

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, March 10, 1993

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

The prayer was offered by Deacon Emil Riehl, Christ The King Catholic Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1025, HB 1041, HB 1042, HB 1067, HB 1077, HB 1078, HB 1082.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1027, HB 1089, HB 1096, HB 1246, HB 1401.

## SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code, relating to powers of cities to participate in the national historic preservation program.

## 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 1080 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to the power of boards of county commissioners to initiate participation in the national historic preservation program.

## 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 1094 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3017, HCR 3032.

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

MADAM PRESIDENT: The House has failed to pass: SB 2240, SB 2407.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2184, SB 2276, SB 2308, SB 2425.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2184**

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "15-27.3-11" insert ", and subsections 2 and 3 of section 15-27.6-10"

Page 1, line 3, after "districts" insert "and school district boundary restructuring"

Page 3, after line 29 insert:

**"SECTION 3. AMENDMENT.** Subsections 2 and 3 of section 15-27.6-10 of the 1991 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. If a majority of electors residing within each school district vote in favor of the formation of the new district, the county superintendent shall make the proper adjustments and perform all necessary duties as provided in subsection 6 5 of section 15-27.3-08.
3. If fewer than all of the districts vote in favor of a new district, any contiguous districts voting in favor of the proposal shall form a new district if the new district would qualify to receive the payments provided for in section 15-27.6-11 and if approved by the state board. Any contiguous districts voting in favor of forming a new district, but that would not qualify for payments under section 15-27.6-11, may form a new district. To form a new district, the board members of the interim district board who represent the contiguous districts involved shall make a determination and adjustment of property, assets, debts, and liabilities of the districts as provided in section 15-27.3-04 and make a determination of tax levy as provided in section 15-27.3-06 and submit a new proposal to the state board for approval. If the state board approves the plan, the county superintendent shall make the proper adjustment of the property, assets, debts, and liabilities as provided in the proposal and organize and establish the districts and, in doing so, shall perform all other necessary duties as provided in subsection 6 5 of section 15-27.3-08."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2276**

Page 1, line 8, after "and" insert "may be provided"

Page 1, line 10, after "surety" insert ", or by a bank letter of credit, a cash bond, or a certified check"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2308**

Page 1, line 8, after "investigations" insert "of probable cause findings"

Page 1, line 11, after "investigation" insert "of a probable cause finding"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2425**

Page 1, line 15, replace "No" with "The signature of the debtor may not be required and no"

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 2163.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2187, SB 2215, SB 2242, SB 2253, SB 2257, SB 2273, SB 2284, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2436, SB 2437, SB 2438, SB 2446, SB 2461, SB 2464, SB 2469.

**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 1031, HB 1043, HB 1051, HB 1068, HB 1069, HB 1107, HB 1128, HB 1141, HB 1150, HB 1151.

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

MADAM PRESIDENT: The Speaker has signed: SB 2032, SB 2081, SB 2107, SB 2248, SB 2338, SB 2368, SB 2404, SB 2416, SB 2420, SB 2455, SB 2477, SB 2509, SB 2517, SCR 4002, SCR 4003, SCR 4004, SCR 4036, SCR 4043.

**SECOND READING OF HOUSE BILL**

**HB 1109:** A BILL for an Act to create and enact a new subsection to section 39-01-01 of the North Dakota Century Code, relating to definition of the terms operator's license, driver's license, and license to operate a motor vehicle; and to amend and reenact subsection 2 of section 39-01-17, subsection 1 of section 39-06-03.1, sections 39-06-20, 39-06-35, 39-06-36, subdivision b of subsection 7 of section 39-06.1-10, and subdivision b of subsection 1 of section 39-20-04.1 of the North Dakota Century Code, relating to certification of records, nondriver photo identification cards, change of address, and reinstatement fees and suspension for alcohol-related offenses.

**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; Nothing; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

HB 1109 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1388:** A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to the dispensing of alcoholic beverages on certain days.

**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 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Dotzenrod; Evanson; Grindberg; Heinrich; Holmberg; Kelly; Kelsh; Kinnoin; Krebsbach; Lindgren; Lips; Maxson; Mushik; Nalewaja; Nething; O'Connell; Sand; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Freborg; Goetz; Graba; Jerome; Keller; Krauter; Langley; Lindaas; Marks; Mathern; Mutch; Naaden; Nelson; Redlin; Robinson; Scherber; Solberg; Streibel; Tennefos; Tomac; Urlacher

HB 1388 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1129:** A BILL for an Act to amend and reenact subsection 5 of section 38-14.1-21 of the North Dakota Century Code, relating to surface coal mine permit approval or denial standards.

**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 1129 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1144:** A BILL for an Act to amend and reenact subsections 5, 6, and 7 of section 61-03-05 of the North Dakota Century Code, relating to fees for computer discs, copies of documents, and for the transmission of documents electronically; and to repeal section 61-03-11 of the North Dakota Century Code, relating to furnishing copies.

**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 1144 passed and the title was agreed to.

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MOTION

SEN. MATHERN MOVED that HB 1227 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1257: A BILL for an Act to amend and reenact subsection 1 of section 24-06-28, sections 24-06-29, and 24-06-30 of the North Dakota Century Code, relating to obstruction of section lines by trees.

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

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

NAYS: Evanson; Kelly; Mushik; Thane

HB 1257 passed and the title was agreed to.

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DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:44 p.m., March 10, 1993: SCR 4002, SCR 4003, SCR 4004, SCR 4036, SCR 4043.

SECOND READING OF HOUSE BILL

HB 1268: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 of the North Dakota Century Code, relating to licenses issued to landowners to hunt elk.

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 1268 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

## 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, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** DeMers; Keller; Kelly; Lindaas; Mathern; Mushik; Scherber; Schoenwald; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Jerome

HB 1276 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1277:** A BILL for an Act to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to creation of a North Dakota game warden association moose license raffle.

## 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 47 YEAS, 2 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; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

**NAYS:** Sand; Yockim

HB 1277 passed and the title was agreed to.

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## SECOND READING OF HOUSE BILL

**HB 1307:** A BILL for an Act to amend and reenact section 48-08-07 of the North Dakota Century Code, relating to the length of time a county may enter a lease of a public building.

## MOTION

**SEN. LINDGREN MOVED** that HB 1307 be amended as follows, which motion prevailed.

Page 1, line 12, overstrike "municipality" and insert immediately thereafter "political subdivision"

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 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 1307 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact subsection 3 of section 39-06.1-10, subsection 1 of section 39-06.1-13, and section 39-10-71 of the North Dakota Century Code, relating to points assigned against a driving record and the penalty for fleeing or attempting to elude a peace officer.

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; 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 1324 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1340: A BILL for an Act to require the department of human services to consider seeking federal waivers to allow the department to contract for certain services.

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 11 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Grindberg; Lindgren; Mushik; Naaden; Nalewaja; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos

NAYS: Andrist; DeMers; Dotzenrod; Evanson; Freborg; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mutch; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Goetz; Wogsland

HB 1340 lost.

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MOTION

SEN. MATHERN MOVED that HB 1091, which is on the Sixth order, be rereferred

to the Agriculture Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1091 was rereferred.

**MOTION**

SEN. MATHERN MOVED that HB 1097, which is on the Sixth order, be rereferred to the Transportation Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1097 was rereferred.

**MOTION**

SEN. MATHERN MOVED that HB 1217, which is on the Sixth order, be rereferred to the Transportation Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1217 was rereferred.

**SIGNING OF BILLS AND RESOLUTIONS**

The President signed the following enrolled bills: SB 2055, SB 2066, SB 2071, SB 2073, SB 2150, SB 2166, SB 2208.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2055, SB 2066, SB 2071, SB 2073, SB 2150, SB 2166, SB 2208.

**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., Thursday, March 11, 1993, which motion prevailed.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1043, HB 1051, 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 President has signed: HB 1068.

**REPORT OF STANDING COMMITTEE**

HB 1054: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1054 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1103: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1103 was placed on the Sixth order on the calendar.

Page 1, line 2, after "for" insert "certain"

Page 1, line 3, after "leased" insert "from the state" and replace "agricultural purposes from a governmental entity" with "which the state makes payments in lieu of taxes"

Page 1, line 4, after "57-02-26" insert "and section 57-02.3-01"

Page 1, line 5, after "of" insert ", and payments in lieu of taxes on, certain" and remove "for"

Page 1, line 6, remove "agricultural purposes" and replace "a governmental entity" with "the state"

Page 1, line 11, remove "the United States or"

Page 1, line 12, replace "or a political subdivision of the state and used by the" with "upon which payments in lieu of property taxes are made by the state."

Page 1, remove line 13

Page 1, line 20, remove the overstrike over "~~pasture or grazing~~" and remove "agricultural"

Page 1, line 21, after "purposes" insert "or upon which the state makes payments in lieu of property taxes"

Page 2, after line 4, insert:

"SECTION 3. AMENDMENT. Section 57-02.3-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**57-02.3-01. Definition.** As used in this chapter, unless the context or subject matter otherwise clearly indicates, "property subject to valuation" means real property owned by the board of university and school lands or by the state treasurer as trustee for the state of North Dakota, title to which was obtained after January 1, 1980, by foreclosure or deed in lieu of foreclosure of a mortgage given to the Bank of North Dakota, including a mortgage assigned to the state treasurer under section 54-30-02. "Property subject to valuation" also means real property owned by the board of university and school lands or by the state treasurer as trustee for the state of North Dakota, title to which was obtained on or before January 1, 1980, and which is leased to a leaseholder who uses the property for growing hay or crops."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1114: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1114 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1116: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1134: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1134 was placed on the Sixth order on the calendar.

Page 1, line 15, after "operations" insert "in which at least fifty percent of the livestock is owned by the owner of the farm"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1161: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1161 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1162: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1162 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1166: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1166 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1167: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1167 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1169: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1169 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1198: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1198 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1212: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1212 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new section to chapter 41-09 of the"

Page 1, remove line 2

Page 1, line 3, remove "Uniform Commercial Code central filing system;"

Page 1, line 6, remove "; and to provide an expiration date"

Page 1, remove lines 8 through 15

Page 2, line 10, remove "Two dollars of the fees charged by the register"

Page 2, remove lines 11 and 12

Page 2, line 15, remove "Two"

Page 2, remove lines 16 through 19

Page 2, line 22, remove "Two dollars of"

Page 2, remove lines 23 through 26

Page 2, line 29, remove "Two"

Page 3, remove lines 1 through 3

Page 3, line 5, remove "Two dollars of the fees"

Page 3, remove lines 6 through 9

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1218: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1218 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1222: 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 1222 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "shall" with "may"

Page 2, line 16, after the underscored period insert "The casualty insurance organization may be established only upon the director's determination that the organization is needed to provide sufficient workers' compensation coverage for the employees and employers of this state and upon the approval of the budget section of the legislative council."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1230: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1230 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HB 1262: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1262 was placed on the Sixth order on the calendar.

Page 2, line 19, after "accounts" insert "from all employment"

Page 2, line 21, after "purposes" insert "and lost as the result of a compensable work injury"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1267: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act relating to political subdivisions and nonprofit medical foundations; and to provide an expiration date.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

##### SECTION 1. Contribution of funds - Nonprofit medical foundation.

A political subdivision may provide public funds not in excess of twenty thousand dollars a year to a nonprofit medical foundation. The funds must be used for improvements to an existing health care facility whose purpose includes providing services to the poor, scholarships, or endowments for scholarships to encourage the education of persons in financial need, or the acquisition of medical equipment needed by the health care facility to continue providing services to the poor. A political subdivision may not provide funds to a nonprofit medical foundation for the support of a health care facility that is not financially viable.

SECTION 2. EXPIRATION DATE. This Act is effective through July 31, 1995, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1281: 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 1281 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "allow" with "disregard, with no prescribed time limitations," and after "an" insert "amount equal to thirty dollars

plus one-third of the recipient's earned income, in a manner otherwise consistent with the requirements of 45 CFR 233.20(a)(11), in determining need and amount of assistance in the"

Page 1, line 10, remove "benefits recipient to secure employment. The department may not"

Page 1, remove lines 11 through 13

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1283: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1283 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1311: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1311 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1332: 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 1332 was placed on the Sixth order on the calendar.

Page 1, line 3, after "reenact" insert "subsection 5 of section 26.1-26.4-02 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 5 of section 26.1-26.4-02 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. "Utilization review agent" means any person or entity performing utilization review, except:
  - a. An agency of the federal government; or
  - b. An agent acting on behalf of the federal government or the department of human services, but only to the extent that the agent is providing services to the federal government or the department of human services."

Page 4, line 4, replace "Any" with "When an initial appeal to reverse a determination is unsuccessful, a subsequent"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

HB 1353: Agriculture Committee (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1353 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1362: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1362 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

HB 1373: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS,

2 NAYS, 1 ABSENT AND NOT VOTING). HB 1373 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the overstrike over "~~who must~~"

Page 1, line 12, remove the overstrike over "~~have had~~", after "~~special~~" insert "post-graduate", and remove the overstrike over "~~training or experience in public health administration~~"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1412: Agriculture Committee (Sen. Kelsh, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1412 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1437: Agriculture Committee (Sen. Kelsh, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1437 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1452: Agriculture Committee (Sen. Kelsh, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1452 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1464: Industry, Business and Labor Committee (Sen. Langley, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1464 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "to" insert "title 65 of"

Page 1, line 3, after "operators" insert "; and to provide a penalty"

Page 1, line 5, after "to" insert "title 65 of"

Page 1, remove lines 7 and 8

Page 1, line 12, replace "commissioner" with "bureau"

Page 2, line 3, replace "commissioner" with "bureau"

Page 2, line 15, replace "commissioner" with "bureau"

Page 2, line 27, replace "commissioner" with "bureau"

Page 3, line 5, replace "commissioner" with "bureau"

Page 3, line 6, replace "commissioner" with "bureau"

Page 3, line 9, replace "commissioner" with "bureau"

Page 3, line 16, after "equipment" insert "for an energy conversion facility or"

Page 3, line 17, after "administration" insert "or by the North Dakota public service commission"

Page 3, line 21, replace "commissioner" with "bureau" and remove "or"

Page 3, line 23, replace the period with "; or"

Page 3, after line 23, insert:

"f. A person employed by a class I railroad."

Page 4, after line 11, insert:

"4. A person who is certified by the United States department of labor as a hoisting engine operator or a crane and hoist operator upon completion of training required by the department does not need to obtain a license from this state to work in this state as a hoisting engine operator or a crane and hoist operator."

Page 4, line 13, replace "commissioner" with "bureau"

Page 4, line 14, replace "commissioner" with "bureau"

Page 4, line 16, replace the first "commissioner" with "bureau" and replace the second "commissioner" with "bureau"

Page 4, line 18, replace "commissioner" with "bureau"

Page 4, after line 18, insert:

"Crane inspector. The bureau shall employ at least one crane inspector who must hold a first-class hoisting engineer's license and have three years' experience operating cranes.

Penalty. A person willfully operating a hoisting engine or any hoisting equipment in violation of this chapter is guilty of a class B misdemeanor."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

HB 1467: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1467 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3015: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3015 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3045: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3045 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3052: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3053: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3053 was placed on the Tenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

HCR 3059: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS,

0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3059 was placed on the Tenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3017:** A concurrent resolution for the amendment of sections 12 and 13 of article V of the Constitution of North Dakota, relating to the removal of the requirement that the Superintendent of Public Instruction be chosen by the qualified electors of the state; and to provide an effective date.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

**HCR 3032:** A concurrent resolution for the amendment of sections 12 and 13 of article V, section 3 of article IX, and subsection 1 of section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; and to provide an effective date.

Was read the first time and referred to the **Joint Constitutional Revision Committee**.

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

**CAROL SIEGERT, Secretary**