

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, February 9, 1995

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

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

The roll was called and all members were present.

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 2059, SB 2139, SB 2210, SB 2234, SB 2302, SB 2331, SB 2342, SB 2343, SB 2354, SB 2360, SB 2362, SB 2377, SB 2435, SB 2447, SB 2454, SB 2479, SB 2480, SB 2501, SB 2518, SB 2521, SB 2523, SCR 4022.

**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 1009, HB 1011, HB 1055, HB 1083, HB 1111, HB 1207, HB 1208, HB 1216, HB 1233, HB 1253, HB 1286, HB 1353, HB 1370, HB 1388, HB 1389, HB 1398, HB 1417, HB 1492, HB 1500.

**MOTION**

**SEN. GOETZ MOVED** that SB 2265, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. NALEWAJA MOVED** that SB 2227 be returned to the Senate floor from the Appropriations Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. NALEWAJA REQUESTED** the unanimous consent of the Senate to withdraw SB 2227. There being no objection, it was so ordered by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2323: SEN. URLACHER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 406 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2381: SEN. LAFOUNTAIN (Judiciary Committee) MOVED** that the amendments on SJ page 406 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2482: SEN. WATNE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 407 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2524: SEN. TENNEFOS (Finance and Taxation Committee) MOVED** that the amendments on SJ page 408 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2529: SEN. FREBORG (Education Committee) MOVED** that the amendments on

SJ pages 408-409 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Howard Freed.

**CONSIDERATION OF AMENDMENTS**

**SB 2490: SEN. C. NELSON (Judiciary Committee) MOVED** that the amendments on SJ pages 407-408 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2490:** A BILL for an Act to create and enact a new section to chapter 14-18 of the North Dakota Century Code, relating to paternity; to amend and reenact section 14-18-01 of the North Dakota Century Code, relating to the establishment of paternity; to repeal section 14-18-02 of the North Dakota Century Code, relating to the establishment of maternity; 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 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; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tomac

Engrossed SB 2490 passed, the title was agreed to, and the emergency clause was declared carried.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Earl Redlin.

**SECOND READING OF SENATE BILL**

**SB 2001:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the governor; and to amend and reenact sections 54-07-04 and 54-08-03 of the North Dakota Century Code, relating to the salaries of the governor and lieutenant governor.

**REQUEST**

**SEN. YOCKIM REQUESTED** that the proposed amendments to Engrossed SB 2001 on SJ pages 391-392 be withdrawn, which request was granted.

**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; Scherber; Schobinger; Solberg; St. Aubyn;

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

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2001 passed and the title was agreed to.

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MOTION

SEN. GOETZ MOVED that SB 2041 be moved to the foot of the calendar, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2031, which is on the Eleventh order, be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2031 was rereferred.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to authorize the North Dakota mill and elevator association to convey certain state-owned land to the department of transportation.

ROLL CALL

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

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

NAYS: Langley

Engrossed SB 2137 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to create and enact a new subsection to section 4-34-05 of the North Dakota Century Code, relating to beef promotion; and to amend and reenact subsection 2 of section 4-34-01, sections 4-34-02, 4-34-03, 4-34-04, and 4-34-11 of the North Dakota Century Code, relating to the North Dakota beef commission.

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; 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

Engrossed SB 2151 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2175: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to compliance of the uniform group insurance program with federal requirements and group purchasing arrangements.

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; 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: Naaden

Engrossed SB 2175 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact subsection 3 of section 26.1-01-07.1 of the North Dakota Century Code, relating to transfer of the cash balance in the insurance regulatory trust fund to the general 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; 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; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2178 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to create and enact a new section to chapter 15-27.1, section 15-27.4-02.1, and a new section to chapter 15-40.3 of the North Dakota Century Code, relating to school district levies after annexation or dissolution, unobligated cash balance in a dissolution, and open enrollment exemptions; and to amend and reenact section 15-27.1-11, subsection 2 of section 15-27.2-01, sections 15-27.2-04, 15-27.3-01.1, 15-27.3-02, 15-27.3-05, 15-27.3-06, 15-27.3-14, 15-27.4-01, subsection 3 of section 15-27.4-02, sections 15-27.4-03, 15-40.1-07.3, subsection 2 of section 15-40.2-01, and subsection 1 of section 15-40.2-04, relating to school district annexation, reorganization, and dissolution and payment of tuition and open enrollment.

## 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; 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; Wanzen; Watne; Wogsland; Yockim

Engrossed SB 2209 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

**SB 2255:** A BILL for an Act to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to brucellosis testing and vaccinations.

## 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 1 YEA, 48 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Langley

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

Engrossed SB 2255 lost.

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## SECOND READING OF SENATE BILL

**SB 2256:** A BILL for an Act to create and enact a new section to chapter 20.1-07 of the North Dakota Century Code, relating to the taking of fur-bearing animals.

## 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 12 YEAS, 37 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Holmberg; Kelsh; Mathern; Nelson, C.; Redlin; Sand; Scherber; Tallackson; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne

Engrossed SB 2256 lost.

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**SECOND READING OF SENATE BILL**

**SB 2292:** A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage.

**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:** Andrlist; 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

Engrossed SB 2292 passed and the title was agreed to.

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**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Harry Iszler.

**SECOND READING OF SENATE BILL**

**SB 2327:** A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to nonresident waterfowl 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrlist; 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

Engrossed SB 2327 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2355:** A BILL for an Act to authorize the state board of higher education to convey certain land to BHS Long Term Care, Inc.

**ROLL CALL**

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

**YEAS:** Andrlist; 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; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Tomac

Engrossed SB 2355 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2357: A BILL for an Act to amend and reenact sections 11-19-19 and 11-19.1-05 of the North Dakota Century Code, relating to acting coroners and appointment of assistant coroners.

**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; 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

Engrossed SB 2357 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2366: A BILL for an Act to amend and reenact subsection 7 of section 49-02-02 of the North Dakota Century Code, relating to employment and compensation of expert assistance for hearings and investigations regarding gas and electric public utilities.

**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 15 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Stenehjem, W.; Tallackson; Wogsland

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

Engrossed SB 2366 lost.

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**SECOND READING OF SENATE BILL**

SB 2402: A BILL for an Act to amend and reenact section 44-08-01 of the North Dakota Century Code, relating to preference to North Dakota resident bidders.

**ROLL CALL**

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

YEAS: Andrist; Bowman; 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

**NAYS:** Yockim

Engrossed SB 2402 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**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.

**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; 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

**ABSENT AND NOT VOTING:** Holmberg

Engrossed SB 2442 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2459:** A BILL for an Act to amend and reenact section 39-05-17 of the North Dakota Century Code, relating to entry of name of purchaser on motor vehicle title documents; 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 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

Engrossed SB 2459 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2461:** A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to remedies to ensure prompt compliance by nursing facilities with requirements of the medical assistance program.

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; 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: Kinnoin

Engrossed SB 2461 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2472: A BILL for an Act to amend and reenact sections 11-13-12 and 11-13-14 of the North Dakota Century Code, relating to auditor's certificates on real property conveyance documents; and to repeal section 11-13-13 of the North Dakota Century Code, relating to real property records required to be kept by county auditors.

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; 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

Engrossed SB 2472 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2489: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to depreciation recapture from treatment or care centers for the developmentally disabled.

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

ABSENT AND NOT VOTING: Urlacher

Engrossed SB 2489 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2500:** A BILL for an Act to amend and reenact sections 35-01-27 and 35-03-16 of the North Dakota Century Code, relating to satisfaction and discharge of mortgages on real property.

**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; 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

Engrossed SB 2500 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2205:** A BILL for an Act to amend and reenact section 55-03-01 of the North Dakota Century Code, relating to cultural resource investigation permits.

**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, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; 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, W.; Streibel; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Bowman; Krauter; Stenehjem, B.; Tennefos; Tomac

SB 2205 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact subsection 22 of section 43-15-01 of the North Dakota Century Code, relating to the definition of practice of pharmacy.

**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, 1 NAY, 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; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Traynor

SB 2212 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2225:** A BILL for an Act to create and enact a new section to chapter 26.1-23.1 of the North Dakota Century Code, relating to prohibiting certain unfair insurance practices by government self-insurance pools.

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

**YEAS:** Bowman; Christmann; Mutch; Naaden; Nalewaja; Nelson, G.; Solberg; Stenehjem, B.; Streibel; Tennefos; Wanzek

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

SB 2225 lost.

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**SECOND READING OF SENATE BILL**

**SB 2241:** A BILL for an Act to provide for a corporate guardianship program within the department of human services; 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 NOT PASS, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Kringstad

SB 2241 lost.

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**MOTION**

**SEN. GOETZ MOVED** that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

## MOTION

SEN. GOETZ MOVED that SB 2033 be moved to the top of the Eleventh order, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to authorize the administrative committee on veterans' affairs to obtain loans to match federal funds available to acquire or construct a sixty-bed state basic care veterans' home in western North Dakota and to renovate the cedar grove building at the developmental center at Grafton for use as a state basic care veterans' home; to provide for the transfer of administrative control of the cedar grove building at the developmental center at Grafton from the department of human services to the administrative committee on veterans' affairs for use as a state basic care veterans' home; to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to the establishment of a veterans' home in western North Dakota and criteria for site selection; to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to administrative authority and control of the developmental center at Grafton; to provide for budget section approval of the western North Dakota basic care veterans' home site; 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 NOT PASS, the roll was called and there were 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; Lindaas; Lips; Mathern; O'Connell; Redlin; Robinson; Schobinger; Streibel; Tallackson; Thane; Urlacher; Wogsland; Yockim

NAYS: Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Holmberg; Krebsbach; LaFountain; Langley; Lee; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Tomac; Traynor; Wanzek; Watne

SB 2033 lost.

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## REQUEST

SEN. KRAUTER REQUESTED that his vote on SB 2033 be changed to NAY for purposes of reconsideration, pursuant to Rule 340, which request was granted.

## ANNOUNCEMENT

THE PRESIDENT ANNOUNCED the corrected totals on SB 2033 as 19 YEAS, 30 NAYS.

## SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to provide an appropriation for a protective services program for vulnerable adults.

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

YEAS: DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

SB 2259 lost.

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**SECOND READING OF SENATE BILL**

**SB 2288:** A BILL for an Act to create and enact chapter 54-16.1 of the North Dakota Century Code, relating to approval of transfer authority or expanded expenditure authorization by the budget section of the legislative council; to repeal chapter 54-16 of the North Dakota Century Code, relating to the emergency commission; 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 34 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; LaFountain; Lee; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** DeMers; Heinrich; Kelsh; Kringstad; Lindaas; Lips; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Yockim

**ABSENT AND NOT VOTING:** Krauter; Langley

SB 2288 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2298:** A BILL for an Act to provide financial assistance to tribally controlled community colleges; 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 NOT PASS, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Langley

SB 2298 lost.

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**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 12:30 p.m., Friday, February 10, 1995, which motion prevailed.

## REPORT OF STANDING COMMITTEE

SB 2058: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2058 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "and"

Page 1, line 5, remove "; and to repeal sections 15-40.1-07.3 and 15-40.1-07.4 of"

Page 1, remove line 6

Page 1, line 7, remove "reorganized school districts"

Page 11, replace lines 22 through 28 with:

"Per student payments for small but necessary schools. Per student payments made in accordance with sections 15-40.1-07 and 15-40.1-08 must be adjusted as follows:

1. For each elementary school that has less than fifty students and in which fifteen percent or more of the elementary students enrolled would have to travel beyond a fifteen-mile [24.14 kilometer] radius from their residences to attend another school, the weighting factor provided under section 15-40.1-08 must be increased by twenty percent for the first fifteen students. If the school has fewer than fifteen students, the payment received must be for fifteen students.
2. For each high school that has less than thirty-five students and in which fifteen percent or more of the high school students enrolled would have to travel beyond a twenty-mile [32.19 kilometer] radius from their residences to attend another school, the weighting factor provided under section 15-40.1-07 must be increased by twenty percent for the first twenty students. If the school has fewer than twenty students, the payment received must be for twenty students."

Page 12, remove lines 1 through 9

ReNUMBER accordingly

## REPORT OF STANDING COMMITTEE

SB 2061: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2061 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 3 of section 15-40.1-06 and"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 15-40.1-06 of the North Dakota Century Code is amended and reenacted as follows:

3. In determining the amount of payments due school districts for tuition apportionment provided in section 15-44-03, and per student and transportation aid under this section, the amount of tuition apportionment, per student aid and transportation aid for which a school district is eligible must be added together, and from that total, the following amounts must be subtracted:

- a. The product of twenty-three mills for the 1993-94 school year and twenty-four mills for each year thereafter times the latest available net assessed and equalized valuation of property of the school district.
- b. The amount that the unobligated general fund balance of a school district on the preceding June thirtieth is in excess of three-fourths of the actual expenditures, plus an additional twenty thousand dollars."

Page 6, line 29, remove "the same" and remove the overstrike over "~~to the~~"

Page 7, line 1, remove the overstrike over "~~number of~~"

Page 7, line 2, replace "that the total amount of foundation aid" with "students in average daily membership for grades one through twelve"

Page 7, remove line 3

Page 7, line 4, remove "distributed by the state"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2090: 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 2090 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "section"

Page 1, line 4, remove "and 50-11.1-04"

Page 1, line 5, remove "homes and child" and after "care" insert "facilities"

Page 1, line 6, remove "homes"

Page 1, line 11, after "employee" insert "or agent"

Page 1, line 12, replace "employee's" with "individual's" and replace "section 50-11-02" with "chapter 50-11"

Page 1, line 13, replace "50-11.1-04" with "50-11.1" and replace "a minor" with "an individual"

Page 1, line 14, after "the" insert "facility," and after "home" insert an underscored comma

Page 2, line 12, replace "home" with "facility" and replace "shall" with "may"

Page 2, line 13, replace "every" with "an", after "living" insert "or working", and replace "home" with "facility in accordance with rules of the department"

Page 2, remove lines 15 through 29

Page 3, remove lines 1 through 25

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

SB 2104: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Sixth order on the calendar.

Page 1, line 18, overstrike "The" and insert immediately thereafter "Beginning January 1, 1999, the"

Page 2, line 6, remove "governor"

Page 2, remove lines 7 and 8

Page 2, line 9, remove "set the salary of the", replace "within" with "shall serve at", replace "limits" with "pleasure", and replace "legislative" with "the governor"

Page 2, line 10, remove "appropriations"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2112: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2195, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2195 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2235: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2235 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2236, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2236 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2263: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2263 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2272: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2272 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2325: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2325 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2328: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2328 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2330: Appropriations Committee (Sen. Nething, Chairman) recommends DO

PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2330 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2341 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2352: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2352 was placed on the Sixth order on the calendar.

Page 3, line 9, after the period insert "However, only the amount actually paid in excess of the foreclosure judgment may constitute surplus payable to the debtor pursuant to section 28-23-09."

Page 3, line 16, overstrike "plaintiff" and insert immediately thereafter "foreclosing party"

Page 3, line 17, after the first "the" insert "foreclosure"

Page 3, line 19, after the period insert "The deficiency judgment must bear interest at the same rate as the foreclosure judgment."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2363: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2371: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2389, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2389 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2411, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2411 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2415: 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 2415 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "sections" with "section" and remove "51-07-17,"

Page 2, remove lines 3 through 16

Page 2, line 19, remove "motor vehicle lessor," remove the overstrike over "its", and remove "the manufacturer's"

Page 2, line 20, remove the overstrike over "its" and remove "the manufacturer's"

Page 3, line 5, remove "motor vehicle lessor, the" and remove "the manufacturer's"

Page 3, line 6, remove "the manufacturer's authorized"

Page 4, line 14, remove "the motor"

Page 4, line 15, remove "vehicle lessor,", remove the overstrike over "its", and remove "the manufacturer's"

Page 4, line 16, remove the overstrike over "its" and remove "the manufacturer's"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2416, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed SB 2416 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2417: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2417 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2444: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2444 was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "~~urban~~" and remove "remaining"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2445: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2445 was placed on the Sixth order on the calendar.

Page 1, line 1, remove ", a new"

Page 1, line 2, remove "section to chapter 15-29, and a new section to chapter 15-47"

Page 1, line 3, remove "curricular approval and"

Page 1, remove lines 16 through 21

Page 2, remove lines 1 through 8

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2460: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2460 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "health" with "legislative"

Page 1, line 2, after "residents" insert "and a study of health care"

Page 1, line 11, after "ELDERLY" insert "AND STUDY OF HEALTH CARE"

Page 1, line 12, replace the comma with "and" and after "council" insert ", the legislative council"

Page 1, line 15, replace "By July 15," with "In conjunction with the health council, the legislative council shall study, hold hearings, and prepare a comprehensive report on the certificate of need process and other means of planning and decisionmaking in relation to growth of the health care industry in North Dakota. The legislative"

Page 1, line 16, remove "1996, the health", remove "present the", and after "report" insert "its findings and recommendations"

Page 1, line 17, after the second "the" insert "fifty-fifth"

Page 1, line 18, replace "council" with "assembly"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2464: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2464 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2466: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2466 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2468: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2468 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2481: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2481 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2487: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2487 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2491: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2491 was placed on the Sixth order on the calendar.

Page 2, line 23, replace "meets the criteria in one of" with "is recommended for certification by the North Dakota indigenous board created by the tribal governments of this state's reservations and if the individual"

Page 2, line 24, remove "the following subsections"

Page 2, line 25, remove "a.", remove "a", and replace "language;" with "languages and culture and has"

Page 2, line 26, remove "b. Has"

Page 2, line 28, replace "and" with "or"

Page 3, remove line 1

Page 3, line 2, replace "Indian culture or holds" with "2. Holds" and replace the underscored period with "and has"

Page 3, remove line 3

Page 3, line 4, remove "b. Has" and remove "a"

Page 3, line 5, after "Indian" insert "languages and"

Page 3, remove lines 6 through 11

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2494: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2494 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2495: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2495 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "at least" with "an average of" and after "thirty" insert "or more"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2508: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2508 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2510: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2510 was placed on the Sixth order on the calendar.

Page 2, line 6, replace "eighty-five" with "fifteen"

Page 2, line 10, replace "another" with "a high"

Page 2, line 11, replace "education" with "academic" and remove "section 15-40.1-07.4 and a school district"

Page 2, line 12, remove "that enters into" and remove "with a high school"

Page 2, line 13, remove "district, provided that the joint powers agreement is"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2512: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2512 was rereferred to the Appropriations Committee.

#### REPORT OF STANDING COMMITTEE

SB 2520: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2520 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2533: 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 2533 was placed on the Sixth order on the calendar.

Page 1, line 21, after "services" insert "are under the direct supervision of a licensed dispenser."

Page 1, line 22, after "study" insert an underscored comma

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SCR 4026: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4035: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4035 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SCR 4046: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4046 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "there is", replace "whether" with "exists regarding appropriate guidelines for the provision of", and replace "is physical or" with "services; and"

Page 1, remove lines 10 and 11

Page 1, line 17, after "on" insert "Compulsive" and remove "Problems"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1056: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1056 was placed on the Fourteenth order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Appropriations Committee introduced:

SCR 4052: A concurrent resolution directing the Legislative Council to study the capital repair, maintenance, and construction requirements of institutions under the State Board of Higher Education.

Was read the first time and referred to the Appropriations Committee.

Sens. Naaden, Streibel, Urlacher and Reps. Freier, Kretschmar introduced:

SCR 4053: A concurrent resolution directing the Legislative Council to study the state's water laws concerning their effect on the efficient use of water and their effect on the holders of senior water rights.

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

Sens. Scherber, Holmberg, LaFountain, Mushik and Reps. Mutzenberger, Wentz introduced:

SCR 4054: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state Human Rights Commission with the power and duty to investigate and provide remedies in cases of discrimination against residents of North Dakota because of race, color, religion, sex, national origin, age, the presence of any

mental or physical disability, and status with regard to marriage or public assistance resulting in a loss of civil rights.

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

#### FIRST READING OF HOUSE BILLS

**HB 1009:** A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs. Was read the first time and referred to the **Appropriations Committee**.

**HB 1011:** A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association. Was read the first time and referred to the **Appropriations Committee**.

**HB 1055:** A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to accounts maintained by state agencies at banks other than the Bank of North Dakota. Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1083:** A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the time of payment of wages by employers. Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1111:** A BILL for an Act to create and enact section 30.1-05-08 of the North Dakota Century Code, relating to protection of payers and other third parties under the Uniform Probate Code; to amend and reenact sections 30.1-12-02, 30.1-12-08, 30.1-15-12, 30.1-22-01, and 30.1-22-02 of the North Dakota Century Code, relating to the provisions of the Uniform Probate Code Article III which pertain to general provisions of probate of wills and administration; to amend and reenact subsections 4, 5, and 53 of section 30.1-01-06, chapter 30.1-05, section 30.1-06-01, subsection 3 of section 30.1-06-02, subsection 2 of section 30.1-07-03, sections 30.1-09-05, 30.1-09-07, 30.1-09-08, 30.1-09-10, 30.1-09.1-02, subdivision b of subsection 1 and subdivision b of subsection 2 of section 30.1-09.1-06, sections 30.1-09.1-07, 30.1-09.1-09, 30.1-09.1-11, subsection 4 of section 30.1-10-01, subsections 5, 8, and 9 of section 30.1-10-03, and subsections 4, 7, and 8 of section 30.1-10-04 of the North Dakota Century Code as amended or created by sections 2, 15, 16, 20, 31, 33, 34, 36, 39, and 40 of chapter 334 of the 1993 Session Laws, relating to the provisions of the Uniform Probate Code Articles I and II which pertain to definitions, augmented estate, elective share, entitlement of spouse, requirement of survival, nonademption, power of appointment, and probate and nonprobate transfers; to amend and reenact section 51 of chapter 334 of the 1993 Session Laws, relating to the effective date of amendments to the Uniform Probate Code; to repeal section 30.1-04-06 of the North Dakota Century Code, relating to representation; and to provide an effective date.

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

**HB 1207:** A BILL for an Act to amend and reenact section 65-04-20 of the North Dakota Century Code, relating to the installment payment of premiums for workers' compensation. Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HB 1208:** A BILL for an Act to amend and reenact sections 65-02-08, 65-02-15, 65-02-20, subsection 1 of section 65-05.1-06.1, and section 65-10-03 of the North Dakota Century Code, relating to workers' compensation attorney fees; to repeal sections 65-02-17 and 65-02-18 of the North Dakota Century Code, relating to binding arbitration; and to provide an effective date.

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

**HB 1216:** A BILL for an Act to amend and reenact section 15-60-10 of the North Dakota Century Code, relating to school construction loans.  
Was read the first time and referred to the **Education Committee.**

**HB 1233:** A BILL for an Act to create and enact two new subsections to section 5-04-01 and a new section to chapter 5-04 of the North Dakota Century Code, relating to definitions applicable to beer wholesalers and brewers brand extensions.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1253:** A BILL for an Act to amend and reenact sections 54-03-25, 65-05.1-01, 65-05.1-04, and subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to actuarial impact statements for workers' compensation measures, rehabilitation services for injured employees, an injured employee's responsibilities for rehabilitation of a work-related injury, and the twenty-five percent additional rehabilitation allowance given to injured workers.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1286:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the suspension of licenses, certificates, permits, or the authority of persons practicing professions, trades, or occupations for failure to pay student loans guaranteed by the state guaranteed student loan program.  
Was read the first time and referred to the **Education Committee.**

**HB 1353:** A BILL for an Act to create and enact a new section to chapter 40-57.1 of the North Dakota Century Code, relating to reimbursement of income tax exemptions granted for new industries.  
Was read the first time and referred to the **Finance and Taxation Committee.**

**HB 1370:** A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the identification of mountain lions, wolves, and wolf hybrids held in captivity; and to amend and reenact section 20.1-07-04 of the North Dakota Century Code, relating to the destruction and disposition of depredating fur-bearing animals.  
Was read the first time and referred to the **Natural Resources Committee.**

**HB 1388:** A BILL for an Act to amend and reenact sections 34-07-02, 34-07-15, and 34-07-16 of the North Dakota Century Code, relating to exempting school-to-work programs from child labor laws.  
Was read the first time and referred to the **Education Committee.**

**HB 1389:** A BILL for an Act to amend and reenact section 9-08-06 of the North Dakota Century Code, relating to exceptions to contracts that restrain business.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1398:** A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to requiring an insurance loss reporting service to furnish a copy of a claims history report to an automobile insurance applicant.  
Was read the first time and referred to the **Industry, Business and Labor Committee.**

**HB 1417:** A BILL for an Act to amend and reenact section 61-24.5-10 of the North Dakota Century Code, relating to the taxing authority of the southwest water authority.

Was read the first time and referred to the **Finance and Taxation Committee**.

**HB 1492:** A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the penalty for driving without liability insurance; and to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance. Was read the first time and referred to the **Transportation Committee**.

**HB 1500:** A BILL for an Act to provide for the use and investment of public employee retirement funds. 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**