calendar year~~" and remove "reporting period must file a"

Page 4, line 2, remove "statement to the effect"

Renumber accordingly

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

MADAM PRESIDENT: The House has passed unchanged: SB 2080, SB 2164, SB 2408, SB 2443, SB 2454, SB 2456, SB 2463.

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

MADAM PRESIDENT: The House has failed to pass: SB 2039.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2105.

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

MADAM PRESIDENT: The Speaker has signed: SB 2067, SB 2069, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2119, SB 2129, SB 2137, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2173, SB 2178, SB 2183, SB 2188, SB 2202, SB 2203, SB 2232, SB 2247, SB 2281, SB 2299, SB 2311, SB 2342, SB 2346, SB 2372, SB 2380, SB 2383, SB 2386, SB 2399, SB 2489, SB 2510, SCR 4029.

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bills and resolutions: 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 HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

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

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bill: SB 2368.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2368.

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

MR. SPEAKER: The President has signed: HB 1045, HB 1047, HB 1049, HB 1066, HB 1076, HB 1083, HB 1093, HB 1101, HB 1132, HB 1143, HB 1145, HB 1148, HB 1243, HB 1314.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 3:04 p.m., March 8, 1993: SB 2067, SB 2069, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2119, SB 2129, SB 2137, SB 2138, SB 2139, SB 2156, SB 2162, SB 2168, SB 2173, SB 2178, SB 2183, SB 2188, SB 2202, SB 2203, SB 2232, SB 2247, SB 2281, SB 2299, SB 2311, SB 2342, SB 2346, SB 2372, SB 2380, SB 2383, SB 2386, SB 2399, SB 2489, SB 2510.

**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., Tuesday, March 9, 1993, which motion prevailed.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:28 p.m., March 8, 1993: SCR 4029.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1034, HB 1035, HB 1036, HB 1037, HB 1053, HB 1059, HB 1074,

HB 1095, HB 1098, HB 1117, HB 1130, HB 1146, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385, HB 1493, HCR 3004, HCR 3005, HCR 3020, HCR 3023, HCR 3033.

**REPORT OF STANDING COMMITTEE**

**SCR 4020: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 8, remove "for that"

Page 1, line 9, remove "purpose"

Page 1, line 12, replace "approve an appropriation exceeding" with "exceed"

Page 2, line 4, replace "enact a measure providing" with "appropriate more than the amount that was appropriated during the previous regular session of the legislative assembly, after application of the state personal income factor."

Page 2, remove lines 5 through 12

Page 2, line 21, replace "Enactment of a measure providing an appropriation for a" with "If appropriations approved by the legislative assembly during a regular legislative session exceed the amount appropriated during the previous regular legislative session, after application of the state personal income factor, a special vote must be taken in each house of the legislative assembly. If two-thirds or more of the members elected to each house of the legislative assembly approve the appropriations in the special vote, no further action must be taken but if fewer than two-thirds of the members elected to each house of the legislative assembly approve the appropriations, the amount of each appropriation approved by that legislative session must be proportionately reduced so the total amount appropriated equals the amount that was appropriated during the previous regular session of the legislative assembly, after application of the state personal income factor."

Page 2, remove lines 22 through 24

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1080: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1080 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1094: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1094 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1109: Transportation Committee (Sen. Schoenwald, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1129: Natural Resources Committee (Sen. Keller, Chairman)** recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1144: Natural Resources Committee (Sen. Keller, Chairman)** recommends DO

PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1155: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Sixth order on the calendar.

Page 2, line 20, remove the overstrike over "~~three hundred~~" and remove "one"

Page 2, line 21, remove "thousand"

Page 2, line 26, after "report" insert "and shall charge the political subdivision an amount equal to the fair value of the additional examination or audit and any other services rendered"

Page 3, line 2, after "audit" insert ", at its option,"

Page 3, line 10, replace "When federal funds are" with "The"

Page 3, line 11, remove "involved, the"

Page 3, line 20, replace "fifty" with "five hundred" and remove "an hour"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1227: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1227 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1257 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1268: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1268 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1276: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1277: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1277 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1302: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1302 was placed on the Sixth order on the calendar.

Page 2, line 17, after "~~to~~" insert "of not more than twenty-five dollars per day"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1324: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO

PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1324 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1360: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1360 was placed on the Sixth order on the calendar.

Page 4, line 13, after "council" insert "or the chairman's designee"

Page 5, line 14, remove the overstrike over "~~, but the amounts may not exceed the~~"

Page 5, line 15, remove the overstrike over "~~amounts provided by law for state officers~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1377: 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 1377 was placed on the Sixth order on the calendar.

Page 3, line 5, after the period insert "This Act does not apply to a lender-owner who transports or disposes of waste for profit."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1406: Government and Veterans Affairs Committee (Sen. Tomac, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1406 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1407: Government and Veterans Affairs Committee (Sen. Tomac, Chairman)** recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1407 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1444: Transportation Committee (Sen. Schoenwald, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1444 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1457: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1457 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1483: Political Subdivisions Committee (Sen. Graba, Chairman)** recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1483 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1495: 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 1495 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "A" with "If House Bill No. 1277 does not become effective, a"

Page 1, line 11, replace "payment of" with "paying" and remove "requirement"

Page 2, after line 11, insert:

"SECTION 2. If House Bill No. 1277 is approved by the fifty-third legislative assembly and becomes effective, a new subsection to section 20.1-03-11 of the North Dakota Century Code is created and enacted as follows:

A person who leases land for agricultural purposes and who actively farms or ranches that land or a landowner is entitled to receive, upon paying the fee for a resident big game license and filing an affidavit describing a minimum of a quarter section [64.75 hectares] of land that is leased for agricultural purposes or owned by that person and which is within a district or unit open for hunting of moose, a preferential landowner license to hunt moose. The license must include a description of the land described in the affidavit and may be used to hunt moose only upon that land. If a license under this section is issued for a district or unit, at least one license must be issued under this subsection for that district or unit for hunting moose. The number of licenses issued under this subsection for a district or unit may not exceed fifteen percent of the total licenses prescribed in the governor's proclamation for that district or unit. If the number of eligible persons who apply for a license under this subsection exceeds the number of licenses available under this subsection, the licenses must be issued by lottery as prescribed in the governor's proclamation. A license to hunt moose may not be issued under this subsection for a district or unit open for the hunting of moose when the total number of licenses allocated to that district or unit is less than ten. A person who receives a license under this subsection is not eligible to apply for a license to hunt moose in future years but is eligible to participate in the North Dakota game warden association raffle under section 20.1-08-04.2."

Page 2, line 12, replace "Section" with "If House Bill No. 1277 does not become effective, section"

Page 2, after line 20, insert:

"SECTION 4. AMENDMENT. If House Bill No. 1277 is approved by the fifty-third legislative assembly and becomes effective, section 20.1-08-04.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-08-04.2. Governor's proclamation concerning the hunting of moose - License recipients not eligible to apply again. The governor may by proclamation provide for a season to hunt moose in such a manner, number, places, and times as he the governor shall prescribe. Licenses to hunt moose must be issued by lottery, except as provided under section 2 of this Act, with only residents eligible to apply. Each person who has received a license to hunt moose is not eligible to apply for another such license."

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1501: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1501 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3021: Natural Resources Committee (Sen. Keller, Chairman) recommends DO

NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3021 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3030: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3030 was placed on the Tenth order on the calendar.**

**REPORT OF STANDING COMMITTEE**

**HCR 3035: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3035 was placed on the Tenth order on the calendar.**

**REPORT OF STANDING COMMITTEE**

**HCR 3036: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3036 was placed on the Tenth order on the calendar.**

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

**CAROL SIEGERT, Secretary**