

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 25, 1995

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

The prayer was offered by Rev. James A. Baneck, Messiah Lutheran Church, Mandan.

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

A quorum was declared by the President.

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 2027, SB 2096, SB 2101, SB 2176, SB 2203, SB 2244.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1185, HB 1189, HB 1205, HB 1236, HB 1254.

CONSIDERATION OF AMENDMENTS

SB 2086: SEN. SCHOBINGER (Transportation Committee) MOVED that the amendments on SJ page 210 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2127: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ pages 210-211 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2167: SEN. W. STENENJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 211-212 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. NALEWAJA MOVED that SB 2301 be returned to the Senate floor from the Agriculture Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. NALEWAJA REQUESTED the unanimous consent of the Senate to withdraw SB 2301. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that SB 2391 and SCR 4025 be returned to the Senate floor from the Government and Veterans Affairs Committee and be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2391 and SCR 4025 were rereferred.

SECOND READING OF SENATE BILL

SB 2034: A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to a department of human services property cost payment system for nursing home providers.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

Engrossed SB 2034 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act to create and enact four new sections to chapter 50-01 and a new chapter to title 50 of the North Dakota Century Code, relating to residency for county general assistance purposes and county social service boards; to amend and reenact sections 14-08.1-04, 14-09-10, 23-06-03, 30-16-04, 50-01-01, 50-01-01.1, 50-01-02, 50-01-03, 50-01-04, 50-01-13, 50-01-17, 50-01-17.1, 50-01-17.5, 50-01-19, 50-01-21, 50-01.1-04, 50-06-06.1, subsection 2 of section 50-06.2-02, sections 50-24.5-03, 50-24.5-06, 50-24.5-07, and subsection 15 of section 65-01-02 of the North Dakota Century Code, relating to poor relief and basic care assistance payments; and to repeal sections 50-01-05, 50-01-06, 50-01-07, 50-01-07.1, 50-01-08, 50-01-08.1, 50-01-09, 50-01-09.1, 50-01-10, 50-01-12, 50-01-14, 50-01-15, 50-01-16, 50-01-20, 50-01-22, and chapter 50-02 of the North Dakota Century Code, relating to poor relief.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Scherber

Engrossed SB 2037 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to nonresident deer hunting licenses.

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 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, W.;

Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Bowman; Scherber

Engrossed SB 2073 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to providing early childhood services; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Scherber

Engrossed SB 2092 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to amend and reenact section 23-29-07 of the North Dakota Century Code, relating to solid waste management facility permits; and to repeal sections 23-29-06, 23-29-06.1, 23-29-06.2, 23-29-06.3, 23-29-06.4, 23-29-07.3, and 23-29-07.4 of the North Dakota Century Code, relating to the solid waste management districts and solid waste management surcharge.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Scherber

Engrossed SB 2103 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to amend and reenact sections 49-22-04 and 49-22-05.1 of the North Dakota Century Code, relating to energy

conversion and transmission facility inventories of exclusion and avoidance areas.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

Engrossed SB 2109 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to create and enact a new subsection to section 54-17.4-02 and a new section to chapter 54-17.4 of the North Dakota Century Code, relating to the responsibilities of the state geologist and collection of fees from operation of the global positioning system; and to provide a continuing appropriation.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

Engrossed SB 2165 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4003: A concurrent resolution directing the Legislative Council to study the feasibility and adaptability of a long-term funding initiative to make available housing for families who are low income, homeless, or disabled, or who require transitional housing to assist them toward independent living.

ROLL CALL

The question being on the final adoption of the amended resolution, 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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.;

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

ABSENT AND NOT VOTING: Scherber

Engrossed SCR 4003 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to nonresident youth game and fish licenses.

MOTION

SEN. HEITKAMP MOVED that SB 2143 be amended as follows, which motion prevailed.

Page 1, line 12, after the period insert "This section does not apply to a license issued by lottery."

Renumber accordingly

MOTION

SEN. HEITKAMP MOVED that the rules be suspended and that SB 2143 be deemed properly engrossed and be placed on the Eleventh order, as amended, for second reading and final passage, 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Solberg

ABSENT AND NOT VOTING: Scherber

Engrossed SB 2143 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to amend and reenact section 61-24.6-01 of the North Dakota Century Code, relating to northwest area water supply project water development revenue bonds.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.;

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

ABSENT AND NOT VOTING: Scherber

SB 2148 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to amend and reenact subsection 4 of section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving loan fund interest rate.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2152 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2188: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to a corporate credit for accelerated cost recovery system depreciation; to amend and reenact subdivision c of subsection 3 of section 57-38-01, subsection 1 of section 57-38-01.3, and section 57-38-30 of the North Dakota Century Code, relating to corporate income taxes; and to provide an effective date.

ROLL CALL

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

NAYS: 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2188 lost.

SECOND READING OF SENATE BILL

SB 2206: A BILL for an Act to amend and reenact section 55-10-09 of the North Dakota Century Code, relating to safeguarding and preserving historic and archeological sites.

ROLL CALL

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

YEAS: Kelsh; LaFountain; Mushik

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

ABSENT AND NOT VOTING: Scherber

SB 2206 lost.

SECOND READING OF SENATE BILL

SB 2208: A BILL for an Act to create and enact a new chapter to title 55 of the North Dakota Century Code, relating to unclaimed property held by museums or historical societies.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2208 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact section 34-06.1-03 of the North Dakota Century Code, relating to the prohibition of discriminatory employment practices.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2252 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2262: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-10-46.1 of the North Dakota Century Code, relating to the statutory fees for overtaking and passing a schoolbus; and to provide a penalty.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2262 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to amend and reenact section 23-27-04.1 of the North Dakota Century Code, relating to prehospital emergency medical services.

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; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2299 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to the borrowing of moneys by credit union directors and committee members.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach;

Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Scherber

SB 2287 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to repeal chapter 334 of the 1993 Session Laws, relating to the provisions of the Uniform Probate Code which pertain to the elective share of a surviving spouse, a spouse and children unprovided for in a will, applicable law at the time of death, evidence of death, intestate succession, exempt property and allowances, wills, will contracts, custody and deposit of wills, rules of construction applicable to wills and donative transfers, holographic wills, and general provisions concerning probate and nonprobate transfers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Sand

NAYS: 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber

SB 2300 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4001: A concurrent resolution directing the Legislative Council to study dispositional alternatives available in cases involving sexual offenses against children, the disposition of cases involving perpetrators who do not attend court-ordered treatment, and the courts' use of and compliance with North Dakota Century Code Chapter 12.1-35 and Rule 803(24) of the North Dakota Rules of Evidence.

SCR 4005: A concurrent resolution directing the Legislative Council to study the financing of elementary and secondary education.

The question being on the final adoption of the resolutions, which have been read.

SCR 4001 and Engrossed SCR 4005 were declared adopted on a voice vote, and the titles were agreed to.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact section 39-01-16 of the

North Dakota Century Code, relating to hearings on alleged violations by motor vehicle dealers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Scherber

HB 1093 passed and the title was agreed to.

MOTION

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

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 26, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2062: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2062 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2082: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2082 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2179: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2179 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2210: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2210 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2215: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "44-06-03,"

Page 1, remove lines 21 and 22

Page 2, remove lines 1 through 9

Page 2, line 12, overstrike "Deposit" and insert immediately thereafter "Filing"

Page 2, line 15, overstrike "deposit" and insert immediately thereafter "file" and after "~~his~~" insert "and"

Page 2, line 28, overstrike "Any" and insert immediately thereafter "A"

Page 2, line 29, overstrike "who appends", remove "the notary's", overstrike "official" and insert immediately thereafter "may not notarize a", overstrike "to any" and insert immediately thereafter "on a", and overstrike "when"

Page 3, replace lines 1 through 3 with "~~the parties thereto have not executed the if:~~

1. The document in his was not signed in the presence of the notary public.
2. The notary public or the spouse of the notary public is a party to the document.
3. The signature is that of the notary public or the spouse of the notary public.

A notary public who violates this section is guilty of an infraction and his the notary public's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2237: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "sixty" with "thirty-three"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2273: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2278: 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 2278 was placed on the Sixth order on the calendar.

Page 2, line 15, remove "or should know"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2285: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "handicap" and insert immediately thereafter "disability"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2291: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2291 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2316: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Freborg and Reps. Delzer, Grosz introduced:

SCR 4029: A concurrent resolution designating Fort Mandan and its visitor center as North Dakota's official Lewis and Clark Bicentennial Project. Was read the first time and referred to the **Natural Resources Committee**.

Sens. DeMers, Lee, Mushik and Reps. Rydell, Svedjan, Wentz introduced:

SCR 4030: A concurrent resolution directing the Legislative Council to study the continuum of care for North Dakotans with Alzheimer's and related dementias and the needs of caregivers and families of patients with Alzheimer's and related dementias.

Was read the first time and referred to the **Human Services Committee**.

Sens. Traynor, Langley, Streibel and Reps. Johnson, Kunkel, Nicholas introduced:

SCR 4031: A concurrent resolution urging the Governor to declare an emergency concerning the impending flood disaster in the Devils Lake basin and to recognize the impending flood disaster facing property owners adjacent to Devils Lake.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. G. Nelson, Mushik introduced:

SCR 4032: A concurrent resolution directing the Legislative Council to study the library system in North Dakota, including the role and mission of the state library, cooperative library ventures, and research and information systems to determine if the citizens of this state have access to essential library services that are delivered efficiently.

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

FIRST READING OF HOUSE BILLS

HB 1185: A BILL for an Act to provide for the exchange of patient immunization data.

Was read the first time and referred to the **Human Services Committee**.

HB 1189: A BILL for an Act to amend and reenact subsection 5 of section 21-04-01 of the North Dakota Century Code, relating to excluding funds deposited in a student financial institution from the definition of public funds.

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

HB 1205: A BILL for an Act to create and enact two new sections to chapter 26.1-26 of the North Dakota Century Code, relating to license requirements for insurance brokers and payment of insurance commissions by insurance brokers; and to amend and reenact section 26.1-26-18 of the North Dakota Century Code, relating to bond requirements for insurance brokers and surplus lines insurance brokers.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1236: A BILL for an Act to create and enact a new subsection to section 6-01-17.1 and two new sections to chapter 6-05 of the North Dakota Century Code, relating to application fees for trust companies, the establishment of multiple offices of a trust company, and the engagement in business through operating subsidiaries of a trust company.

Was read the first time and referred to the **Industry, Business and Labor Committee.**

HB 1254: A BILL for an Act to amend and reenact subsection 3 of section 34-06-03, subsection 3 of section 34-06-05, and section 34-06-09 of the North Dakota Century Code, relating to minimum wage standards adopted by the commissioner of labor, illegal employment under certain conditions, and investigations by the commissioner of labor.

Was read the first time and referred to the **Industry, Business and Labor Committee.**

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

William C. Parker, Secretary