

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 18, 1995

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

The prayer was offered by Pastor Walt Wolff, Peace Lutheran Church, Hazen.

The roll was called and all members were present.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully examined the Journal of the Eleventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 136, line 39, after the comma insert "Krauter," and after "Wanzek" insert "and Reps. Boucher, Price, Stenehjem"

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

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2116, SB 2138, SB 2168, SB 2196, SB 2200, SB 2214, SB 2217.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3015.

CONSIDERATION OF AMENDMENTS

SB 2095: SEN. SAND (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 135 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2157: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 135 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2184: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ page 135 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2185: SEN. HEITKAMP (Finance and Taxation Committee) MOVED that the amendments on SJ pages 135-136 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution designating House and Senate employees and fixing their compensation.

Was read the first time.

MOTION

SEN. NAADEN MOVED that the rules be suspended, that HCR 3015 not be printed, not be referred to committee, not be read in its entirety, be printed in the

Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Rydell, Kunkel, Laughlin, Coats, Kelsch and Sen. Naaden introduced:

HOUSE CONCURRENT RESOLUTION NO. 3015

A concurrent resolution designating House and Senate employees and fixing their compensation.

BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That for the Fifty-fourth Legislative Assembly, the following persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions:

HOUSE

Roy Gilbreath, Chief Clerk	\$95.00
Lance Hagen, Assistant Chief Clerk	80.00
Barbara Middaugh, Desk Reporter	89.00
Jerome Moszer, Sergeant-at-Arms	74.00
David Hougen, Bill Clerk	74.00
Mavis Patchen, Secretary to Majority Leader	80.00
Mary Kelly, Staff Assistant to Majority Leader	74.00
Jeff Peterson, Staff Assistant to Majority Leader	74.00
Pamela Bergman, Secretary to Minority Leader	80.00
April Fairfield, Staff Assistant to Minority Leader	74.00
Scott Immel, Staff Assistant to Minority Leader	74.00
Lorrie Giese, Secretary to Speaker	74.00
Laurie Kaelberer, Chief Committee Clerk	78.00
Carol Nitschke, Appropriations Committee Clerk	78.00
Verna Kohls, Assistant Appropriations Committee Clerk	74.00
Betty Owen, Assistant Appropriations Committee Clerk	74.00
Pamela Geiger, Assistant Appropriations Committee Clerk	74.00
Janice Stein, Committee Clerk	74.00
Lavata Becker, Committee Clerk	74.00
Kathy Mayer, Committee Clerk	74.00
James Raile, Committee Clerk	74.00
Sandra Hohbein, Committee Clerk	74.00
Lois Schmidt, Committee Clerk	70.00
James McWilliams, Committee Clerk	70.00
Kristin Reich, Committee Clerk	70.00
Judith Kallis, Committee Clerk	70.00
Diana Bossert, Assistant Committee Clerk	62.00
Bert Knell, Assistant Committee Clerk	62.00
Bernice Clark, Deputy Sergeant-at-Arms	62.00
Craig Perry, Assistant Sergeant-at-Arms	58.00
Pamela Washburn, Assistant Sergeant-at-Arms	58.00
Brenda Huff, Assistant Sergeant-at-Arms	58.00
Gloria Olson, Chief Page and Bill Book Clerk	68.00
Phyllis Connolly, Calendar Clerk	74.00
Barbara Larson, Desk Page	58.00
Rollo Gerrard, Page and Bill Book Clerk	58.00
Scott Power, Page and Bill Book Clerk	58.00
Ken Radenz, Page and Bill Book Clerk	58.00
Carl Strum, Page and Bill Book Clerk	58.00
Erin Peck, Page and Bill Book Clerk	58.00
Andrea Thon Emerson, Page and Bill Book Clerk	58.00
James Mandigo, Page and Bill Book Clerk	58.00
Steven Alt, Page and Bill Book Clerk	58.00
Marion Bassingwaite, Page and Bill Book Clerk	58.00
Arlene Flanders, Telephone Attendant	58.00
Danya Dietrich, Telephone Attendant	58.00
Irma Holmstrom, Telephone Attendant	58.00
Nancy Hausauer, Telephone Attendant	58.00

Patricia Smith, Telephone Page	58.00
Margaret Puetz, Information Desk Attendant	58.00
Herman Jacobsen, Chief Bill and Journal Room Clerk	70.00
Audrey Ely, Bill Room Clerk	58.00
Elias Nemer, Bill Room Clerk	58.00
Faye Caya, Bill Room Clerk	58.00
Herb Mittelstedt, Journal Room Clerk	58.00
Hella Keller, Journal Room Clerk	58.00
Peter Schafer, Supply Room Coordinator	58.00
Jamie Sprague, Parking Lot Attendant	58.00

SENATE

William Parker, Secretary of the Senate	\$95.00
Michael Boyd, Assistant Secretary of the Senate	80.00
Karen Hoovestol, Desk Reporter	89.00
Mary Alice Simonson, Bill Clerk	74.00
Thomas Brusegaard, Sergeant-at-Arms	74.00
Renaë Doan, Secretary to Majority Leader	80.00
Vernon Wagner, Staff Assistant to Majority Leader	74.00
Sandra Kershaw, Secretary to Minority Leader	80.00
Jim Sears, Staff Assistant to Minority Leader	74.00
Francis Bodine, Staff Assistant to Minority Leader	74.00
Georgia Clement, Payroll Clerk	70.00
Pauline Ziegler, Chief Committee Clerk	78.00
Susan Odell, Appropriations Committee Clerk	78.00
LaVonne Pietsch, Assistant Appropriations Committee Clerk	74.00
Carol Kolodejchuk, Committee Clerk	74.00
Sharon Renfrow, Committee Clerk	74.00
Barbara Klein, Committee Clerk	74.00
Vicki Eastgate, Committee Clerk	74.00
Tana Jossierand, Committee Clerk	74.00
Candace Makeeff, Committee Clerk	70.00
Maria Effertz, Committee Clerk	70.00
Desiree Truscott, Committee Clerk	70.00
Kathryn Lillemon, Committee Clerk	70.00
Sherry Graham, Committee Clerk	70.00
Linda Wadman, Assistant Committee Clerk	62.00
Scott Wagner, Deputy Sergeant-at-Arms	62.00
John Wanser, Assistant Sergeant-at-Arms	58.00
John Clement, Assistant Sergeant-at-Arms	58.00
Colleen Popelka, Assistant Sergeant-at-Arms	58.00
Jack Neumann, Chief Page and Bill Book Clerk	68.00
Dan York, Desk Page	58.00
Francis Ely, Calendar Clerk	74.00
Kylah Aull, Page and Bill Book Clerk	58.00
Christian Andersen, Page and Bill Book Clerk	58.00
Valerie Johnson, Page and Bill Book Clerk	58.00
Althea Yantzer, Page and Bill Book Clerk	58.00
Carol Smith, Page and Bill Book Clerk	58.00
E. Duke Schneider, Chief Telephone Attendant	68.00
Delores Knutson, Telephone Attendant	58.00
Madonna Silvernagel, Telephone Attendant	58.00
Shirley Pasicznyk, Telephone Attendant	58.00
Sara Sorenson, Telephone Attendant	58.00
Glenn Erickson, Telephone Page	58.00
Marilyn Quamme, Information Desk Attendant	58.00
Ledores Robey, Bill Room Clerk	58.00
Randy Tangen, Bill Room Clerk	58.00
Burnetta Barth, Bill Room Clerk	58.00
Walter Schramm, Journal Room Clerk	58.00
Frank Zent, Journal Room Clerk	58.00
Nettie Monroe, Journal Room Clerk	58.00
Charles Holmes, Parking Lot Attendant	58.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-fourth Legislative Assembly is entitled to an additional one dollar per day for each

previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the House or the Senate, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution designating House and Senate employees and fixing their compensation.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HCR 3015 was declared adopted on a recorded roll call vote.

MOTION

SEN. GOETZ MOVED that SB 2243 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to repeal section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

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

YEAS: Andrist; Bowman; Kinnoin; Solberg; Streibel

NAYS: Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2243 lost.

SECOND READING OF SENATE BILL

SB 2056: A BILL for an Act to create and enact a new section to chapter 49-02 of the North Dakota Century Code, relating to discounted rates for certain telecommunications services.

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 11 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Holmberg; Krauter; LaFountain; Mathern; Mushik; Nelson, C.; Scherber; Thane; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

Engrossed SB 2056 lost.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 27-20-51 of the North Dakota Century Code, relating to disclosure of juvenile court records.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

Engrossed SB 2093 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2126: A BILL for an Act to amend and reenact section 15-07-10 of the North Dakota Century Code, relating to the repurchase of nongrant lands by the original mortgagor following foreclosure.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

Engrossed SB 2126 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2130: A BILL for an Act to amend and reenact section 12.1-17-07 of the North Dakota Century Code, relating to annoying or harassing emergency telephone calls; and to provide a penalty.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

Engrossed SB 2130 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2194: A BILL for an Act to amend and reenact subsections 3 and 4 of section 12.1-32-07 of the North Dakota Century Code, relating to community constraints and conditions as intermediate measures to avoid probation revocation.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh; Tallackson

Engrossed SB 2194 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Heinrich; Krauter; Nalewaja; O'Connell; Stenehjem, W.; Yockim

ABSENT AND NOT VOTING: Kelsh

Engrossed SB 2195 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that Engrossed SB 2195 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2195 was rereferred.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act making an appropriation for the distribution of state aid distribution fund revenue to political subdivisions of the state of North Dakota; and to provide a statement of legislative intent.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

SB 2019 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2020: 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 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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

SB 2020 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Stan Wright.

MOTION

SEN. MATHERN MOVED that SB 2413 be returned to the Senate floor from the Political Subdivisions Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SB 2413. There being no objection, it was so ordered by the President.

MOTION

SEN. O'CONNELL MOVED that SB 2390 be returned to the Senate floor from the Appropriations Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. O'CONNELL REQUESTED the unanimous consent of the Senate to withdraw SB 2390. There being no objection, it was so ordered by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HCR 3015.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 19, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2027: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2029: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2029 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to direct the attorney general to not spend certain funds appropriated for the 1993-95 biennium; to provide for a transfer of Bank of North Dakota profits; to amend and reenact section 14 of chapter 38 of the 1993 Session Laws, relating to Bank of North Dakota profits transfers;"

Page 1, remove lines 14 through 18

Page 1, line 20, replace "25,000" with "25,000"

Page 1, remove line 21

Page 1, line 22, replace "105,000" with "25,000"

Page 2, line 1, replace "3" with "2"

Page 2, line 5, replace "4" with "3"

Page 2, remove lines 9 through 12

Page 2, line 13, replace "6" with "4"

Page 2, line 17, replace "7" with "5"

Page 2, line 19, replace "1,500,000" with "400,000"

Page 2, line 20, replace "1,500,000" with "400,000"

Page 2, line 21, replace "4,300,624" with "702,027"

Page 2, replace lines 22 through 27 with:

"Grand total special funds appropriation S.B. 2029	\$2,000,000
Grand total all funds appropriation S.B. 2029	\$2,702,027

SECTION 2. ATTORNEY GENERAL DIRECTIVE. The attorney general is directed to not spend \$139,000 from the general fund appropriated to the attorney general for the 1993-95 biennium but which should have been appropriated to the office of administrative hearings for 1993-95 administrative hearings costs.

SECTION 3. BANK OF NORTH DAKOTA PROFITS - TRANSFER TO PARTNERSHIP IN ASSISTING COMMUNITY EXPANSION FUND - APPROPRIATION. The industrial commission is authorized, during the period beginning January 1, 1995, and ending June 30, 1995, to transfer \$2,000,000, or so much of the sum as may be necessary, of accumulated and undivided profits of the Bank of North Dakota to the partnership in assisting community expansion fund which is hereby appropriated for the purpose of funding project applications under the program for the period beginning January 1, 1995, and ending June 30, 1995.

SECTION 4. AMENDMENT. Section 14 of chapter 38 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 14. BANK OF NORTH DAKOTA PROFITS - TRANSFERS. The industrial commission is authorized during the biennium ending June 30, 1995, to transfer to the state general fund ~~\$20,000,000~~ \$18,000,000 of accumulated and undivided profits, plus all earnings occurring during the biennium not to exceed \$28,000,000. No transfers may be made which would reduce the Bank's capital structure below \$100,000,000."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

SENATE - This amendment removes the deficiency appropriation of \$418,597 from the general fund for the Legislative Assembly for costs associated with the 1994 special session and to provide for a 77-legislative-day 1995 session. The remaining 1993-95 Legislative Assembly appropriation will provide for a 68-legislative-day 1995 session.

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment eliminates the deficiency appropriation request for \$80,000 from the general fund to reimburse the state contingency fund for funds provided to the Office of Administrative Hearings. The state contingency fund has appropriation authority of approximately \$340,000 of the \$500,000 1993-95 general fund appropriation remaining. (See Department 125 - Attorney General below for additional information.)

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - A section is added providing that the Attorney General's office not spend \$139,000 from its 1993-95 general fund appropriation relating to funds which should have been appropriated to the Office of Administrative Hearings. Funding of \$139,000 from the general fund was included in the Attorney General's 1993-95 appropriation but should have been appropriated to the Office of Administrative Hearings. The Office of Administrative Hearings received approval from the Emergency Commission for state contingency funds of \$80,000 in June 1994 and this bill includes a general fund deficiency appropriation of \$59,000 for the Office of Administrative Hearings.

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE/471 - BANK OF NORTH DAKOTA

SENATE - This amendment removes the deficiency appropriation of \$2 million from the general fund for the PACE program and provides, in a separate section, that the Bank of North Dakota transfer \$2 million from its profits to the PACE program. In addition, 1993 Session Laws Chapter 38, which provides for a \$48 million transfer of Bank of North Dakota profits to the general fund during the 1993-95 biennium, is amended to reduce the transfer by \$2 million, from \$48 million to \$46 million.

DEPARTMENT 512 - EMERGENCY MANAGEMENT

SENATE - This amendment reduces the deficiency appropriation of \$1,500,000 from the general fund for repaying the Bank of North Dakota loan used to match 1993 federal disaster relief funding by \$1,100,000, to \$400,000, to provide funding for the estimated repayments that need to be made on the Bank of North Dakota loan during the 1993-95 biennium. Section 2 of the bill allowing Emergency Management to continue any unused appropriation authority relating to this appropriation into the 1995-97 biennium is removed.

REPORT OF STANDING COMMITTEE

SB 2036: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2036 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Sixth order on the calendar.

Page 1, line 5, after "team" insert "; and to provide an effective date"

Page 8, line 27, remove the overstrike over "~~investigation~~" and insert immediately thereafter "or"

Page 9, after line 3, insert:

"SECTION 11. EFFECTIVE DATE. This Act becomes effective on January 1, 1996."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2089: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2089 was placed on the Sixth order on the calendar.

Page 4, line 21, remove "address; telephone number;"

Page 4, line 24, after the underscored period insert "If this information is recorded with other public information, a public agency or record custodian shall permit inspection and receipt of copies of the public information that is not confidential, but shall delete or withhold the

confidential information. A public agency or record custodian may not deny a request for public information on the ground that it is recorded with confidential information."

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2101: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "harm to personal reputation" with "defamation"

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2102: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2102 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2127: Agriculture Committee (Sen. Bowman, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "subsection" with "subsections" and after "2" insert "and 4"

Page 1, line 4, remove "and"

Page 1, line 6, after second "lands" insert "; and to declare an emergency"

Page 3, line 18, replace "Subsection" with "Subsections" and after "2" insert "and 4"

Page 3, line 19, replace "is" with "are"

Page 3, after line 22, insert:

"4. "Recreational purposes" includes, ~~but is not limited to,~~ any one or any combination of the following: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, animal riding, nature study, water skiing, ~~winter~~ sports, and visiting, viewing or enjoying historical, archaeological, geological, scenic, or scientific sites, or otherwise using land for purposes of the user."

Page 3, after line 24, insert:

"SECTION 8. EMERGENCY. Section 6 of this Act is declared to be an emergency measure."

Reumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2133: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2133 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike ", no person"

Page 1, overstrike line 9

Page 1, line 10, overstrike "contractor", after the first comma insert "a journeyman, class B, or", and overstrike ", or class B electrician unless"

Page 1, line 11, remove "that"

Page 1, overstrike line 12

Page 1, overstrike line 14

Page 1, line 15, overstrike "for prior to July 1," and replace "1994" with "may not advertise for electrical services that the person is not licensed to perform"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2135: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2135 was placed on the Sixth order on the calendar.

Page 8, remove lines 2 through 4

Page 8, line 5, remove "federal home loan mortgage corporation;" and remove the second underscored semicolon

Page 8, remove lines 6 and 7

Page 8, line 8, remove "available for each deposit"

Page 8, line 22, after the period insert "Moneys in this fund may be used for the purpose of paying the replacement rate charged for use of state fleet vehicles."

Page 8, line 28, after the period insert "Moneys in this fund are appropriated for the purpose of paying the replacement rate charged for use of state fleet vehicles."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2136: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2142: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new subsection to section 20.1-03-01.3 of the North Dakota Century Code, relating to exemptions from hunter safety education requirements; to"

Page 1, line 12, after "20.1-03-01.3" insert "or the person submits or exhibits a prior North Dakota hunting license issued to that person"

Page 1, after line 17, insert:

"SECTION 2. A new subsection to section 20.1-03-01.3 of the North Dakota Century Code is created and enacted as follows:

A person who is a resident of a state that does not require mandatory hunter safety education and who exhibits a previously issued hunting license."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2163: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2163 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "with fifty percent of"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 2

Page 2, line 3, remove "standards"

Page 2, line 7, after the underscored period insert "The board may, in its discretion, allocate up to fifty percent of the amount of the registration fee to an appropriate pharmacy technician association for its general operating expenses, including pharmacy technician education and development standards."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2169: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "two" with "one"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2204: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2204 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2239: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 19, remove "or Canada who are employed"

Page 1, line 20, remove "by a person in that state or Canada and" and after "employment" insert "by a resident of that state"

Page 1, line 21, replace "a patient through this state to provide medical" with "and"

Page 1, line 22, replace ", provided" with "for" and replace "trip into the state does not exceed a" with "resident in North Dakota."

Page 2, remove lines 1 through 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2246: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2246 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2268: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2268 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2271: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Naaden, Tennesfos introduced:

SB 2441: A BILL for an Act relating to parental rights. Was read the first time and referred to the **Judiciary Committee**.

Sens. Langley, Urlacher, Wogsland and Reps. Laughlin, Nicholas introduced:

SB 2442: A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota Century Code, relating to notice of the issuance of bonds by municipalities for highway projects. Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Robinson, Traynor and Reps. Johnson, Kunkel introduced:

SB 2443: A BILL for an Act to create and enact five new sections to chapter 28-33 of the North Dakota Century Code, relating to interpreters for deaf persons, legislative intent, confidentiality; to amend and reenact section 28-33-01, subsection 2 of section 28-33-02, and section 28-33-08 of the North Dakota Century Code, relating to definitions, interpreter required, and coordination of interpreter requests; to repeal sections 28-33-05 and 28-33-06 of the North Dakota Century Code, relating to compensation and privileged communications; and to provide a penalty.

Was read the first time and referred to the **Judiciary Committee**.

Sen. Freborg introduced:

SB 2444: A BILL for an Act to amend and reenact section 15-28-02 of the North Dakota Century Code, relating to definitions of rural and urban areas for purposes of school board membership elections; and to declare an emergency.

Was read the first time and referred to the **Education Committee**.

Sen. Naaden introduced:

SB 2445: A BILL for an Act to create and enact a new section to chapter 15-21, a new section to chapter 15-29, and a new section to chapter 15-47 of the North Dakota Century Code, relating to curricular approval and educational methodologies.

Was read the first time and referred to the **Education Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Tomac, St. Aubyn and Reps. Byerly, Sitz introduced:

SCR 4025: A concurrent resolution directing the Legislative Council to study access to computer data bases or electronically filed or stored information by state agencies.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

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

William C. Parker, Secretary