

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

* * * * *

Bismarck, March 22, 1993

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

The prayer was offered by Rev. Barry Lee, Church of God of Prophecy, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do not concur in the House amendments to Engrossed SB 2101 as printed on SJ pages 988-989 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2101: Sens. Tomac, Scherber, Evanson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do not concur in the House amendments to Engrossed SB 2277 as printed on SJ page 995 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2277: Sens. Scherber, Heinrich, W. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do not concur in the House amendments to SB 2287 as printed on SJ pages 1031-1032 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2287: Sens. Graba, Dotzenrod, Andrist.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELSH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2320 as printed on SJ pages 995-996 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2320: Sens. Marks, Kelsh, Bowman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2394 as printed on SJ pages 1032-1033 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2394: Sens. Jerome, Mathern, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TOMAC MOVED that the Senate do not concur in the House amendments to SB 2486 as printed on SJ pages 1033-1034 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2486: Sens. Tomac, Heinrich, Sand.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do not concur in the House amendments to SCR 4070 as printed on SJ page 1010 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4070: Sens. Graba, Dotzenrod, Andrist.

REQUEST

SEN. LINDAAS REQUESTED that his remarks be printed in the Journal, which request was granted.

REMARKS OF SENATOR LINDAAS

If you have ever had occasion to travel through the Red River Valley on Interstate 29, between Fargo and Grand Forks, North Dakota, then you have passed through the communities of Cummings, Buxton, and Reynolds, the Central Valley School district. This community of industrious people now share with us a great deal of pride in the accomplishments of their young people. This year, for the first time in the history of the Central Valley School, the boys' basketball team not only won the district and regional titles, but went on to capture the North Dakota State Class B basketball championship. It is fitting and proper that we recognize and commend the players, coaches, school officials, parents, students, and fans for this great accomplishment. The skill, hard work, dedication, enthusiasm, and sportsmanship all combined to realize this goal. On behalf of the North Dakota Senate, I wish to extend our sincere best wishes and congratulations to all who participated in the tournament and especially the Central Valley team. We are proud of you.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolutions: SB 2195, SB 2206, SB 2219, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460, SCR 4033, SCR 4054, SCR 4059, SCR 4067.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2195, SB 2206, SB 2219, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460, SCR 4033, SCR 4054, SCR 4059, SCR 4067.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1084, HB 1450, HCR 3048.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1023, HB 1091, HB 1138, HB 1163, HB 1165, HB 1208, HB 1349, HB 1357, HB 1374, HB 1376, HB 1393, HB 1394, HB 1400, HB 1436, HB 1463, HB 1474, HB 1475, HB 1485, HB 1491, HB 1497, HB 1498, HB 1504, HCR 3019, HCR 3039, HCR 3041, HCR 3043 HCR 3050.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1019.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3008, HCR 3009, HCR 3022, HCR 3024, HCR 3028, HCR 3029, HCR 3042, HCR 3047, HCR 3049, HCR 3054, HCR 3055, HCR 3060, HCR 3063, HCR 3064.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2101, SB 2277, SB 2287, SB 2320, SB 2394, SB 2486, and SCR 4070 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2101: Sens. Tomac; Scherber; Evanson
 SB 2277: Sens. Scherber; Heinrich; W. Stenehjem
 SB 2287: Sens. Graba; Dotzenrod; Andrist
 SB 2320: Sens. Marks; Kelsh; Bowman
 SB 2394: Sens. Jerome; Mathern; Nalewaja
 SB 2486: Sens. Tomac; Heinrich; Sand
 SCR 4070: Sens. Graba; Dotzenrod; Andrist

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3065.

MOTION

SEN. WOGSLAND MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your Select Committee (Sen. Scherber, Chairman) appointed to consider the nomination for the State Board of Higher Education do advise and consent to the appointment of: Joseph Peltier

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Joseph Peltier to the Board of Higher Education" the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Joseph Peltier for the State Board of Higher Education.

MOTION

SEN. WOGSLAND MOVED that the Confirmation Session be dissolved, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1126, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1126: Sens. Dotzenrod, Tomac, Tennefos.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1267, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1267: Sens. Tomac, Kinnoin, Urlacher.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2074 as printed on SJ page 1028 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2074: Sens. Keller, Schoenwald, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2328 as printed on SJ page 989 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2328: Sens. Schoenwald, Krauter, Krebsbach.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1126: Sens. Dotzenrod; Tomac; Tennefos

HB 1267: Sens. Tomac; Kinnoin; Urlacher

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2074 and SB 2328 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2074: Sens. Keller; Schoenwald; Streibel

SB 2328: Sens. Schoenwald; Krauter; Krebsbach

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain property leased from the state for which the state makes payments in lieu of taxes; to amend and reenact subsection 1 of section 57-02-26 and section 57-02.3-01 of the North Dakota Century Code, relating to the taxable status of, and payments in lieu of taxes on, certain property leased from the state; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1103 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to provide for a suggestion incentive program for state employees; 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 48 YEAS, 1 NAY, 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; Traynor; Urlacher; Wogsland; Yockim

NAYS: Tomac

HB 1234 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to create and enact four new subsections to section 23-07.5-01 and six new subsections to section 23-07.5-02 of the North Dakota Century Code, relating to testing for the human immunodeficiency virus.

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 1383 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that Byron Dorgan, United States Senator, is in the chamber and that a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Krauter and Lindgren to escort Senator Dorgan to the rostrum.

REMARKS OF THE HONORABLE BYRON DORGAN, UNITED STATES SENATOR

Governor and Senators: It is nice to see all of you here today and thank you for the invitation to come and say a few words during your legislative session. I noted when I came in the back of the room that it has been so many years since I served in this building as Tax Commissioner and would come down and watch the activities from beyond the railing and see what was going to be done to me, and when and by whom. I noted when I came in the back of the room that some of the same people are here. Senator Lips is back there and I noted he is still resisting the use of a computer. So, there are still some things in life that remain unchanged. It is nice to see all of you here.

The jobs that we have in the Senate of the U.S. Congress or the Senate of the State Legislature are remarkably similar and we are confronted with pretty much the same issues. In fact, I am guessing that people frequently confuse what we do. You undoubtedly get letters complaining about things that we do, and I certainly get letters complaining about things that you do from time to time. A fourth grade class from Abercrombie, North Dakota, wrote to me some while ago at the request of their teacher for a class project, and one of the young fourth graders said "My teacher tells me that you represent us in the U.S. Senate." And then he said, "Boy, is that a scary thought!" I thought, there are some state senators that may feel that way as well.

It is kind of a scary thought to try to grapple with these issues that you grapple with here in the state senate and we grapple with, because the issues are not simple and they are not issues that we are going to solve in a minute, or a month, or even a year. This country is now facing some of the most difficult, complex, and wrenching issues, in a whole range of areas, that we have ever faced. We were just talking about Aids - that is one. Trade, the economy, and the bombing of the World Trade Center, which translates into terrorism. Someone shows up in Texas claiming to be Jesus and holding people hostage, which translates into a whole range of cult activities. There is no end of challenges that we have facing us. It is not a set of things for which public policy is always going to be an answer. We are told that things are just fine if we just let them be. But then we wake up the next morning and think that the Soviet Union is gone and that there is Russia and Yeltsin, and then on Monday morning we wake up and understand that Yeltsin is now under investigation for impeachment and the world may change again in a dramatic way. And south of Linton or west of Regent the lives of people who farm, who work on Main Street, and who go to school will be affected by what happens to Boris Yeltsin in Russia.

It is a small world and the connection is pretty direct. We are told by those who are statistical gatekeepers that the economic indicators say that things are actually moving now - 4.8 percent real economic growth in the fourth quarter of last year. They did not say that one-half percent of that was a hurricane. One-half percent of economic growth was a hurricane because the way economists measure economic growth, they measure the repair from the hurricane, but not the damage created by it. So, if we have a couple more hurricanes, we will get this place revved up. But economic indicators do not indicate anything, really. If there is a car accident on the "U" in front of this capitol in a few minutes, it will be economic growth by some economist in a bunker that is putting the numbers together because it will translate into a fender repair, a doctor bill and a doctor service, and certainly into a lawyer who is going to sue. And so, that is all part of the economic indicators. But, you know what it indicates. You go back home and you listen to what people say and the indicators are that people think that

things are off base and they want it changed from health care to the economy and more.

Out of four million kids born in this country this year, a million kids will be born without a father, 800,000 of whom will never learn the identity of their father during their lifetime. Think of that. 2.7 million kids were actual reported cases of child abuse just reported last year - 2.7 million kids. We have 10 million people out of work, 25 million people on food stamps, and 35 million people with no health insurance. Those are the indicators that you know about, you hear about on your Main Streets. I hear about them every day and it indicates that the country is not doing very well. It does not mean we cannot do well. There is not anyone better poised in the world to compete with us or to do better than we are if we simply have our policies straight.

President Clinton has proposed a plan that has three parts. Spending cuts? Everbody says let us cut spending except this little area that affects me. The fact is, you and I know in the legislative activity spending cuts hurt. But we are going to have spending cuts. Tax increases? Everybody says "No tax increases. Heck, I do not like taxes at all." They say "Let us have zero taxes." Tax increases, including a tax on millionaire income, is going to get Senator Jerome Kelsh with that. A millionaire surtax they say. Tax the upper income people. Well, we are going to have a tax increase this year. It is going to pass. It also includes a BTU tax which is pretty tough for us. Some of us are concerned about that and would like to modify or adjust it. But we are going to have spending cuts and we are going to have some tax increases, and I think it is going to pass.

Third, there are some incentives. Some incentive spending. Some of you would scoff and say "Spending is spending, it is bologna incentives." It is not bologna. There is a difference. If you smoke two packs a day and spend \$2,000 a year on cigarettes, is that not different spending \$2,000 a year on cigarettes then taking the \$2,000 and giving it to your kid to get some Tech training. Of course it is different. One was an investment and one was simply consumption, and not very good consumption at that. There is a difference between just plain old flat spending in your family and your government, and also investment in a family, business, or government. So what the President has said is let us do three things. Let us cut spending, let us increase taxes, and let us make some investments for the future. Those are hard choices, but I think when all is said and done and the smoke clears and the dust settles, I think that plan is going to pass. I think and hope and pray it is going to work.

One of the three major battles that we are involved with, and I think essentially three battles that you are probably involved with in similar ways, is the economy. How do we put this plan together constructively so that it does work, so that we have not just a recovery but also jobs. The Wall Street Journal says in its column "We have robust economic recovery, that is what the indicators say. Of course, we are not producing the number of new jobs we would like." Well, you tell me Mr. and Mrs. Wall Street Journal what is an "economic recovery" if not accompanied by new jobs. A meal without food? That is not an economic recovery. We need an economic recovery that is accompanied by real jobs that are decent and good jobs, and it is not going to come from government - it is going to come from the private sector. The combination of public policies that allow the private sector to create those jobs represent the key to future economic opportunity. We must deal with this in a comprehensive way and we cannot avoid it any longer. We can avoid duplication in government and cut real spending. We do not need four Air Forces, we do not need five agencies to collect intelligence, and the list of duplication goes on. You are fighting the same battle here, trying to cut out waste and it is tough to do, but we do not have any choice and the American people are telling us we must.

The second big battle is trade, and it is going to affect everyone of us and everyone of our constituents. When durum floods down here from Canada and is

unfairly subsidized, our durum growers cannot compete with it. That is just the tip of the iceberg. If it is not fair trade, we ought not be involved. We ought to shut our borders to things that are dumped in here in an unfair way. We ought to open our borders and say to anybody in the world "You send anything you want to this country because we force the American producers to have to compete as long as the competition is fair. If it is unfair, stay out. If it is fair, you are welcome to come and compete, provided that you open your markets to our country's goods made by American producers, just as we open our markets to you." Whether it is NAFTA, which is an enormously complicated and very controversial set of negotiations with Mexico which I will not support, I will vote against, work against, and fight against the current NAFTA trade proposal, whether it is the Canadian agreement which is fundamentally flawed and sold out agricultural economic interests for the interests of some investment bankers and others, or whether it is GATT, which must be done in a way that is sensitive to rural America's needs. Not favoritism just sensitive to rural America's needs, but insisting on fair trade. That is essential if we are going to lay a groundwork for good jobs in the future. Should we connect Canada, the United States, and Mexico in an economic block with which to compete against Europe and the Pacific rim? Of course we should. Absolutely! Should we go with a negotiated treaty with Mexico that sets up competition between us and Mexico for jobs? Of course not. That is dumb. We should not, cannot, and will not have to compete against dollar an hour labor with no tariffs. It makes no sense at all.

The third area is health, and you are all involved in the enormous amount of work on health care. I understand the sensitivity of it. We are going to have to deal with health care costs, and if we fail to deal with costs we will not solve the federal deficit problem and we will not actually reform health care either. Skyrocketing health care costs are at the root of our problem. You and I know talking about provider taxes, and Lord knows it is not my province to come and give you advice on anything, you are kind enough to not give us your two cents worth everytime we make a mistake, and I am not intending to preach to you today about provider taxes, but I do want to tell you this - last year I was very critical, and I am going to continue to be critical of some thirty states who tried to extract federal dollars without doing anything to solve their health care problems simply by a shell game. I think the risk exists that those states who end up with provider taxes - that is a higher state contribution - and then lead into health care reform where we have a health care reform system in which there are standardized benefits under Medicaid rolled into a new health care program, the risk exists that the current level of contribution by a state will be the level at which you enter that system. Those who develop very high provider taxes may well find they outfoxed themselves with respect to future health care reform options, paying permanently higher taxes without compensating additional benefits. I do not envy the choices you have in front of you because I know people want benefits and I know you have trouble finding the resources to meet them. We have exactly the same problem at the federal level. But with respect to health care, none of us will ever solve this problem unless we first deal with cost and then deal with coverage. If we do not deal with costs and coverage in an effective way we will still have people tomorrow, next year, and the year after wondering if they can afford to get health care for a five year old kid because they do not have money in the bank. That should not happen in this country.

I know that there is plenty of reason, given all of these challenges and all of these difficulties, for people to wring their hands and wonder if we will ever solve these things. But, I think all of you who run for office understand that if you did not believe and I did not believe tomorrow is going to be better than today, and the future is going to be better than the past, and that we have hope to tackle these and not just hold them off but actually fix them and move into a better and brighter future filled with opportunity - if you did not believe that, you would not be doing this. As Thomas Wolfe says, "I believe there is an almost boundless optimism, an indestructible belief, and a quenchless hope that we can fix things in this country and put America back on track." Thank you very much.

REQUEST

SEN. MATHER REQUESTED that the remarks of Senator Dorgan be printed in the Journal, which request was granted.

MOTION

SEN. MATHERN MOVED that a committee of two be appointed to escort Senator Dorgan from the Chambers, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Krauter and Lindgren to escort Senator Dorgan from the Chambers.

SECOND READING OF HOUSE BILL

HB 1426: A BILL for an Act to amend and reenact section 11-10-10.5 of the North Dakota Century Code, relating to the employment of a county superintendent of schools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 11 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Evanson; Heinrich; Kelly; Marks; Mushik; Mutch; Nething; Sand; Scherber; Yockim

HB 1426 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Irv Wilhite

SECOND READING OF HOUSE BILL

HB 1476: A BILL for an Act to create and enact seven new sections to chapter 15-34.1 of the North Dakota Century Code, relating to the home-based instruction of students; to amend and reenact sections 15-34.1-03 and 15-34.1-04 of the North Dakota Century Code, relating to compulsory attendance; to repeal section 15-34.1-05 of the North Dakota Century Code, relating to a penalty for the violation of compulsory attendance provisions; 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 14 YEAS, 35 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Holmberg; Kelsh; Langley; Lindaas; Lips; Maxson; O'Connell; Robinson; Scherber; Stenehjem, W.; Urlacher; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Lindgren; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland

HB 1476 lost.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1027, HB 1061, HB 1172, HB 1175, HB 1183, HB 1229, HB 1246, HB 1264, HB 1291, HB 1302, HB 1307.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed and the emergency clause carried: HB 1281.

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

MADAM PRESIDENT: The Speaker has signed: SB 2058, SB 2378, SB 2447, SCR 4040, SCR 4042, SCR 4044, SCR 4045, SCR 4049.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:56 p.m., March 22, 1993: SB 2058, SB 2378, SB 2447.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:56 p.m., March 22, 1993: SCR 4040, SCR 4042, SCR 4044, SCR 4045, SCR 4049.

SECOND READING OF HOUSE BILL

HB 1024: A BILL for an Act to amend and reenact section 39-06-31 and subdivision g of subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to treatment services for persons convicted of driving while under the influence of drugs or substances.

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 1024 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1085: A BILL for an Act to amend and reenact section 6-09.10-03 of the North Dakota Century Code, relating to continuation of the agricultural mediation service.

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 42 YEAS, 7 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; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Lindgren; Mutch; Naaden; Nalewaja; Nelson; Nething; Streibel

HB 1085 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1113: A BILL for an Act to create and enact a new subsection to section 6-09.13-01 and a new subsection to section 6-09.13-02 of the North Dakota Century Code, relating to the definition of on-farm business and adoption of rules regarding buydown of interest rates on loans to on-farm businesses.

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

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

NAYS: DeMers; Grindberg; Heinrich; Kelly; Lindgren; Mushik; Mutch; Sand; Stenehjem, B.; Streibel; Tennefos

HB 1113 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1114: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 6-09-15 and subsections 3 and 4 of section 6-09-15.5 of the North Dakota Century Code, relating to the appraised value of real estate securing a loan and interest rates for loans to beginning farmers.

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 1114 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to create and enact a new section to chapter 51-05.1 of the North Dakota Century Code, relating to buyer's premiums; and to amend and reenact section 51-05.1-01.1, subdivision h of subsection 1 of section 51-05.1-03, and section 51-05.1-04.1 of the North Dakota Century Code, relating to auctioneers' and clerks' licenses, fees, bonds, and written 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 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 1161 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1162: A BILL for an Act to amend and reenact section 60-07-01 of the North Dakota Century Code, relating to fees charged for licensing storage companies as public warehouses.

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, 3 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; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: Naaden; Stenehjem, B.; Tomac

HB 1162 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact section 65-05-05 of the North Dakota Century Code, relating to workers' compensation payments to insured employees injured in the course of employment and to their dependents; 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 33 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Lindaas; Mathern; Maxson; Mushik; O'Connell; Redlin; Scherber; Schoenwald

HB 1164 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1166: A BILL for an Act to amend and reenact section 26.1-03-07, subsection 9 of section 26.1-10-05, section 26.1-22-05, subsection 1 of section 26.1-25-02, sections 26.1-26-31.3, 26.1-26-44, subdivision j of

subsection 1 of section 26.1-36-04, and subsection 2 of section 26.1-36-09.1 of the North Dakota Century Code, relating to annual statement filing date, insurance holding company systems, fire and tornado fund, accreditation of courses, notification of license status, insurance rates, claim payments, and mammogram examination coverage.

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

HB 1166 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to create and enact section 26.1-26-42.1 of the North Dakota Century Code, relating to revocation of nonresident license; and to amend and reenact sections 26.1-01-03.1 and 26.1-26-08 of the North Dakota Century Code, relating to cease and desist authority of the commissioner of insurance and licensing of partnerships or corporations.

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

HB 1167 passed and the title was agreed to.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1104, HB 1111, HB 1238, HB 1239, HB 1304, HB 1462, and HB 1479 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1104: Reps. Austin; Kelsch; Nelson
HB 1111: Reps. Kelsch; Kretschmar; Mutzenberger
HB 1238: Reps. Kelsch; Skarphol; Sitz
HB 1239: Reps. Kelsch; Skarphol; Sitz
HB 1304: Reps. Rydell; Christopherson; Nelson
HB 1462: Reps. Drovdaal; Wanzek; Allmaras
HB 1479: Reps. Maragos; Hagle; Ring

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to

HB 1187 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1187: Reps. Bernstein; Price; J. Berg

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

MADAM PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2289: Reps. Poolman; Hagle; Grumbo

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act to create and enact a new section to chapter 299 of the 1991 Session Laws of North Dakota, relating to the petroleum tank release compensation fund; and to amend and reenact subsection 4 of section 26.1-21-01, subsection 5 of section 26.1-22-01, sections 26.1-22-06, and 26.1-22-21 of the North Dakota Century Code and section 20 of chapter 299 of the 1991 Session Laws of North Dakota, relating to the state bonding fund, petroleum tank release compensation fund, and fire and tornado fund.

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 1169 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1170, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1198: A BILL for an Act to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to user fees charged by the state board of animal health.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Kelly; Kelsh; Mushik; Nalewaja; Nelson; Redlin; Thane; Yockim

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

HB 1198 lost.

SECOND READING OF HOUSE BILL

HB 1218: A BILL for an Act to amend and reenact sections 43-20-02, 43-20-03, 43-20-05, 43-20-07, 43-20-12, 43-28-15, and 43-28-18 of the North Dakota Century Code, relating to the licensure of dental hygienists and to the practice of dentistry.

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 1218 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1224: A BILL for an Act to amend and reenact sections 65-02-15, 65-02-17, and 65-02-18 of the North Dakota Century Code, relating to arbitration on workers' compensation claims; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a binding arbitration panel member; 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 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1224 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1227: A BILL for an Act to amend and reenact sections 40-57.3-02 and 40-57.3-03 of the North Dakota Century Code, relating to transfers of funds to the city visitors' promotion fund from the city visitors' promotion capital construction fund.

ROLL CALL

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

YEAS: Bowman; Evanson; Goetz; Holmberg; Keller; Krauter; Lindaas; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Yockim

NAYS: Andrist; DeMers; Dotzenrod; Freborg; Graba; Grindberg; Heinrich; Jerome; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Tallackson; Thane; Tomac; Wogsland

HB 1227 lost.

MOTION

SEN. MARKS MOVED that the Senate reconsider its action whereby HB 1224 passed, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1224: A BILL for an Act to amend and reenact sections 65-02-15, 65-02-17, and 65-02-18 of the North Dakota Century Code, relating to arbitration on workers' compensation claims; to repeal section 65-02-16 of the North Dakota Century Code, relating to removal of a binding arbitration panel member; and to provide an effective date.

ROLL CALL

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

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

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

HB 1224 lost.

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

MADAM PRESIDENT: The Speaker has signed: SB 2171, SB 2213, SB 2230, SB 2266, SB 2286, SB 2317, SCR 4005, SCR 4013, SCR 4015, SCR 4018 SCR 4025, SCR 4027, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4055, SCR 4056, SCR 4058, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4071.

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

MADAM PRESIDENT: The Speaker has signed: SB 2195, SB 2206, SB 2219, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460, SCR 4033, SCR 4054, SCR 4059, SCR 4067.

REQUEST

SEN. LINDGREN REQUESTED that his remarks be printed in the Journal, which request was granted.

Madam President: This past weekend marked the conclusion of the 1992-1993 boys high school basketball season. Both the Class A and Class B tournaments have been held and the champions selected.

This weekend another basketball champion was selected. Out of a field of all high schools, West Fargo's senior guard, Randy Torgrimson, was chosen by the Associated Press to be "Mr. Basketball 1993".

This recognition is a crowning achievement for a young man who represents all the best of high school athletics. During his four years as a varsity starter, Randy broke all scoring records for West Fargo High School.

The son of West Fargo coach, Bob Torgrimson, and his wife Betty, Randy hopes to attend the U.S. Naval Academy where he would join his brother and fellow basketball star, Ryan.

Madam President, as the "quarterback" of West Fargo's squad, Randy led his team to state championships in 1991 and 1992. He shows the spirit and character of a true champion. He deserves the congratulation and support of his home community and the entire state of North Dakota.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 3:45 p.m., which motion prevailed.

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

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully reexamined the Journal of the Forty-third Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 868, line 20, replace "Heinrich" with "Langley"

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

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:48 p.m., March 22, 1993: SB 2171, SB 2195, SB 2206, SB 2213, SB 2219, SB 2230, SB 2266, SB 2286, SB 2317, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2398, SB 2401, SB 2423, SB 2439, SB 2444, SB 2460.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 3:48 p.m., March 22, 1993: SCR 4005, SCR 4013, SCR 4015, SCR 4018, SCR 4025, SCR 4027, SCR 4033, SCR 4037, SCR 4039, SCR 4046, SCR 4047, SCR 4050, SCR 4051, SCR 4053, SCR 4054, SCR 4055, SCR 4056, SCR 4058, SCR 4059, SCR 4061, SCR 4062, SCR 4063, SCR 4064, SCR 4066, SCR 4067, SCR 4071.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3037: A concurrent resolution urging the President of the United States and Congress to investigate the Farmers Home Administration guaranteed loan programs.

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

HCR 3037 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR

HCR 3068: A concurrent resolution directing the Legislative Council to study and evaluate the needs of the vision impaired with regard to moving the School for the Blind to Grafton and the feasibility and desirability of instituting a talking book program in this state.

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

HCR 3068 was declared lost.

MOTION

SEN. MATHERN MOVED that HB 1230 be rereferred to the Industry, Business and Labor Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1230 was rereferred.

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to amend and reenact section 65-05-09.2 of the North Dakota Century Code, relating to offsetting social security retirement benefits against workers' compensation disability benefits.

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 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1265 lost.

SECOND READING OF HOUSE BILL

HB 1270: A BILL for an Act to amend and reenact section 38-16-01.1 of the North Dakota Century Code, relating to reclamation of lands affected by gravel and sand surface mining operations.

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, 2 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; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Tennefos; Thane

ABSENT AND NOT VOTING: Sand

HB 1270 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1278: A BILL for an Act to amend and reenact subsection 4 of section 65-08-01 of the North Dakota Century Code, relating to payment of workers' compensation benefits in another state.

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 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1278 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1280: A BILL for an Act to amend and reenact section 16.1-15-08, 16.1-15-09, 16.1-15-11, 16.1-15-13, and 16.1-16-07 of the North Dakota Century Code, relating to the duties of clerks of district court to preserve election ballots; 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 NOT PASS, the roll was called and there were 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; DeMers; 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; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Evanson

HB 1280 lost.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to provide for restrictions on no mow areas in the rights of way of the state highway 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 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Graba; Grindberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Lindgren; Marks; Mathern; Naaden; Nalewaja; Nelson; O'Connell; Sand; Scherber; Solberg; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: DeMers; Dotzenrod; Heinrich; Holmberg; Kelly; Krebsbach; Langley; Lindaas; Lips; Maxson; Mushik; Mutch; Nething; Redlin; Robinson; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Traynor

ABSENT AND NOT VOTING: Evanson

HB 1283 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1296: A BILL for an Act to amend and reenact sections 43-26-01, 43-26-06, 43-26-09, and 43-26-11 of the North Dakota Century Code, relating to definitions, fees, and continuing education for physical therapists.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; 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; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Evanson; Wogsland

HB 1296 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1309: A BILL for an Act to amend and reenact sections 53-06.1-03.2 and 53-06.1-03.3 of the North Dakota Century Code, relating to the rent limits for the game of twenty-one and charitable gaming ticket sites.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Freborg; Keller; Kelsh; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Maxson; O'Connell; Robinson; Schoenwald; Tallackson; Tomac; Traynor; Wogsland

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Krauter; Langley; Lindaas; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Urlacher; Yockim

ABSENT AND NOT VOTING: Evanson

HB 1309 lost.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 14 of section 65-01-02 of the North Dakota Century Code, relating to exclusion of newspaper definition of employee for purposes of workers' compensation coverage.

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, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Graba; Heinrich; Kelsh; Maxson; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Evanson; Sand

HB 1310 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1311: A BILL for an Act relating to informed consent for treatment of breast cancer.

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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Grindberg; Jerome; Kelly; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Mushik; Nalewaja; Redlin; Robinson; Scherber; Stenehjem, B.; Tallackson; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; DeMers; Freborg; Goetz; Graba; Heinrich; Holmberg; Keller; Kelsh; Kinnoin; Lindaas; Lips; Maxson; Mutch; Naaden; Nelson; Nething; O'Connell; Sand; Schoenwald; Solberg; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor

ABSENT AND NOT VOTING: Evanson

HB 1311 lost.

SECOND READING OF HOUSE BILL

HB 1353: A BILL for an Act to amend and reenact section 21-03-02 of the North Dakota Century Code, relating to seed and feed bonds; and to repeal chapter 11-29 of the North Dakota Century Code, relating to seed, feed, and fuel loans.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; 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; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Evanson; Tallackson

HB 1353 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a severance tax reduction for coal mined for shipment out of state and to provide for allocation of the remaining tax revenues.

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, 1 NAY, 0 EXCUSED, 1 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; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Kelly

ABSENT AND NOT VOTING: Evanson

HB 1362 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1363: A BILL for an Act to amend and reenact subsections 1 and 3 of section 6-08-16 of the North Dakota Century Code, relating to postdated checks.

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 17 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Keller; Kinnoin; Krauter; Krebsbach; Mutch; Naaden; Nalewaja; Nelson; Solberg; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher

NAYS: Andrist; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Kelsh; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Traynor; Wogsland; Yockim

HB 1363 lost.

SECOND READING OF HOUSE BILL

HB 1367: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to a workers' compensation premium for a risk management program; 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Mushik;

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

NAYS: Maxson

ABSENT AND NOT VOTING: Kelly

HB 1367 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1375: A BILL for an Act to amend and reenact section 51-14-03 of the North Dakota Century Code, relating to the limitation on credit service charges.

MOTION

SEN. KREBSBACH MOVED that HB 1375 be amended as follows:

Page 1, line 10, after "~~half~~" insert "two", remove the overstrike over "~~percent per month~~", and remove "the amount or amounts agreed to by the parties"

ReNUMBER accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1375, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1375, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The proposed amendments to HB 1375 failed.

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 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1375 lost.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 29-01 and a new section to chapter 29-08 of the North Dakota Century Code, relating to rules of criminal procedure governing discovery by the prosecution and bail factors.

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

YEAS: Andrist; Bowman; Evanson; Krauter; Mathern; Solberg

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

ABSENT AND NOT VOTING: Freborg

HB 1378 lost.

SECOND READING OF HOUSE BILL

HB 1379: A BILL for an Act to amend and reenact section 61-12-02 of the North Dakota Century Code, relating to qualifications of members and appointment of flood irrigation boards.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Freborg; Lips

HB 1379 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1024, HB 1085, HB 1103, HB 1113, HB 1114, HB 1161, HB 1162, HB 1164, HB 1166, HB 1167, HB 1169, HB 1218, HB 1234, HB 1270, HB 1278, HB 1283, HB 1296, HB 1310, HB 1353, HB 1362, HB 1367, HB 1379, HB 1383, and HB 1426 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1198, HB 1224, HB 1227, HB 1265, HB 1280, HB 1309, HB 1311, HB 1363, HB 1375, HB 1378, and HB 1476 failed be reconsidered and the motion to reconsider be laid on the table, 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 9:00 a.m., Tuesday, March 23, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1160: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subdivision a of"

Page 1, line 3, remove "and facility fee system"

Page 1, line 5, replace "Subsection" with "Subdivision a of subsection"

Page 1, remove line 8

Page 1, line 18, replace "commision" with "commission"

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1413: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1413 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-27.6 of the North Dakota Century Code, relating to limiting the consortia that may participate in the school district boundary restructuring program; and to", replace "section" with "sections", and after "15-27.6-05" insert "and 15-27.6-11"

Page 1, line 3, replace "; to repeal section 15-27.6-11 and chapter 15-27.6" with a period

Page 1, remove lines 4 through 6

Page 1, line 13, remove the overstrike over "Each", remove "The", and remove "of a consortium that received first"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "this section during 1992-93"

Page 1, line 17, remove the overstrike over "~~not to exceed three years~~" and remove "of one year"

Page 1, line 18, overstrike "sixty-five" and insert immediately thereafter "five"

Page 1, line 20, remove the overstrike over "The interim"

Page 1, remove the overstrike over line 21

Page 2, remove the overstrike over lines 1 and 2

Page 2, line 3, remove the overstrike over "~~third year cooperative plan.~~"

Page 2, line 7, remove the overstrike over "maximum"

Page 2, replace lines 12 through 17 with:

"SECTION 2. A new section to chapter 15-27.6 of the 1991 Supplement to the North Dakota Century Code is created and enacted as follows:

Applicability of chapter. This chapter applies only to those consortia from which requests for planning grants were received by January 1, 1993.

SECTION 3. AMENDMENT. Section 15-27.6-11 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-27.6-11. Supplemental pupil payments.

1. A newly formed district is eligible entitled to receive the a supplemental pupil payment ~~provided for in section 15-27.6-05 of two hundred five dollars for an additional period of two years~~ the first year following the effective date of the reorganization and one hundred five dollars for the second year following the effective date of the reorganization based on the number of full-time equivalent students in average daily membership during the year ~~prior to~~ before the effective date of the reorganization if the newly formed district:
 - a. Encompasses at least seven hundred square miles [181299.168 hectares], enrolls at least six hundred students, and, ~~prior to~~ before the reorganization, consisted of three contiguous school districts, each of which operated grades kindergarten through twelve programs or grades one through twelve programs;
 - b. ~~Prior to~~ Before the reorganization, consisted of at least six contiguous school districts, four of which operated grades kindergarten through twelve programs or grades one through twelve programs; or
 - c. Either enrolls a minimum of six hundred students or encompasses at least seven hundred square miles [181299.168 hectares], and, ~~prior to~~ before the reorganization, consisted of four or five school districts, each of which operated grades kindergarten through twelve programs or grades one through twelve programs.
2. Sections 15-27.3-12 through 15-27.3-15 and 15-27.3-17 through 15-27.3-21 apply to school district reorganizations under this chapter.
3. A newly formed school district that was approved to receive a planning grant prior to July 17, 1991, is eligible to receive the additional supplemental pupil payments."

Renumber accordingly

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

CAROL SIEGERT, Secretary