

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 23, 1993

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

The prayer was offered by Deacon Robert Olson, St. Vincent Catholic Church, Crown Butte.

The roll was called and all members were present.

A quorum was declared by the President.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1187, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1187: Sens. Maxson, Dotzenrod, Traynor.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1304, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1304: Sens. Jerome, Lindgren, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2040 as printed on SJ pages 1060-1061 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 2040: Sens. Schoenwald, Keller, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to SB 2155 as printed on SJ pages 1072-1074 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 2155: Sens. Marks, Andrist, W. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do not concur in the House amendments to Engrossed SB 2285 as printed on SJ pages 1065-1066 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 2285: Sens. Graba, Lindgren, Bowman.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2441 as printed on SJ page 1094 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 2441: Sens. Langley, Krauter, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do not concur in the House amendments to SB 2453 as printed on SJ pages 1067-1068 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 2453: Sens. Marks, Andrist, W. Stenehem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2490 as printed on SJ page 1095 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 2490: Sens. O'Connell, Kelsh, Evanson.

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.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 23, 1993

This is to inform you that on March 22, 1993, I signed the following: SB 2030, SB 2115, SB 2154, SB 2185, SB 2186, SB 2187, SB 2215, SB 2242, SB 2253, SB 2273, SB 2324, SB 2341, SB 2357, SB 2388, SB 2414, SB 2437, SB 2438, and SB 2461.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1024, HB 1085, HB 1113, HB 1114, HB 1161, HB 1162, HB 1164, HB 1166, HB 1167, HB 1169, HB 1218, HB 1270, HB 1278, HB 1283, HB 1296, HB 1310, HB 1353, HB 1362, HB 1367, HB 1379.

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

MR. SPEAKER: The Senate has failed to pass: HB 1198, HB 1224, HB 1227, HB 1265, HB 1280, HB 1309, HB 1311, HB 1363, HB 1375, HB 1378.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1383, HB 1426.

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

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1476.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1103.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1234.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills and resolutions: SB 2086, SB 2092, SB 2110, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2529, SB 2536, SB 2537, SB 2538, SCR 4011, SCR 4014.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2086, SB 2092, SB 2110, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2529, SB 2536, SB 2537, SB 2538, SCR 4011, SCR 4014.

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 1187: Sens. Maxson; Dotzenrod; Traynor

HB 1304: Sens. Jerome; Lindgren; Nalewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2040, SB 2155, SB 2285, SB 2441, SB 2453, and SB 2490 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2040: Sens. Schoenwald; Keller; Streibel

SB 2155: Sens. Marks; Andrist; W. Stenehjem

SB 2285: Sens. Graba; Lindgren; Bowman

SB 2441: Sens. Langley; Krauter; Streibel

SB 2453: Sens. Marks; Andrist; W. Stenehjem

SB 2490: Sens. O'Connell; Kelsh; Evanson

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill and veto certification was delivered to the Secretary of State for his filing at the hour of 11:55 a.m., March 23, 1993: SB 2055.

MOTION

SEN. LINDAAS MOVED that the Senate resolve itself into a Memorial Service, which motion prevailed.

The PRESIDENT REQUESTED that Sens. Kelly and Lips escort the guests into the Chambers.

SENATE MEMORIAL SERVICE**MEMORIAL SERVICE COMMITTEE**

Senator Elroy N. Lindaas, Chairman
Senator Larry J. Robinson, Senator Barb Evanson

PROGRAM

Today I'll start with the rising sun
To use what God has given me
To use as I will 'til the day is done
For good or ill as my choice may be.

It's really important my choice is true
I'm trading a day of my life away
When tomorrow comes may I never rue
What I've bought with the coins of life today.

May it not be loss, but a gain I buy

May it not be evil, but good instead
 May I cheer the heart of a passerby
 Or brighten a life by the right word said.

Tomorrow will come, and today will fade
 May I be sure when this day is past
 The things I have bought with my coins in trade
 Will not be regrets, but are joys that last.

Written by: Representative Ralph Dotzenrod, Deceased

INVOCATION: A. Benjamin Dove, Pastor Emeritus,
 First Presbyterian, Mandan, ND

MUSICAL SELECTION: Stacy Knodle "Arms of Love"
 Accompanist - Karen Traeholt

POETRY READING: Senator Jim Dotzenrod

MEMORIAL ADDRESS: Pastor Andrea DeGroot-Nesdahl
 Assistant to Bishop, Western District ELCA

MUSICAL SELECTION: BSC Chamber Singers "Amazing Grace"

INTRODUCTION OF GUESTS: Lieutenant Governor Rosemarie Myrdal

MUSICAL SELECTION: Stacy Knodle "On Eagles Wings"

BENEDICTION A. Benjamin Dove

DECEASED MEMBERS

Nicholas "Nick" M. Schmit, Jr.
 I.E. "Esky" Solberg
 Agnes Geelan

Guy F. Larson
 Wilbur H. Klusmann
 Edward Doherty

FIRST READING OF SENATE MEMORIAL RESOLUTION

Memorial Resolutions Committee introduced:

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

Was read the first time.

MOTION

SEN. LINDAAS MOVED that the rules be suspended, that SMR 8001 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Memorial Resolutions Committee introduced:

SENATE MEMORIAL RESOLUTION NO. 8001

A memorial resolution for deceased members of the Senate of North Dakota.

WHEREAS, God has summoned to eternal rest our former colleagues:

EDWARD DOHERTY, who served in the 41st and 42nd Legislative Assemblies, from District 13, died January 13, 1992;

AGNES GEELAN, who served in the 32nd and 33rd Legislative Assemblies, from District 14, died March 10, 1993;

WILBUR H. KLUSMANN, who served in the 32nd and 33rd Legislative Assemblies, from District 30, died November 26, 1991;

GUY F. LARSON, who served in the 35th and 36th Legislative Assemblies, from District 27, and the 40th through the 42nd Legislative Assemblies, from District 32, died May 4, 1991;

NICHOLAS "NICK" M. SCHMIT, JR., who served in the 33rd and 34th Legislative Assemblies, from District 37, died March 29, 1990;

I. E. "ESKY" SOLBERG, who served in the 43rd through the 45th Legislative Assemblies, from District 32, and the 46th and 47th Legislative Assemblies, from District 49, died July 25, 1992; and

WHEREAS, we now pause to mourn the passing of our former Senate colleagues and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contributions to public service;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA:

That we express our sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the Journal of the Senate and that the Secretary of State present enrolled copies of this resolution to the surviving families of these deceased senators.

SECOND READING OF SENATE MEMORIAL RESOLUTION

SMR 8001: A memorial resolution for deceased members of the Senate of North Dakota.

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

SMR 8001 was declared adopted on a voice vote.

REQUEST

SEN. LINDAAS REQUESTED that Rev. Dove's prayer and Pastor DeGroot-Nesdahl's remarks be printed in the Journal, which request was granted.

INVOCATION BY REVEREND DOVE

Let us pray. Gracious God, You have been the God of Abraham, Issac, and Jacob; of Washington and Adam and Lincoln, and we thank You that in our lifetime, through the voice of the people, You have called men and women to faithful service in the Legislature of this state. In this hour we remember, with respect and deep appreciation, those who have died since last this body met. Help each of us as citizens, as legislators, to be faithful to the opportunity and the responsibility they embraced in this Senate Chamber. The discipline of governing ourselves. Thank You that beyond the precious gift of memory, You have given us Hope. Hope that their labor will continue to bear good fruit and that in Your gift of Eternal Life, we will see them again. In Christ's Name we pray. Amen.

REMARKS BY PASTOR DEGROOT-NESDAHL

I would like to begin by sharing a reading from the Gospel of Matthew chapter 20, verses 25 through 28. These are the words of Jesus Christ: Jesus said to them "Whoever one of you would be first must be last. It will not be so among you. Whoever wishes to be great among you must be your servant. Whoever wishes to be first, must be your slave. Just as the Son of Man came not to be served, but to serve and to give His life a ransom for many." I bring you Grace and Peace from God our Father and from our Lord and Savior, Jesus the Christ.

Members of the Senate, honored guests, family members and special friends of those who are honored here today. It is certainly my privilege to be before you and to share some thoughts with you on this special occasion. To do that, I want to share with you a poem by a North Dakota poet. His name was James Foley and he wrote, many years ago now, a poem called "A Letter Home". It is one my Dad and I used to recite when I was growing up. He would take one verse, I would take the other; consequently, I only know half of the poem. But, I will not share it all, even the part that I know, with you this afternoon.

My Dad is being honored on the other side of the hall in a little while. He too served in this building in a special capacity as a Representative. It was two weeks ago today that we celebrated his funeral. I know that he loved North Dakota and that part of him will never die, and I know he loved this poem because he made sure that we learned it. So, I think he would enjoy that some of it was shared with you.

James Foley wrote home to his father on the east coast about what life on the prairie was like and how he would not be coming back to that east coast home where he had begun his life. He said words like these about North Dakota, about Dakota territory:

"There's a wholesomeness about it that I cannot quite explain;
Once you breathe the air you love it and you long for it again.
There's a tie you can't diserver in the splendor of the sky,
It's just home to you forever and I just can't tell you why."

There is another verse that ends with these words: "And the mettle of it's people always ring so clear and true." I think it is those people whom we honor today. People who loved this prairie, and people who love those of us who live here. People who served us and cared deeply about the care of this land and of its people; and of its future. People who had a vision of life here that continued the vision that James Foley had many years before when he wrote about his idyllic experience. People who breathed this air and dared, who showed courage and commitment, who stood toe-to-toe with one another in forums like this one; but whose heart beat as one in service to those who sent them here.

These are really very ordinary North Dakota people that we honor here today. People of mettle; people who see the splendor of the sky; who felt the wholesomeness of this life and who protected and promoted it. These are ordinary people that we remember here today and their seats have been taken by more ordinary people like you. Their seats and their footsteps have been followed in by many of us and their memories are cherished by those who love them best. It is not their uniqueness that we honor, though some certainly distinguish themselves in these halls and across our state. It is not their ordinariness either that sets them apart today. We are "all" really ordinary. That is the wonder of living here. It is part of being North Dakotan. It is, however, their service that calls us together. Their lives of servanthood; to say it more Biblically.

Jesus himself describes that life in those Matthew verses I shared with you in these kinds of words: "Whoever wishes to be great among you must be your servant, and whoever wishes to be first among you must be your slave." Jesus is responding in those verses and in those prior. If you heard them read at your church this past Sunday, they were the appointed Gospel for the week in which He is responding to an inquiry about position. It comes from the mother of two of the disciples, James and John. The question seems to come from an understandable fear, a fear of a mother, a fear of a family member, a fear in fact probably of those disciples themselves. A fear of not receiving recognition for one's work. A modern translation in America today might rewrite this biblical verse to say: "Well, what's in it for me? What is all of this that I'm doing really worth in the end?" Surely people who are involved in public service like you are, and surely those of us who have been

privileged to be related to public servants like we are, know the reality of questions like those in our heart of hearts and from time to time slipping off our tongues. We know where the question comes from. It comes from long hours of personal sacrifice and sometimes of attack. It comes from long hours over difficult decisions where no one really seems to come out as a winner in the end. It comes from tensions over loyalties and friendships and hours behind the wheel as you travel to and from that constituency who both loves you and tests you. Who challenges you and holds you up as a symbol of all they would have us be, both ordinary and great.

The list could go on. We don't always stay there in our thinking. We don't always even acknowledge that our thinking goes to those places, but Jesus certainly moves us back to the center of what service, public or personal, of any description really is about. Greatness is about servanthood. Servanthood is about greatness. Being first comes from being lowly and humble and serving others; in slaving oneself to a greater goal, to a higher vision, to a nobler cause than personal gratification, or often personal fulfillment. That is the mettle of our people that rings so clear and true in those who are honored here today; in those who surely follow after them. And it comes with these especially. It comes, that mettle, from their Christian faith. It is not really just a condition of living in North Dakota. It comes from a greater place. It comes from a relationship to the Great Suffering Servant for all of us, Jesus Christ.

I am very glad to be a part of this gathering today and that you have chosen to honor those who have served you so well in years past. But I am more than glad that their highest honor, these we named today; their true reward, their finest moment of satisfaction for a life well lived, can never be captured here. It can only be celebrated here. That is why what we do is so grand and appropriate. They have already claimed their seats at the side of the Savior and they have already heard Him say of them as He says of His children who come to Him: "Well done good and faithful servant. Whoever would be first among you, must be last. Whoever would be great in your midst, must be a servant."

In Jesus Name, help us be servants of Him. Amen.

BENEDICTION BY REVEREND DOVE

Now friends,

Let us go in peace, for none of us will leave this place alone;

The Grace of our Lord Christ;

The Love of God our Father;

And the company of His Holy Spirit is with us all. Amen.

THE PRESIDENT REQUESTED the Escort Committee to escort the guests from the Senate Chambers.

MOTION

SEN. LINDAAS MOVED that the Memorial Service be dissolved, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

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

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1111, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1111: Sens. Maxson, W. Stenehjem, Traynor.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1238, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1238: Sens. Maxson, W. Stenehjem, Solberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1239, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1239: Sens. Maxson, W. Stenehjem, Solberg.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1462, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1462: Sens. Marks, Traynor, Andrist.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1479, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1479: Sens. Maxson, Marks, W. Stenehjem.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do not concur in the House amendments to Engrossed SB 2024 as printed on SJ page 988 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 2024: Sens. Dotzenrod, Kinnoin, Tennefos.

MOTION

SEN. MATHERN MOVED that HB 1136 and HB 1211 be placed at the bottom of the calendar on the first page, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1180 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1180 was rereferred.

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

MADAM PRESIDENT: The Speaker has signed: SB 2026, SB 2050, SB 2052, SB 2053, SB 2076, SB 2089, SB 2229, SB 2239, SB 2271, SB 2294, SB 2296, SB 2298, SB 2303, SB 2315, SB 2331, SB 2336, SB 2337, SB 2354, SB 2355, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2474, SB 2478, SB 2484, SB 2493, SB 2494, SB 2495, SB 2497, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

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

MADAM PRESIDENT: The Speaker has signed: SB 2356.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3003, HCR 3013, HCR 3015, HCR 3030, HCR 3031, HCR 3034, HCR 3036, HCR 3044, HCR 3045, HCR 3046, HCR 3052, HCR 3053, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3061, HCR 3066, HCR 3069.

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 2051: Reprs. Grosz; Rennerfeldt; J. Berg
 SB 2074: Reprs. Shide; C. Carlson; Mahoney
 SB 2101: Reprs. Bernstein; Jacobs; Stenson
 SB 2120: Reprs. Grosz; A. Olson; J. Berg
 SB 2287: Reprs. Hagle; Soukup; Grumbo
 SB 2293: Reprs. Wardner; Belter; Dobrinski
 SB 2320: Reprs. Nicholas; Shide; Aarsvold

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 2328: Reprs. Tollefson; C. Carlson; Mahoney
 SB 2362: Reprs. A. Carlson; Wardner; Glassheim
 SB 2394: Reprs. Rydell; Svedjan; Cleary
 SB 2468: Reprs. Grosz; A. Carlson; Hokana
 SB 2486: Reprs. Keiser; Kempenich; Coats
 SB 2524: Reprs. Freier; Martin; Dobrinski

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:

SCR 4031: Reprs. C. Carlson; Froseth; Sitz
 SCR 4070: Reprs. Porter; Jacobs; Coats

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 1111: Sens. Maxson; W. Stenehjem; Traynor
 HB 1238: Sens. Maxson; W. Stenehjem; Solberg
 HB 1239: Sens. Maxson; W. Stenehjem; Solberg
 HB 1462: Sens. Marks; Traynor; Andrist
 HB 1479: Sens. Maxson; Marks; W. Stenehjem

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2024 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2024: Sens. Dotzenrod; Kinnoin; Teneffos

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to require the department of human services to further the development of partnerships with the private sector in the delivery of all mental health and drug and alcohol abuse diagnostic and treatment services through private providers, to provide solicitation requirements, and to provide for approval by the budget section of the legislative council; and to repeal section 54-38-07 of the North Dakota Century Code, relating to facilities for treatment of alcoholism and drug dependent persons.

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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1326 lost.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to amend and reenact sections 23-17.2-02, 23-17.2-03, 23-17.2-04, 23-17.2-05, 23-17.2-09, 23-17.2-11, and 23-17.2-13 of the North Dakota Century Code, relating to establishing thresholds and exemptions to the certificate of need program.

MOTION

SEN. LINDGREN MOVED that Engrossed HB 1366 be amended as follows, which motion prevailed.

In lieu of the amendments adopted by the Senate as printed on page 1020 of the Senate Journal, Engrossed House Bill No. 1366 is amended as follows:

Page 1, line 13, remove the overstrike over "~~health council~~" and remove "department"

Page 2, line 19, remove the overstrike over "~~Health council means the state health council of the state~~"

Page 2, remove the overstrike over line 20

Page 2, line 21, remove the overstrike over "~~9.~~"

Page 2, line 24, remove the overstrike over "~~10.~~" and remove "9."

Page 2, line 27, remove the overstrike over "~~11.~~" and remove "10."

Page 3, line 9, remove the overstrike over "~~12.~~" and remove "11."

Page 3, line 13, remove the overstrike over "~~13.~~" and remove "12."

Page 3, line 16, replace "13." with "14."

Page 3, line 17, overstrike "14." and insert immediately thereafter "15."

Page 3, line 20, overstrike "15." and insert immediately thereafter "16."

Page 3, line 24, overstrike "16." and insert immediately thereafter "17."

Page 4, line 1, overstrike "17." and insert immediately thereafter "18."

Page 4, line 3, overstrike "18." and insert immediately thereafter "19."

Page 4, line 15, overstrike "19." and insert immediately thereafter "20."

Page 4, line 17, overstrike "20." and insert immediately thereafter "21."

Page 4, line 24, remove the overstrike over "~~of the health~~"

- Page 4, line 25, remove the overstrike over "~~council~~" and remove "adopted by the department"
- Page 6, line 22, remove the overstrike over "~~health council~~" and remove "department"
- Page 6, line 26, remove the overstrike over "~~health council~~" and remove "department"
- Page 7, line 6, remove the overstrike over "~~health council~~" and remove "department"
- Page 7, line 17, remove the overstrike over "~~health council~~" and remove "department"
- Page 8, line 1, remove the overstrike over "~~Health council~~" and remove "Department"
- Page 8, line 2, remove the overstrike over "~~health council~~"
- Page 8, line 3, remove "department"
- Page 9, line 5, remove the overstrike over "~~health council~~" and remove "department"
- Page 9, line 24, remove the overstrike over "~~health council~~" and remove "department"
- Page 9, line 26, remove "the following"
- Page 10, line 2, after "~~promulgated~~" insert "adopted", remove the overstrike over "~~by the health council~~", and remove the underscored colon
- Page 10, remove lines 3 through 23
- Page 10, line 24, remove "this section"
- Page 10, line 25, remove "Shall issue a certificate of need to an applicant under"
- Page 10, remove lines 26 through 28
- Page 11, line 1, remove "3."
- Page 11, line 11, remove the overstrike over "~~3-~~" and remove "4."
- Page 11, line 17, remove the overstrike over "~~4-~~" and remove "5."
- Page 11, line 19, remove the overstrike over "~~council~~" and remove "department"
- Page 11, line 23, remove the overstrike over "~~health council~~" and remove "department"
- Page 11, line 29, remove the overstrike over "~~health council~~" and remove "department"
- Page 12, line 3, remove the overstrike over "~~health council~~" and remove "department"
- Page 12, line 8, remove the overstrike over "~~council~~" and remove "department"

Page 12, line 12, remove the overstrike over "~~health council~~" and remove "department"

Page 12, line 15, remove the overstrike over "~~council~~" and remove "department"

Page 12, line 17, replace "department's" with "health council's"

Page 12, line 20, remove the overstrike over "~~council~~" and remove "department"

Page 12, line 25, remove the overstrike over "~~health council~~" and remove "department"

Page 13, line 1, remove the overstrike over "~~council~~" and remove "department"

Page 13, line 6, remove the overstrike over "~~council~~" and remove "department"

Page 13, line 8, remove the overstrike over "~~council~~" and remove "department"

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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Naaden; Nalewaja; Nelson; 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; Mutch; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

HB 1366 lost.

SECOND READING OF HOUSE BILL

HB 1429: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to an income tax credit for equipment to convert motor vehicles to alternative fuel; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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 1429 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1468: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to labeling requirements for seed.

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 8 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Holmberg; Kinnoin; Langley; Nalewaja; Solberg; Tennefos; Thane

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

HB 1468 lost.

SECOND READING OF HOUSE BILL

HB 1490: A BILL for an Act to create and enact a new section to chapter 25-04 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton; and to amend and reenact sections 25-04-02, 25-04-04, and subsection 1 of section 25-04-16 of the North Dakota Century Code, relating to services provided by the developmental center at Grafton.

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, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Stenehjem, B.

HB 1490 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1170: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the powers and election of the board of directors for nonprofit health service 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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1170 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:57 p.m., March 23, 1993: SB 2026, SB 2050, SB 2053, SB 2076, SB 2089, SB 2239, SB 2271, SB 2296, SB 2315, SB 2331, SB 2356, SB 2369, SB 2377, SB 2410, SB 2417, SB 2419, SB 2445, SB 2457, SB 2458, SB 2478, SB 2493, SB 2494, SB 2495, SB 2497.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:57 p.m., March 23, 1993: SB 2052, SB 2229, SB 2294, SB 2298, SB 2303, SB 2336, SB 2337, SB 2354, SB 2355, SB 2474, SB 2484, SB 2506, SB 2513, SB 2514, SB 2520, SB 2521, SB 2533.

MOTION

SEN. MATHERN MOVED that HB 1390, HB 1397, HB 1406, HB 1408, and HB 1410 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to residence of a child of divorced parents.

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 8 YEAS, 41 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Evanson; Heinrich; Jerome; Mathern; Nalewaja; Scherber; Tennefos; Urlacher

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

HB 1395 lost.

SECOND READING OF HOUSE BILL

HB 1407: A BILL for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to fixed asset minimum reporting value.

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 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; 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; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Yockim

NAYS: Heinrich; Scherber; Stenehjem, W.; Tomac; Wogsland

HB 1407 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1409: A BILL for an Act to repeal section 54-06-10 of the North Dakota Century Code, relating to authorization for out-of-state travel for state officials and employees.

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 1409 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to amend and reenact section 4-10.5-02 of the North Dakota Century Code, relating to North Dakota soybean council elections.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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 1412 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1415: A BILL for an Act to provide a partnership for long-term care 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 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 1415 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1416, HB 1444, HB 1449, and HB 1453 be placed at the bottom of the calendar, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 3:50 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 resolution: HCR 3030.

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

MR. SPEAKER: The President has signed: HCR 3030.

SECOND READING OF HOUSE BILL

HB 1422: A BILL for an Act to provide a limitation on the liability of manufacturers or sellers of innovative, state-of-the-art products.

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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Traynor

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

ABSENT AND NOT VOTING: Naaden; Wogsland

HB 1422 lost.

SECOND READING OF HOUSE BILL

HB 1427: A BILL for an Act to create and enact a new section to chapter 14-05 and a new section to chapter 14-06 of the North Dakota Century Code, relating to the enforcement of support orders arising out of decrees of divorce and decrees of separation from bed and board; 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 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Sand; Solberg

ABSENT AND NOT VOTING: Naaden; Wogsland

HB 1427 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 4-09-10, subsection 2 of section 4-09-14, sections 4-09-14.1, 4-09-14.3, 4-09-14.4, and 4-09-20 of the North Dakota Century Code, relating to seed labeling requirements, penalty for late filing of seed permit reports, and collection of royalty fees.

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 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Mathern; Maxson; Mushik; Nalewaja; Scherber; Tallackson; Tomac; Yockim

NAYS: Andrist; Evanson; Freborg; Goetz; Grindberg; Holmberg; Langley; Lips; Marks; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Wogsland

HB 1437 lost.

SECOND READING OF HOUSE BILL

HB 1452: A BILL for an Act to create and enact a new subsection to section 11-18-02.2, a new section to chapter 57-12, and a new section to chapter 57-13 of the North Dakota Century Code, relating to access by licensed appraisers and certified appraisers to statements of full consideration; and to amend and reenact subsection 7 of section 11-18-02.2 of the North Dakota Century Code, relating to access by licensed appraisers and certified appraisers to statements of full consideration filed with the state board of equalization or register of deeds.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

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 22 YEAS, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Evanson; Heinrich; Holmberg; Jerome; Keller; Lindaas; Lips; Maxson; Naaden; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac

NAYS: Bowman; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Marks; Mathern; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Streibel; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Wogsland

HB 1452 lost.

SECOND READING OF HOUSE BILL

HB 1455: A BILL for an Act relating to the acceptance and use of certain grant funds by the Williston research center.

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 1455 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1456: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations for nonprofit health service 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; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1456 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1457: A BILL for an Act to amend and reenact sections 16.1-06-10.1 and 16.1-15-02.1 of the North Dakota Century Code, relating to canvassing of votes and sharing of electronic counting machines.

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 1457 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HB 1460, HB 1472, HB 1489, HB 1506, HB 1507, and HB 1508, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HCR 3032 and HB 1136 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 19 YEAS, 30 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Urlacher; Yockim

NAYS: Bowman; DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch; O'Connell; Robinson; Scherber; Schoenwald; Streibel; Tallackson; Thane; Tomac; Traynor; Wogsland

HCR 3032 was declared lost.

SECOND READING OF HOUSE BILL

HB 1136: A BILL for an Act to amend and reenact section 65-05-08.1 of the North Dakota Century Code, relating to workers' compensation verification of temporary total disability; 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 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HB 1136 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that HCR 3002 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the terms of state representatives; and to provide an effective date.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 17 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Jerome; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lips; Mathern; O'Connell; Scherber; Schoenwald; Tallackson; Tomac; Urlacher

NAYS: Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Keller; Kelly; Krauter; Lindgren; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Wogsland; Yockim

HCR 3002 was declared lost.

SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to create and enact section 11-11.1-01.1 and a new section to chapter 57-15 of the North Dakota Century Code, relating to a joint job development authority for counties and the establishment of economic growth districts; and to amend and reenact sections 11-11.1-02, 11-11.1-03, 11-11.1-04, 11-11.1-06, and 57-15-31 of the North Dakota Century Code, relating to a joint job development authority for counties and county general fund levies.

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 1483 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to amend and reenact section 57-51-16 of the North Dakota Century Code, relating to disposition of unallocated revenues from oil and gas gross production taxes.

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 1492 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1501: A BILL for an Act to create and enact a new section to chapter 11-20 and a new subsection to section 27-07.1-17 of the North Dakota Century Code, relating to surveys by county surveyors of disputed property lines and jurisdiction of county courts.

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 1501 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1211: A BILL for an Act to amend and reenact subsection 6 of section 6-06-02, sections 6-06-04, 6-06-36, 6-08-26, subsections 3 and 4 of section 10-15-36, sections 10-15-54, 10-23-02, 10-23-04, 10-23-05, 10-23-06, 10-23-07, 10-28-01, 10-28-02, 43-07-07, 44-06-02, 45-10.1-15, 45-11-01, subsection 1 of section 54-05.1-03, and section 54-09-04 of the North Dakota Century Code, relating to fees collected by the secretary of state.

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 1211 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1467: A BILL for an Act to repeal sections 15-21-04.6 and 15-29-08.3 of the North Dakota Century Code, relating to student performance standards and assessment and school district policies and plans for participatory school decisionmaking.

MOTION

SEN. KREBSBACH MOVED that HB 1467 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-21-04.6 and 15-29-08.3 of the North Dakota Century Code, relating to student performance standards and assessment and school district policies and plans for participatory school decisionmaking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-21-04.6 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-21-04.6. Student performance standards and assessment - Preliminary activities - Continuing appropriation.

1. The superintendent of public instruction, subject to the financial limitations imposed by subsection 2, shall conduct preliminary research and engage in other appropriate activities to prepare for the development of student performance standards and the assessment program to be implemented during the ~~1993-95~~ 1997-99 biennium.
2. The funding for the activities of the superintendent described in subsection 1 must be provided from contributions, gifts, or grants received from the federal government, private organizations, or other nonstate sources and may be used only for the specific purpose for which the funds were contributed. These funds are hereby appropriated to the superintendent for the purpose of implementing subsection 1. The superintendent is not required to implement subsection 1 if adequate funding does not become available pursuant to this subsection.

SECTION 2. AMENDMENT. Section 15-29-08.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-29-08.3. School district policy and plan for participatory school decisionmaking.

1. By July 1, ~~1994~~ 1998, each school board of a public school district, including the Fargo school district, shall adopt a policy and plan for implementing participatory school decisionmaking in that school district, including a

description of how teachers, parents, school administrators, and other school employees of a school are to be involved in the decisionmaking process. Each school board, prior to adopting the policy and plan, shall adopt a procedure whereby all interested persons are afforded a reasonable opportunity to submit their views concerning the content of the policy and plan, which views are not binding on the school board.

2. The superintendent of public instruction shall develop nonbinding guidelines to assist school boards in the development of policies and plans relating to participatory school decisionmaking, and make the guidelines available to nonpublic schools.
3. By July 1, ~~1994~~ 1998, each school board shall submit to the superintendent of public instruction a copy of the policy and plan for the school district. On July first of each even-numbered year thereafter, each school board shall submit to the superintendent a copy of a written evaluation of the policy and implementation plan and copies of any amendments to the policy and plan.
4. This section may not be construed to impair the rights, powers, or duties of local school districts and school boards in the management and control of local schools."

Renumber accordingly

REQUEST

SEN. B. STENEHJEM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1467, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1467, the roll was called and there were 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Mathern; Maxson; Mushik; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Traynor; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Jerome; Langley; Lips; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher

The proposed amendments to HB 1467 were adopted.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

MOTION

SEN. NAADEN MOVED that HB 1467 be amended as follows:

In lieu of the amendments previously adopted by the Senate, House Bill No. 1467 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 15-21-04.6 and 15-29-08.3 of the North Dakota Century Code, relating to student performance standards and assessment and school district policies and plans for participatory school decisionmaking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-21-04.6 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-21-04.6. Student performance standards and assessment - Preliminary activities - Continuing appropriation.

1. The superintendent of public instruction, subject to the ~~financial~~ limitations imposed by subsection 2, shall conduct preliminary research and ~~engage in other appropriate activities to prepare for the development of~~ regarding the financial and academic effects of developing student performance standards and the an assessment program to be implemented during the 1993-95 biennium. The superintendent shall limit the research to no more than six school districts. Prior to initiating research in a school district, the superintendent shall obtain the consent of parents representing a majority of students enrolled in the district. Prior to implementation during the 1997-99 biennium, the superintendent shall obtain an evaluation of student performance standards and assessment programs from a committee of parents, teachers, administrators, and school board members representing the districts in which the initial research was conducted.
2. The funding for the activities of the superintendent described in subsection 1 must be provided from contributions, gifts, or grants received from ~~the federal government, private citizens or in-state organizations, or other nonstate sources~~ and may be used only for the specific purpose for which the funds were contributed. These funds are hereby appropriated to the superintendent for the purpose of implementing subsection 1. The superintendent is not required to implement subsection 1 if adequate funding does not become available pursuant to this subsection.

SECTION 2. AMENDMENT. Section 15-29-08.3 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-29-08.3. School district policy and plan for participatory school decisionmaking.

1. By July 1, ~~1994~~ 1998, each school board of a public school district, including the Fargo school district, shall adopt a policy and plan for implementing participatory school decisionmaking in that school district, including a description of how teachers, parents, school administrators, and other school employees of a school are to be involved in the decisionmaking process. Each school board, prior to adopting the policy and plan, shall adopt a procedure whereby all interested persons are afforded a reasonable opportunity to submit their views concerning the content of the policy and plan, which views are not binding on the school board.
2. The superintendent of public instruction shall develop nonbinding guidelines to assist school boards in the development of policies and plans relating to participatory school decisionmaking, and make the guidelines available to nonpublic schools.
3. By July 1, ~~1994~~ 1998, each school board shall submit to the superintendent of public instruction a copy of the policy and plan for the school district. On July first of each even-numbered year thereafter, each school board shall submit to the superintendent a copy of a written evaluation of the

policy and implementation plan and copies of any amendments to the policy and plan.

4. This section may not be construed to impair the rights, powers, or duties of local school districts and school boards in the management and control of local schools."

Renumber accordingly

REQUEST

SEN. NAA DEN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1467, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1467, the roll was called and there were 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Krauter; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac

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

The proposed amendments to HB 1467 failed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Evanson; Graba; Heinrich; Kelly; Lindaas; Maxson; Mushik; Redlin; Scherber; Schoenwald; Tallackson; Wogsland; Yockim

HB 1467 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1160: SEN. KRAUTER (Natural Resources Committee) MOVED that the amendments on SJ page 1127 be adopted.

REQUEST

SEN. NALEWAJA REQUESTED that the Senate divide the amendments to HB 1160, which request was granted.

DIVISION I

All of the bill except that portion contained in Division II.

DIVISION II

"The total maximum fee per county for an owner or operator who has more than one facility in any one county is three hundred dollars."

Renumber accordingly

REQUEST

SEN. MALEWAJA REQUESTED a recorded roll call vote on Division I of the proposed amendments to HB 1160, which request was granted.

ROLL CALL

The question being on adoption of Division I of the proposed amendments to HB 1160, 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Malewaja; 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; Langley

Division I of the proposed amendments to of HB 1160 was adopted.

ROLL CALL

The question being on the adoption of Division II of the proposed amendments to HB 1160, the roll was called and there were 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Urlacher; Wogsland

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Mutch; Naaden; Malewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Yockim

ABSENT AND NOT VOTING: Langley

Division II of the proposed amendments to HB 1160 was adopted.

MOTION

SEN. KRAUTER MOVED that the rules be suspended and that HB 1160 be deemed properly engrossed and be placed on the Fourteenth order, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 37-17.1-07.1 of the North Dakota Century Code, relating to the hazardous chemicals preparedness and response program fund.

ROLL CALL

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

YEAS: Kinnoin; Malewaja

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; 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: Langley

HB 1160 lost.

CONSIDERATION OF AMENDMENTS

HB 1413: SEN. KELSH (Education Committee) MOVED that the amendments on SJ pages 1127-1128 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1413 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1413 was rereferred.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1160, HB 1326, HB 1366, HB 1395, HB 1422, HB 1437, HB 1452, HB 1468, HCR 3002, and HCR 3032 failed 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 1136, HB 1170, HB 1211, HB 1407, HB 1409, HB 1412, HB 1415, HB 1427, HB 1429, HB 1455, HB 1456, HB 1457, HB 1467, HB 1483, HB 1490, HB 1492, and HB 1501 passed 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., Wednesday, March 24, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1007: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1007 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "2,057,920" with "2,159,375"

Page 1, line 13, replace "18,810" with "20,598"

Page 1, line 14, replace "2,167,701" with "2,114,275"

Page 1, line 19, replace "6,719,172" with "6,775,553"

Page 1, line 21, replace "5,140,849" with "5,163,540"

Page 2, line 1, replace "17,777,416" with "17,906,305"

Page 2, line 2, replace "11,308,863" with "11,347,118"

Page 2, line 3, replace "6,468,553" with "6,559,187"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment increases the salaries and wages line item by \$101,455, of which \$100,281 is from the general fund and \$1,174 is from other

funds. Of the total increase, \$60,531 from the general fund is for one FTE for the Veterans' Cemetery, \$40,924, of which \$39,750 is from the general fund and \$1,174 is from other funds, is to reflect Governor Sinner's salary increase recommendation for state employees.

This amendment increases the information services line item by \$1,788 from the general fund to restore a portion of the funding reduced by the House.

This amendment decreases the operating expenses line item by \$53,426, of which \$20,374 is from the general fund and \$33,052 is from other funds, to remove the indirect cost allocation payments to the Office of Management and Budget.

This amendment increases the Army Guard contract line item by \$56,381, of which \$3,615 is from the general fund and \$52,766 is from other funds, to reflect Governor Sinner's salary increase recommendation for state employees.

This amendment increases the Air Guard contract line item by \$22,691, of which \$5,324 is from the general fund and \$17,367 is from other funds, to reflect Governor Sinner's salary increase recommendation for state employees.

In total, this amendment increases the appropriation to the Adjutant General by \$128,889, of which \$90,634 is from the general fund and \$38,255 is from other funds.

REPORT OF STANDING COMMITTEE

HB 1008: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). HB 1008 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "348,378" with "478,881"

Page 1, line 12, replace "128,054" with "217,769"

Page 1, line 14, replace "486,269" with "706,487"

Page 1, line 15, replace "54,922" with "162,477"

Page 1, line 16, replace "431,347" with "544,010"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

SENATE - This amendment makes the following changes:

The salaries and wages line item is increased by \$10,881 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

Funding for the third veterinarian position is added as follows:

Salaries and wages (1 FTE)	\$102,352
Operating expenses	<u>15,000</u>
Total	\$117,352
General fund	\$110,187
Other funds	<u>7,165</u>
Total	\$117,352

Funding of \$17,270, \$16,595 of which is from the general fund, is added for pay equity increases for two of the three veterinarians (director and deputy) on staff. This change provides a total of \$46,577, \$44,404 of which is from the general fund, for pay equity increases.

The operating expenses line item is reduced by \$25,000 from the general fund to remove funding provided to contract for veterinarian services.

The operating expenses line item is increased by \$99,715 from special funds for the backtagging program.

In total, this amendment increases funding for the Board of Animal Health by \$220,218, \$112,663 of which is from the general fund and \$107,555 of other funds.

REPORT OF STANDING COMMITTEE

HB 1011: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "2,661,994" with "2,710,947"

Page 1, line 15, replace "3,846,656" with "3,895,609"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 616 - SEED DEPARTMENT

SENATE - This amendment increases the salaries and wages line item by \$48,953 of special funds to reflect Governor Sinner's salary increase recommendation for state employees.

Funding of \$19,827 of special funds is included in the Seed Department's 1993-95 appropriation for indirect cost allocation payments to the Office of Management and Budget. Because this amount was included in the executive recommendation for the Seed Department no change is being made in this amendment.

REPORT OF STANDING COMMITTEE

HB 1510: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1510 was placed on the Fourteenth order on the calendar.

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

CAROL SIEGERT, Secretary