

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 25, 1993

The Senate convened at 9:00 a.m., with President Pro Tem Mushik presiding.

The prayer was offered by Rev. Earl Thornton, Evangel Temple Church, Bismarck.

The roll was called and all members were present except Senator B. Stenehjem.

A quorum was declared by the President Pro Tem.

MOTION

SEN. MATHERN MOVED that SB 2384, which is on the Twelfth order, be rereferred to the Industry, Business and Labor Committee, which motion prevailed. Pursuant to Sen. Mathern's motion, SB 2384 was rereferred.

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 Pro Tem Mushik presiding.

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 2024: Reps. Timm; Wardner; Nelson
- SB 2441: Reps. Rennerfeldt; Belter; Dobrinski

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1027, HB 1061, HB 1172, HB 1175, HB 1183, HB 1229, HB 1246, HB 1264, HB 1281, HB 1291, HB 1302, HB 1307, 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, HCR 3065.

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

MADAM PRESIDENT: The Speaker has signed: 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.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 25, 1993

This is to inform you that on March 24, 1993, I signed the following: SB 2058, SB 2171, SB 2195, SB 2206, SB 2213, SB 2219, SB 2230, SB 2286, SB 2317, SB 2340, SB 2358, SB 2373, SB 2385, SB 2387, SB 2393, SB 2401, SB 2423, SB 2439, SB 2444, and SB 2460.

COMMUNICATION FROM GOVERNOR EDWARD T. SHCAFER

March 25, 1993

This is to inform you that on March 25, 1993, I signed the following: SB 2266.

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

MR. SPEAKER: The Senate has failed to pass: HB 1390, HB 1449, HB 1460, HCR 3021.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1397, HB 1406, HB 1408, HB 1410, HB 1444, HB 1453, HB 1472, HB 1489, HB 1506, HB 1507, HB 1508, HB 1509, HB 1510, HCR 3018, HCR 3025.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2033, SB 2036, SB 2049, SB 2060, SB 2068, SB 2079, SB 2093, SB 2116, SB 2122, SB 2123, SB 2130, SB 2133, SB 2142, SB 2143.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2148, SB 2153, SB 2161, SB 2176, SB 2184, SB 2189, SB 2211, SB 2251, SB 2255, SB 2265, SB 2276, SB 2288, SB 2290, SB 2306.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2313, SB 2333, SB 2334, SB 2375, SB 2397, SB 2415, SB 2425, SB 2470, SB 2472, SB 2476, SB 2479, SB 2487, SB 2488, SB 2519.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2527, SB 2534.

SECOND READING OF HOUSE BILL

HB 1007: A BILL for an Act to provide an appropriation for defraying the expenses of the adjutant general; and to provide an appropriation for the North Dakota veterans' cemetery.

MOTION

SEN. NOTHING MOVED that Engrossed HB 1007 be amended as follows:

In lieu of the adopted amendments to Engrossed House Bill No. 1007 as printed on pages 1155-1156 of the Senate Journal, Engrossed House Bill No. 1007 is amended as follows:

Page 1, line 12, replace "2,057,920" with "2,098,844"

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 "17,845,774"

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

Page 2, line 3, replace "6,468,553" with "6,498,656"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment increases the salaries and wages line item by \$40,924, of which \$39,750 is from the general fund and \$1,174 is from other funds, to reflect Governor Sinner's salary increase recommendation for state

employees. Although the funding for the one FTE for the Veterans' Cemetery is not included, the FTE is added so that if other funds become available during the biennium the position may be filled. It is the intent of the Legislative Assembly that the position is not to be funded with general fund moneys.

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 \$68,358, of which \$30,103 is from the general fund and \$38,255 is from other funds.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1007, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1007, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindgren; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wogsland

NAYS: Dotzenrod; Heinrich; Kelly; Langley; Lindaas; Lips; Mushik; O'Connell; Redlin; Robinson; Schoenwald; Tallackson; Thane; Tomac; Yockim

The proposed amendments to Engrossed HB 1007 were adopted.

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 1007 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the state seed department.

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 1011 passed and the title was agreed to.

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 2277: Reps. Stenehjem; Rydell; Brodshaug

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

MADAM PRESIDENT: The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1075 and wishes to inform you that the House does now concur with the Senate amendments to HB 1075 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1075.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 1:48 p.m., March 25, 1993: SCR 4011, SCR 4014.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution for the amendment of subsections 2 and 4 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment of a student member to the state board of higher education.

MOTION

SEN. YOCKIM MOVED that Engrossed HCR 3014 be amended as follows:

Page 1, line 3, replace "appointment" with "inclusion" and replace "to" with "on"

Page 1, line 5, replace "gubernatorial appointment" with "inclusion"

Page 1, line 6, replace "to" with "on"

Page 2, line 5, replace "governor" with "North Dakota student association" and replace "appoint" with "select"

Page 2, line 6, remove "full-time" and after "student" insert "enrolled"

Page 2, replace line 7 with "a minimum of six credits"

Page 2, line 8, remove "of the state board"

Page 4, line 8, replace "governor" with "North Dakota student association", replace "appoint" with "select", and remove "from a"

Page 4, remove line 9

Page 4, line 10, remove "Dakota student association"

Renumber accordingly

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HCR 3014, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HCR 3014, the roll was called and there were 7 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Lindaas; Mathern; Mushik; Tallackson; Wogsland; Yockim

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

The proposed amendments to Engrossed HCR 3014 failed.

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 is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Kelly; Krebsbach; Langley; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nething; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor

NAYS: Freborg; Keller; Kelsh; Kinnoin; Krauter; Lindaas; Marks; Maxson; Nelson; O'Connell; Redlin; Robinson; Urlacher; Wogsland; Yockim

HCR 3014 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

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

ROLL CALL

The question being on the final adoption of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HCR 3017 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3035: A concurrent resolution urging the President and Congress to reject any proposals for a national energy tax and to reject any proposals to increase federal excise taxes on motor fuels for the purposes of deficit reduction.

REQUEST

SEN. NAADEN REQUESTED a recorded roll call vote on HCR 3035, which request was granted.

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 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

HCR 3035 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3070: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of removing the environmental health functions and responsibilities of the State Department of Health and Consolidated Laboratories from that department and establishing a department to handle all environmental functions and responsibilities.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

HCR 3070 was declared lost on a verification vote.

SECOND READING OF HOUSE BILL

HB 1062: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to mandatory terms of imprisonment; to amend and reenact subsection 10 of section 12.1-32-02, sections 12.1-32-02.1, 19-03.1-23, and subsection 12 of section 54-23.3-04 of the North Dakota Century Code, relating to sentencing alternatives, prison terms for certain offenders, penalties for unlawful manufacture, delivery, or possession of controlled substances, and authority to contract with other governmental agencies for prisoners and juvenile delinquents; to provide a penalty; to provide an appropriation; and to provide an effective date.

MOTION

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

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

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

NAYS: DeMers; Dotzenrod; Kelly; Langley; Mathern; Maxson; Mushik; Redlin; Scherber; Schoenwald

ABSENT AND NOT VOTING: Graba

HB 1062 passed and the title was agreed to.

REQUEST

SEN. GRABA REQUESTED that his vote show as "Nay" on HB 1062, which request was granted.

SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to amend and reenact section 15-40.2-08 of the North Dakota Century Code, relating to determination of the school district liable for tuition in cases of child placements for purposes other than education; and to repeal section 15-40.2-08.1 of the North Dakota Century Code, relating to placement of handicapped students for reasons other than education.

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; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tennefos

HB 1120 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Mushik presiding.

SECOND READING OF HOUSE BILL

HB 1179: A BILL for an Act to create and enact sections 50-11-01.4, 50-11-02.2, 50-11-03.2, 50-11-04.1, 50-11-04.2, 50-11-04.3, 50-11-04.4, 50-11-04.5, 50-11-04.6, and 50-11-04.7 of the North Dakota Century Code, relating to licensure of foster care facilities for children and adults; to amend and reenact sections 50-11-00.1, 50-11-01, 50-11-02,

50-11-02.1 50-11-03, 50-11-04, 50-11-05, 50-11-06, 50-11-06.6, 50-11-06.7, 50-11-07, 50-11-08, and 50-11-09 of the North Dakota Century Code, relating to licensure of foster care facilities for children and adults; and to repeal sections 50-11-01.3, 50-11-06.1, 50-11-06.2, 50-11-06.3, 50-11-06.4, and 50-11-06.5 of the North Dakota Century Code, relating to the licensure of foster care facilities for children.

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; 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: Holmberg

HB 1179 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1193: A BILL for an Act to require the superintendent of public instruction, with advice and assistance from the industrial commission, to administer the sale of all leases and contracts entered into before July 1, 1989, by the state board of public school education concerning the state school construction fund, and the deposit of proceeds in the general fund; to create and enact a new subsection to section 15-29-08 and two new sections to chapter 15-60 of the North Dakota Century Code, relating to the authority of school boards to purchase or lease a telecommunication system, the authority of the board of university and school lands to make loans to school districts out of moneys in the coal development trust fund for school construction, and the authority of a school board to issue evidences of indebtedness to repay a loan from the board of university and school lands; to amend and reenact sections 15-35-01.1, 15-60-01, subsection 7 of section 21-03-07, subsection 1 of section 28-32-01, subsection 1 of section 57-15-16, and subsection 1 of section 57-62-02 of the North Dakota Century Code, relating to approval by the superintendent of public instruction of certain school district construction projects, the state school construction fund, the issuance of general obligation bonds for certain projects, exceptions to the Administrative Agencies Practice Act, the use of moneys in the school building fund for the payment of bonds, and authorizing loans to be made from moneys in the coal development trust fund to school districts for school construction; and to repeal sections 15-21-20, 15-60-03, 15-60-06, 15-60-07, and 15-60-08 of the North Dakota Century Code, relating to the creation of and use of moneys in the state school construction fund.

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; 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: Holmberg

HB 1193 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to establish a fetal alcohol syndrome center, to require a prevalence study of fetal alcohol syndrome in the state, and to develop a fetal alcohol evaluation and treatment program at the medical center rehabilitation hospital at the university of North Dakota; and to provide an appropriation.

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 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; 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; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Solberg; Stenehjem, B.; Tennefos

ABSENT AND NOT VOTING: Holmberg

HB 1313 passed and the title was agreed to.

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 1349, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1349: Sens. Jerome, Graba, Lindgren.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KELLER MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1504, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1504: Sens. Krauter, Mathern, Nalewaja.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Engrossed SB 2085 as printed on SJ page 816, which motion prevailed.

Engrossed SB 2085, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to amend and reenact sections 21-02-10 and 21-02-13 of the North Dakota Century Code, relating to certificates of indebtedness.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, 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; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; 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: Mutch

ABSENT AND NOT VOTING: Holmberg

SB 2085 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2222 as printed on SJ pages 1061-1064, which motion prevailed.

Reengrossed SB 2222, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to create and enact chapter 10-32 and section 57-38-60.2 of the North Dakota Century Code, relating to enactment of the North Dakota Limited Liability Company Act and personal liability for income taxes of a governor or manager of a limited liability company; to amend and reenact sections 10-30.1-01, 10-30.1-04, 10-30.1-06, 10-30.2-01, 10-30.2-11, 10-30.2-12, 10-30.2-14, 40-57.1-02, 40-57.1-04.3, 40-57.2-01, 40-57.3-03, subsection 5 of section 57-38-01, subdivision q of subsection 1 of section 57-38-01.2, sections 57-38-08, 57-38-10, subsection 4 of section 57-38-12, subsection 3 of section 57-38-30.5, section 57-38-42, subsection 3 of section 57-38-45, subsection 3 of section 57-38-67, and section 57-38.1-17.1 of the North Dakota Century Code, relating to limited liability companies; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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: Holmberg

SB 2222 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2223 as printed on SJ pages 1064-1065, which motion prevailed.

SB 2223, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to create and enact chapter 10-06.1, subdivisions q and r to subsection 3 of section 10-19.1-10, a new subdivision to subsection 5 of section 10-19.1-10, a new subsection to section 10-19.1-14, a new subsection to section 10-19.1-21, a new subsection to section 10-19.1-22, two new subsections to section 10-19.1-50, sections 10-19.1-61.1, 10-19.1-73.1, a new subsection to section 10-19.1-80, a new subsection to section 10-19.1-91, sections 10-19.1-110.1, 10-19.1-113.1, 10-31-02.1, 10-31-03.1, 10-31-07.2, a new subdivision to subsection 1 of section 39-30-05, a new subsection to section 45-10.1-26, section 47-19-28.1, a new subsection to section 51-17-06, a new section to chapter 57-36, a new section to chapter 57-39.2, a new section to chapter 57-43.1, a new section to chapter 57-43.2, and section 61-13-03.1 of the North Dakota Century Code, relating to limited liability companies; to amend and reenact sections 4-11-03, 10-19.1-01, subsection 4 of section 10-19.1-10, sections 10-19.1-13, 10-19.1-15, 10-19.1-16, 10-19.1-18, subsection 22 of section 10-19.1-26, subsection 2 of section 10-19.1-32, subsection 1 of section 10-19.1-48, subdivision b of subsection 1 of section 10-19.1-51, subsections 3 and 4 of section 10-19.1-61, subdivision b of subsection 1 of section 10-19.1-63, subsection 3 of section 10-19.1-64, subsections 3 and 5 of section 10-19.1-65, subsections 1 and 2 of section 10-19.1-72, subsections 1 and 2 of section 10-19.1-73, section 10-19.1-74, subsection 7 of section 10-19.1-79, subsection 1 of section 10-19.1-80, section 10-19.1-84, subsections 1 and 3 of section 10-19.1-87, section 10-19.1-88, subdivision d of subsection 1 of section 10-19.1-89, subsections 1, 5, and 10 of section 10-19.1-91, subsection 1 of section 10-19.1-93, sections 10-19.1-96, 10-19.1-97, 10-19.1-98, subsection 1 of section 10-19.1-99, sections 10-19.1-100, 10-19.1-101, subsection 1 of section 10-19.1-103, subsection 3 of section 10-19.1-108, subsection 1 of section 10-19.1-109, sections 10-19.1-110, 10-19.1-115, 10-19.1-124, 10-31-01, 10-31-02, 10-31-03, 10-31-04, 10-31-05, 10-31-06, 10-31-07, 10-31-07.1, 10-31-08, 10-31-09, 10-31-10, 10-31-11, 10-31-12, 10-31-13, 10-31-13.1, 10-31-14, 12.1-03-02, 13-02.1-01, 13-03-06, 13-03.1-07, 13-05-03, 15-09-01, subdivision b of subsection 1 of section 21-11-02, subsection 2 of section 26.1-20.1-02, subdivision a of subsection 4 of section 26.1-31.1-02, section 26.1-33-35, subsection 4 of section 28-21-08, section 28-25-10, subsection 1 of section 30.1-29-10, sections 34-09-06, 34-13-03, subsection 1 of section 36-04-04, subsection 5 of section 43-15-35, subsection 2 of section 47-19-14.5, section 47-19-14.6, subdivision a of subsection 17 of section 52-01-01, subsection 4 of section 57-40.3-07, subsection 1 of section 57-43.1-14, section 57-43.1-16, subsection 8 of section 57-43.2-01, section 60-05-02, and subsection 15 of section 65-01-02 of the North Dakota Century Code, relating to limited liability companies; to provide for amendment of 677 sections of the North Dakota Century Code by reference and instructions to the legislative council; to repeal chapter 10-06, sections 10-19.1-49, 10-19.1-111, and 10-19.1-113 of the North Dakota Century Code, relating to corporations; to provide a penalty; and to provide a contingent effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; 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: Holmberg

SB 2223 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2228 as printed on SJ page 927, which motion prevailed.

Engrossed SB 2228, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the powers and duties of the state toxicologist within the state department of health and consolidated laboratories; to amend and reenact subsections 2 and 4 of section 20.1-13.1-08, subsection 6 of section 20.1-13.1-10, subsections 2 and 4 of section 20.1-15-08, subsection 8 of section 20.1-15-11, subsection 1 of section 28-32-01, subsections 2 and 4 of section 39-20-05, and subsection 8 of section 39-20-07 of the North Dakota Century Code, relating to the merger of the office of the state toxicologist with the state department of health and consolidated laboratories; and to repeal section 15-12-21 of the North Dakota Century Code, relating to the office of the state toxicologist.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; 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; Thane; Tomac; Traynor; Urlacher; Yockim

NAYS: Tennefos

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2228 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2244 as printed on SJ page 892, which motion prevailed.

Engrossed SB 2244, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact section 12-44.1-06 of the North Dakota Century Code, relating to the length of time inmates may be confined in grade two jail facilities.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson;

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2244 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KELLER MOVED that the Senate do concur in the House amendments to SB 2305 as printed on SJ page 912, which motion prevailed.

SB 2305, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to create and enact new section to chapter 61-04.1 and a new subsection to section 61-16.1-09 of the North Dakota Century Code, relating to the creation of temporary weather modification authorities and to powers of water resource districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Marks; Nelson; Solberg; Stenehjem, B.; Tomac

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2305 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2308 as printed on SJ page 875, which motion prevailed.

SB 2308, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 50-25.1-05.4 of the North Dakota Century Code, relating to rules to resolve complaints of suspected child abuse or neglect.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2308 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2339 as printed on SJ page 940, which motion prevailed.

SB 2339, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to establish a state-community matching loan repayment program for nurse practitioners, physician assistants, and certified nurse midwives; and to provide an appropriation.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2339 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2360 as printed on SJ page 927, which motion prevailed.

SB 2360, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons with limited income who are sixty-five years of age or over or permanently and totally disabled; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Sand

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2360 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MAXSON MOVED that the Senate do concur in the House amendments to Engrossed SB 2361 as printed on SJ pages 1089-1091, which motion prevailed.

Engrossed SB 2361, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact sections 16.1-05-01, 16.1-05-02, 16.1-05-03, 16.1-05-04, 16.1-05-05, subsection 1 of section 16.1-05-06, sections 16.1-06-04, 16.1-06-16, 16.1-06-18, 16.1-06-21, 16.1-07-06, 16.1-07-08, 16.1-07-09, 16.1-07-10, 16.1-11-24, 16.1-11-31, 16.1-15-02.1, 16.1-15-04, 16.1-15-06, and 16.1-15-08 of the North Dakota Century Code, relating to election officers and election ballots; 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, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2361 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Engrossed SB 2370 as printed on SJ pages 893-894, which motion prevailed.

Engrossed SB 2370, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to amend and reenact sections 25-03.1-02, 25-03.1-04, 25-03.1-08, 25-03.1-09, 25-03.1-10, 25-03.1-11, 25-03.1-13, 25-03.1-16, 25-03.1-17, 25-03.1-22, 25-03.1-23, 25-03.1-25, 25-03.1-26, 25-03.1-27, 25-03.1-30, 25-03.1-31, 25-03.1-34, 25-03.1-35, 25-03.1-42, and 25-03.1-43 of the North Dakota Century Code, relating to civil commitment of mentally ill or chemically dependent persons.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2370 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SB 2400 as printed on SJ page 894, which motion prevailed.

SB 2400, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2400: A BILL for an Act to amend and reenact section 50-24.4-18 of the North Dakota Century Code, relating to establishing deadlines for hearings and decisions concerning nursing home rates.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Holmberg; Naaden; Wogsland

SB 2400 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HEINRICH MOVED that the Senate do concur in the House amendments to Reengrossed SB 2418 as printed on SJ pages 1091-1094, which motion prevailed.

Reengrossed SB 2418, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2418: A BILL for an Act to amend and reenact sections 15-21-09, 15-36-01, 15-36-01.1, 15-36-08, 15-36-10, 15-36-11, 15-36-14.1, 15-36-15, 15-36-16, 15-36-17, 15-38-17, 15-38-18, 15-38-19, 15-47-28, 15-47-30, subdivision q of subsection 1 of section 28-32-01, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to teachers' certificates and the duties of the education standards practices board; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Krauter; Mutch; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher

ABSENT AND NOT VOTING: Holmberg; Krebsbach; Naaden; Wogsland

SB 2418 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. DOTZENROD MOVED that the Senate do concur in the House amendments to Engrossed SB 2449 as printed on SJ pages 989-991, which motion prevailed.

Engrossed SB 2449, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2449: A BILL for an Act to amend and reenact subsection 4.2 of section 57-38-01, subdivisions s of subsection 1 of section 57-38.01.2, and subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to the definition of a qualified investment fund, an exemption from income tax liability for distribution of a qualified investment fund, an exclusion from computation of income tax liability of distributions from a qualified investment fund; and to provide an effective date.

ROLL CALL

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

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

SB 2449 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SCR 4048 as printed on SJ page 1009, which motion prevailed.

SCR 4048, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4048: A concurrent resolution directing the Legislative Council to study the long-term care needs of veterans and the use of state facilities for long-term care for veterans in North Dakota.

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

SCR 4048 was declared adopted and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SCR 4052 as printed on SJ page 1009, which motion prevailed.

SCR 4052, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4052: A concurrent resolution directing the Legislative Council to study accusations of child abuse or child sexual abuse by one parent against the other during contested custody and visitation cases.

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

SCR 4052 was declared adopted and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SCR 4057 as printed on SJ page 991, which motion prevailed.

SCR 4057, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4057: A concurrent resolution directing the Legislative Council to study the Uniform Interstate Family Support Act to determine the desirability of adopting it.

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

SCR 4057 was declared adopted and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SCR 4060 as printed on SJ pages 1009-1010, which motion prevailed.

SCR 4060, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4060: A concurrent resolution directing the Legislative Council to study licensure requirements of state and federal law for an assistant to the nurse practicing in a home health care setting and to develop a solution to problems that may arise due to the different requirements.

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

SCR 4060 was declared adopted and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to SCR 4065 as printed on SJ page 1010, which motion prevailed.

SCR 4065, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4065: A concurrent resolution directing the Legislative Council to study the relationship of state and county government to determine the feasibility and desirability of expanding autonomy of counties through statewide county home rule.

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

SCR 4065 was declared adopted and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to SCR 4068 as printed on SJ page 1068, which motion prevailed.

SCR 4068, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4068: A concurrent resolution directing the Legislative Council to study gift and estate tax laws and their relationship to medical assistance payments.

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

SCR 4068 was declared adopted and the title was agreed to.

MOTION

SEN. SOLBERG MOVED that the Senate reconsider its action whereby HB 1437 failed to pass, which motion prevailed.

MOTION

SEN. SOLBERG MOVED that HB 1437 be amended as follows, which motion prevailed.

Page 1, line 1, remove "subdivision a of subsection 1 of"

Page 1, line 2, remove "section 4-09-10, subsection 2 of section 4-09-14,"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 23

Renumber accordingly

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to amend and reenact 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 amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Krebsbach; Naaden; Stenehjem, W.

HB 1437 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2004 as printed on SJ pages 1026-1027 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 2004: Sens. Lindaas, Redlin, Naaden.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to SB 2007 as printed on SJ page 987 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 2007: Sens. Tallackson, DeMers, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2009 as printed on SJ pages 992-994 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 2009: Sens. Robinson, Kelly, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2011 as printed on SJ pages 987-988 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 2011: Sens. Redlin, Robinson, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2012 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 2012: Sens. DeMers, Mushik, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2015 as printed on SJ pages 1081-1082 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 2015: Sens. Yockim, Redlin, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2016 as printed on SJ page 1027 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 2016: Sens. Mushik, Kelly, Nething.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2018 as printed on SJ pages 1082-1084 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 2018: Sens. Robinson, Lindaas, Lips.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2019 as printed on SJ pages 994-995 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 2019: Sens. Yockim, DeMers, Thane.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Engrossed SB 2020 as printed on SJ pages 1084-1085 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 2020: Sens. Yockim, Lindaas, Hoimberg.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2096 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 2096: Sens. Schoenwald, Keller, Krebsbach.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2225 as printed on SJ page 1065 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 2225: Sens. Keller, Schoenwald, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2227 as printed on SJ pages 1028-1029 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 2227: Sens. Keller, Krauter, Mutch.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to Engrossed SB 2231 as printed on SJ page 1065 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 2231: Sens. Krauter, Keller, Streibel.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments

to Engrossed SB 2295 as printed on SJ pages 1085-1089 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 2295: Sens. Yockim, Mathern, Thane.

REPORT OF CONFERENCE COMMITTEE

SEN. JEROME MOVED that the conference committee report on SB 2048 be adopted, which motion prevailed.

SB 2048, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to the licensure of foster care homes; and to amend and reenact section 50-11-04 of the North Dakota Century Code, relating to inspections of foster homes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Krebsbach; Naaden; Stenehjem, W.; Wogsland

SB 2048 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed SB 2097 be adopted, which motion prevailed.

Engrossed SB 2097, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to minimum wage requirements; to amend and reenact subsections 2 and 3 of section 34-06-01 of the North Dakota Century Code, relating to excluding certain employers from the requirements of the minimum wage rules; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Tennefos

ABSENT AND NOT VOTING: Holmberg; Krebsbach; Naaden; Stenehjem, W.

SB 2097 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 1136, HB 1374, HB 1383, HB 1467, and HB 1490 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

- HB 1136: Reps. Tollefson; Jacobs; Mahoney
- HB 1374: Reps. Nicholas; C. Carlson; Boucher
- HB 1383: Reps. Svedjan; Rydell; Boucher
- HB 1467: Reps. Schindler; Sveen; Gulleson
- HB 1490: Reps. Gorder; D. Olsen; Boucher

REPORT OF CONFERENCE COMMITTEE

SB 2051: Your conference committee (Sens. Tomac, Kinnoin, Tennefos and Reps. Grosz, Rennerfeldt, J. Berg) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 765-766 and place SB 2051 on the Seventh order.

SB 2051 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2095, as engrossed: Your conference committee (Sens. Schoenwald, Keller, Krebsbach and Reps. Bernstein, Froseth, Stenson) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 852 and place SB 2095 on the Seventh order.

Engrossed SB 2095 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2120, as engrossed: Your conference committee (Sens. Tomac, Kinnoin, Tennefos and Reps. Grosz, A. Olson, J. Berg) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 787 and place SB 2120 on the Seventh order.

Engrossed SB 2120 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2468: Your conference committee (Sens. Tomac, Kinnoin, Tennefos and Reps. Grosz, A. Carlson, Hokana) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 817 and place SB 2468 on the Seventh order.

SB 2468 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4070: Your conference committee (Sens. Graba, Dotzenrod, Andrist and Reps. Porter, Jacobs, Coats) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1010, adopt amendments as follows, and place SCR 4070 on the Seventh order:

That the House recede from its amendments as printed on page 1010 of the Senate Journal and page 1092 of the House Journal and that Senate Concurrent Resolution No. 4070 be amended as follows:

Page 2, line 6, replace "expand" with "expend"

Renumber accordingly

SCR 4070 was placed on the Seventh order of business on the calendar.

MOTION

SEN. MATHERN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Friday, March 26, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1006: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1006 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,406,747" with "1,438,497"

Page 1, line 12, replace "27,139" with "26,608"

Page 1, line 13, replace "539,215" with "541,153"

Page 1, line 17, replace "4,360,006" with "4,393,163"

Page 1, line 18, replace "4,059,498" with "4,086,327"

Page 1, line 19, replace "300,508" with "306,836"

Page 1, line 21, replace "\$325,608" with "\$328,783"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - EMERGENCY MANAGEMENT

SENATE - This amendment makes the following changes:

The salaries and wages line item is increased by \$31,750, \$6,350 of which is from the general fund, to reflect Governor Sinner's salary increase recommendation for state employees.

The information services line item is reduced by \$531, \$22 of which is from the general fund, relating to information services rate reductions.

The operating expenses line item is increased by \$1,938 of special funds for Merit System payments to Central Personnel.

In total, this amendment increases funding for Emergency Management by \$33,157, \$6,328 of which is from the general fund and \$26,829 of special funds.

REPORT OF STANDING COMMITTEE

HB 1009: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1009 was placed on the Sixth order on the calendar.

Page 1, line 6, after the second comma insert "and from other income"

Page 1, line 11, replace "general fund appropriation" with "all funds"

Page 1, after line 11, insert:

"Less estimated income	1,500,000
Total general fund appropriation	\$3,875,000

SECTION 2. ESTIMATED INCOME - TRANSFER. The sum of \$1,500,000 of the other funds appropriated in section 1 of this Act is to be spent from moneys from the housing finance agency reserves to the state tax commissioner for the purpose of defraying expenses of the homestead tax credit program for the biennium beginning July 1, 1993, and ending June 30, 1995. The moneys shall be transferred upon order of the industrial commission to the state tax commissioner's office when it determines the transfer is necessary for the state tax commissioner to make the homestead tax credit payments."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 070 - HOMESTEAD TAX CREDIT

SENATE - This amendment reduces the general fund appropriation by \$1,500,000 and appropriates \$1,500,000 from the Housing Finance Agency reserves to the State Tax Commissioner for the homestead tax credit program.

REPORT OF STANDING COMMITTEE

HB 1026: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1026 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 1047-1049 of the Senate Journal, House Bill No. 1026 is amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to discharge or replacement of certain governmental employees to avoid providing benefits; to amend and reenact section 54-06-14 and subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to sick, annual, and family leave and group medical benefits; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 54-06-14 of the 1992 Special Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-06-14. Annual leave and sick leave for state employees. Annual leave and sick leave must be provided for temporary employees who have been employed by the state for at least one year and for all persons in the permanent employment of this state who are not employed under a written contract of hire setting forth the terms and conditions of their employment, within the limitations, terms, and provisions of this section. Annual leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of two working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit. Sick leave for an employee entitled to it must be within a range of a minimum of one working day per month of employment to a maximum of one and one-half working days per month of employment, based on tenure of employment, to be fixed by rules adopted by the employing unit. Annual leave must be compensated for on the basis of full pay for the number of working days' leave credited to the employee. Sick leave must be compensated for on the basis of full pay for absence due to

illness on working days during tenure of employment. An employee with at least ten continuous years of state employment is entitled to a lump sum payment equal to one-tenth of the pay attributed to the employee's unused sick leave accrued under this section. The pay attributed to the accumulated, unused sick leave must be computed on the basis of the employee's salary or wage at the time the employee leaves the employ of the state and at the rate of one hour of pay for each hour of unused sick leave. The agency, unit, or entity that last employed the employee shall make the lump sum payment from funds appropriated by the legislative assembly to that agency, unit, or entity for salaries and wages. Any state agency, unit, or entity which employs persons subject to this section shall formulate and adopt rules governing the granting of annual leave and sick leave which will effectuate the purpose of this section and best suit the factors of employment of that employing unit. Each employing unit shall file with the office of management and budget a copy of the rules adopted, including any amendments or additions to the rules. No employing unit may discharge or replace any person to avoid providing any benefit under this section.

SECTION 2. A new section to chapter 54-06 of the North Dakota Century Code is created and enacted as follows:

Discrimination - Employment policies and benefits. No employing unit of this state may discriminate in its employment policies or benefits between any permanent employee or temporary employee employed at least one year.

SECTION 3. AMENDMENT. Subsection 4 of section 54-52.1-01 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4. "Eligible employee" means every permanent employee who is employed by a governmental unit, as that term is defined in section 54-52-01. "Eligible employee" includes members of the legislative assembly, judges of the supreme court, paid members of state or political subdivision boards, commissions, or associations, full-time employees of political subdivisions, elective state officers as defined by subsection 2 of section 54-06-01, and disabled permanent employees who are receiving compensation from the North Dakota workers' compensation fund. As used in this subsection, "permanent employee" means one whose services are not limited in duration, who is filling an approved and regularly funded position in a governmental unit, and who is employed at least seventeen and one-half hours per week and at least five months each year. As used in this subsection, "permanent employee" also means a temporary employee who has been employed by a governmental unit for at least one year.

SECTION 4. A new section to chapter 54-52.1 of the North Dakota Century Code is created and enacted as follows:

Discharge - Replacement. No governmental unit may discharge or replace any person to avoid providing any benefit under this chapter.

SECTION 5. EFFECTIVE DATE. This Act becomes effective on January 1, 1994."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 113 - OMB-CENTRAL OPERATIONS

SENATE - This amendment provides annual leave, sick leave, family leave, and group health insurance benefits to temporary employees who work for the state at least one year.

REPORT OF STANDING COMMITTEE

HB 1032: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (9 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1032 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1180, as engrossed: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1180 was placed on the Sixth order on the calendar.

In lieu of the amendments to Engrossed House Bill No. 1180 adopted by the Senate as printed on pages 962-963 of the Senate Journal, Engrossed House Bill No. 1180 is amended as follows:

Page 1, line 1, replace the second "and" with a comma, after "20.1-03-12" insert a comma, and after the third "and" insert "20.1-03-12.2"

Page 1, line 2, remove "subsections 7, 8, 19, and 26 of section 20.1-03-12"

Page 1, line 10, overstrike "his" and insert immediately thereafter "the resident's"

Page 1, line 11, overstrike "him" and insert immediately thereafter "the resident"

Page 1, line 12, overstrike "him" and insert immediately thereafter "the resident"

Page 2, line 5, overstrike "Repealed by S.L. 1973, ch. 207, § 1."

Page 2, line 6, overstrike "6."

Page 2, line 9, replace "7." with "6."

Page 2, line 11, replace "8." with "7."

Page 2, line 16, overstrike "shall be" and insert immediately thereafter "are"

Page 2, line 20, replace "seventy" with "seventy-five"

Page 2, line 22, overstrike "eighteen" and insert immediately thereafter "twenty"

Page 2, line 23, replace "license" with "licensee" and remove "and a"

Page 2, remove line 24

Page 2, line 25, remove "resident big game lottery hunting license fee."

Page 2, line 28, replace "fifty" with "fifty-five"

Page 2, line 29, replace "fifty" with "fifty-five"

Page 3, line 1, replace "three" with "five"

Page 3, line 8, overstrike "shall be" and insert immediately thereafter "is"

Page 3, line 14, overstrike "For resident and nonresident special permits to hunt deer in"

Page 3, overstrike line 15

Page 3, line 16, overstrike "12.", overstrike "five" and insert immediately thereafter "eight", and remove ", and a nonrefundable three"

Page 3, line 17, remove "dollar application fee must accompany the permit fee"

Page 3, line 18, overstrike "13." and insert immediately thereafter "12."

Page 3, line 19, overstrike "14." and insert immediately thereafter "13."

Page 3, line 21, overstrike "15." and insert immediately thereafter "14."

Page 3, line 26, overstrike "16." and insert immediately thereafter "15."

Page 3, line 27, overstrike "him" and insert immediately thereafter "that person"

Page 4, line 1, overstrike "17." and insert immediately thereafter "16."

Page 4, line 3, overstrike "18." and insert immediately thereafter "17."

Page 4, line 5, overstrike "19." and insert immediately thereafter "18."

Page 4, line 8, overstrike "his" and insert immediately thereafter "that person's"

Page 4, line 10, overstrike "20." and insert immediately thereafter "19."

Page 4, line 12, overstrike "21."

Page 4, line 15, after "~~22-~~" insert "20."

Page 4, line 28, replace "22." with "21."

Page 4, line 29, overstrike "shall"

Page 5, line 17, replace "23." with "22."

Page 5, line 22, replace "24." with "23."

Page 5, line 26, replace "25." with "24."

Page 5, line 28, replace "26." with "25."

Page 6, line 1, replace "27." with "26."

Page 6, line 4, replace "28." with "27."

Page 6, line 6, replace "29." with "28."

Page 6, line 7, replace "30." with "29."

Page 6, line 8, replace "31." with "30."

Page 6, line 9, replace "32." with "31."

Page 6, line 10, replace "33." with "32."

Page 6, line 17, replace "34." with "33."

Page 6, line 18, after "hundred" insert "fifty"

Page 6, line 19, replace "35." with "34." and replace "sixty" with "one hundred"

Page 6, line 20, replace "36." with "35." and replace "sixty" with "one hundred"

Page 6, remove lines 21 through 24

Page 6, line 25, remove the overstrike over "36-" and remove "39."

Page 6, line 26, remove the overstrike over "37-" and remove "40."

Page 6, line 28, remove the overstrike over "38-" and remove "41."

Page 7, line 1, remove the overstrike over "39-", remove "42.", remove the overstrike over "eight", and remove "ten"

Page 7, line 3, remove the overstrike over "40-"

Page 7, line 6, remove "43."

Page 7, line 8, replace "44." with "41."

Page 7, line 9, replace "45." with "42."

Page 7, line 11, replace "46." with "43."

Page 7, line 12, replace "47." with "44.", overstrike "twenty" and insert immediately thereafter "twenty-five", and remove "A nonrefundable"

Page 7, remove line 13

Page 7, line 14, replace "48." with "45."

Page 7, line 16, replace "49." with "46."

Page 7, line 17, replace "50." with "47."

Page 7, line 19, replace "51." with "48."

Page 7, line 23, remove "and" and after "26" insert ", and 39"

Page 8, line 4, overstrike "his" and insert immediately thereafter "that person's" and overstrike "of"

Page 8, line 5, remove "and nonresident"

Page 8, line 6, after "dollar" insert ", and for a nonresident certificate fee, two dollars" and after the underscored period insert "An agent may not charge a service fee for issuing a resident or nonresident certificate fee."

Page 8, after line 9, insert:

"39. For a nonresident short-term three-day fishing license, ~~eight~~ ten dollars.

SECTION 4. AMENDMENT. Section 20.1-03-12.2 of the North Dakota Century Code is amended and reenacted as follows:

20.1-03-12.2. Hunting license and permit application fees. Each person resident applying for a license or permit to hunt elk, moose, or bighorn sheep, or antelope under this chapter must be assessed a nonrefundable application fee of three dollars for each license or

permit application in addition to the fee charged for the issuance of the license or permit under this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1391: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1391 was placed on the Fourteenth order on the calendar.

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

CAROL SIEGERT, Secretary