

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 17, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Angela Monson, First Lutheran Church, Mandan.

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

A quorum was declared by the President.

CONSIDERATION OF AMENDMENTS

SB 2012: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 578-586 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2012: A BILL for an Act to provide an appropriation for defraying the expenses of the department of human services; to provide for the transfer of appropriations between agencies and institutions; to rename the developmental center the developmental center at westwood park, Grafton; to create and enact a new section to chapter 25-04 and two new sections to chapter 50-06 of the North Dakota Century Code, relating to the westwood park assets management committee, to developmental disabilities service providers and to the administration of the mental health division; to amend and reenact sections 25-04-01 and 50-24.5-06 of the North Dakota Century Code and section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws, relating to renaming the developmental center the developmental center at westwood park, Grafton, the state basic care program, and extending an appropriation from the lands and minerals trust fund to the department of human services for capital improvements or demolition of existing buildings at the developmental center at westwood park, Grafton; to encourage a waiver of federal medicaid requirements; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; Mutch; Schobinger; Solberg; Stenehjem, B.; Streibel

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2012 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2009: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments

on SJ pages 575-578 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of agriculture and soil conservation committee; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the commissioner of agriculture.

MOTION

SEN. NAADEN MOVED that Engrossed SB 2009 be amended as follows:

Page 2, line 9, replace "58,533" with "58,533"

Page 2, after line 9, insert:

"Grants 500,000"

Page 2, line 10, replace "515,315" with "1,015,315"

Page 2, line 11, replace "4,908,483" with "5,408,483"

Page 2, line 13, replace "9,029,359" with "9,529,359"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

SENATE - This amendment adds \$500,000 from the general fund to provide funding for the soil conservation technician grants program.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2009, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2009, 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; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Tallackson

The proposed amendments to Engrossed SB 2009 were adopted.

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

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2009 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2080, as engrossed: SEN. W. STENEHJEM (Appropriations Committee) MOVED that the amendments on SJ pages 612-614 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to create and enact chapter 32-12.2 of the North Dakota Century Code, relating to claims against the state; to amend and reenact sections 15-10-17, 26.1-21-10.1, 26.1-21-10.2, 32-12-04, 32-12.1-02, 32-12.1-03, 32-12.1-05, 32-12.1-07, and 44-04-19.1 of the North Dakota Century Code, relating to claims against the state and exemptions from open meeting requirements; to repeal sections 15-10-17.2, 32-12.1-15, and 54-14-03.2 of the North Dakota Century Code, relating to claims against the state; to provide an appropriation; to provide for applicability; to provide an effective date; 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; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2080 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act providing optional property tax levy authority for political subdivisions and providing limitations on that authority; and to provide an effective date and an expiration date.

MOTION

SEN. LIPS MOVED that Engrossed SB 2081 be amended as follows:

Page 2, line 1, after "levy" insert "no more than three percent more in the budget year than"

Page 2, line 2, after "levy" insert "of a percentage increase"

Renumber accordingly

REQUEST

SEN. KELSH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2081, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2081, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Goetz; Heinrich; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Nelson, C.; Nething; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, W.; Thane; Traynor; Urlacher

NAYS: Bowman; Christmann; Freborg; Grindberg; Heitkamp; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: LaFountain; Tallackson

The proposed amendments to Engrossed SB 2081 failed.

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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Lee; Nelson, C.; O'Connell; Redlin; Sand

ABSENT AND NOT VOTING: LaFountain; Tallackson

Engrossed SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact section 10-06.1-01 of the North Dakota Century Code, relating to the applicability of corporate and limited liability company farming provisions.

MOTION

SEN. G. NELSON MOVED that the question be put at 10:39 a.m., which motion prevailed on a verification vote.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2339 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2350: A BILL for an Act to authorize the director of the department of human services to convey certain state-owned land.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2350 be amended as follows, which motion prevailed.

Page 2, line 3, after the period insert "Any conveyance of the land described in subdivision a of subsection 1 must include a covenant or restriction that the land may not be used for the primary treatment of waste.

3."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: LaFountain; Tallackson

Reengrossed SB 2350 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

CONSIDERATION OF AMENDMENTS

SB 2044, as engrossed: **SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ pages 610-611 be adopted and then be placed on the Eleventh order with DO PASS.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2044, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to Engrossed SB 2044, the roll was called and there were 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Robinson; Scherber; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.;

Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Tallackson

The motion to adopt the amendments to Engrossed SB 2044 failed to pass.

MOTION

SEN. NALEWAJA MOVED that Engrossed SB 2044 be amended as follows:

Page 1, line 2, remove ", a new section to chapter 50-01,", replace "five" with "a", and replace "sections" with "section"

Page 1, line 4, replace "in-home family" with a period

Page 1, remove lines 5 through 8

Page 1, remove lines 16 through 21

Page 2, line 1, replace "Five" with "A" and replace "sections" with "section"

Page 2, line 2, replace "are" with "is"

Page 2, remove lines 3 through 15

Page 2, line 17, after "program" insert "in at least three human service regions" and remove "up to six months of"

Page 2, remove lines 26 through 28

Page 3, remove lines 1 through 14

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - This amendment makes the following change:

- Removes all provisions of the bill except those requiring the Department of Human Services to provide treatment services for severely emotionally disturbed children in at least three regions of the state.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2044, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2044, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Solberg; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

The proposed amendments to Engrossed SB 2044 were adopted.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact a new subdivision to subsection 2 of section 27-20-03 and a new section to chapter 50-06 of the North Dakota Century Code, relating to treatment services for severely emotionally disturbed children.

ROLL CALL

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

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

NAYS: Christmann; LaFountain

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2044 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2359: A BILL for an Act to create a one-call excavation notice system; to repeal sections 11-18-16, 11-18-17, 11-18-18, 11-18-19, and 11-18-20 of the North Dakota Century Code, relating to buried transmission facilities; to provide a penalty; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Watne

NAYS: Bowman; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mushik; Nething; O'Connell; Redlin; Robinson; Stenehjem, B.; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2359 passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

SEN. SOLBERG: Madam President: I rise on a point of personal privilege.

REMARKS OF SENATOR SOLBERG

MADAM PRESIDENT: Fifty years ago this coming Sunday on the 19th, the United States Marine Corps began their invasion of Iwo Jima. Both countries knew the military worth of Iwo Jima which was hundreds of miles closer, hours closer to Japan, and would provide air cover for the bombers as they moved in to bomb mainland Japan. The experts for the military had hoped for a five-day campaign. On March 4th, the first B29 landed on Iwo. On March 8th, the Seabees were working on the airstrips and on March 14th, Iwo Jima was

secured. In less than one month, Madam President, of 50,000 Marines and support personnel who landed, 6,000 Marines and 800 support forces were killed and over 18,000 wounded. Of the 21,000 Japanese who defended Iwo, only 216 were taken prisoner. Madam President, many of us only remember the Marines and one Navy corpsman raising our flag on Mount Suribachi. As a former Marine, I am proud of the price paid by the corps at Iwo Jima. My reason for my point of personal privilege, Madam President, is to recognize a man who was there, Major Evan E. Lips, who was part of Iwo Jima from start to finish. Thank you.

REMARKS OF SENATOR LIPS

MADAM PRESIDENT: Thank you, Senator from District 7. That seems like a long time ago. It was almost as tough as the Senate, but I appreciate very much this honor and it was a privilege to serve in the Marine Corps. I must say I did enjoy it, but we did lose a lot of fine people on Iwo Jima.

REQUEST

SEN. GOETZ REQUESTED that the remarks of Senator Solberg and Senator Lips be printed in the Journal, which request was granted.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:15 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to create and enact a new section to chapter 2-06 of the North Dakota Century Code, relating to additional mill levy authority for infrastructure needs of regional airport authorities; to amend and reenact subsection 1 of section 57-15-06.7, subsection 18 of section 57-15-10, subsection 4 of section 57-15-12.2, and subsection 6 of section 57-15-20.2 of the North Dakota Century Code, relating to mill levy authority for airport purposes of counties, cities, park districts, and townships; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, W.; Thane; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kelsh; Kinnoin; Krauter; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher; Wanzek

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2419 lost for want of a Constitutional majority.

SECOND READING OF SENATE BILL

SB 2476: A BILL for an Act to create and enact a new subsection to section 23-29-02 and a new section to chapter 23-29 of the North Dakota Century Code, relating to the transportation of solid waste; and to amend and reenact section 23-29-03 of the North Dakota Century Code, relating to definitions for purposes of solid waste management.

MOTION

SEN. TRAYNOR MOVED that Engrossed SB 2476 be amended as follows, which motion prevailed.

Page 1, line 11, replace "items other than hazardous waste, industrial waste," with "grain"

Page 1, line 12, remove "infectious waste, municipal waste, and special waste"

Page 4, line 21, remove ", materials, or"

Page 4, line 22, remove "commodities"

Page 5, line 3, replace the first underscored semicolon with an underscored comma, replace the second underscored semicolon with ", or", and remove "; material that is being transported for"

Page 5, remove lines 4 through 6

Page 5, line 7, remove "and industrial commodities" and replace "any other material" with "grain"

Re-number accordingly

MOTION

SEN. HEITKAMP MOVED that Reengrossed SB 2476 be amended as follows, which motion prevailed.

Page 4, line 22, after "transportation" insert "or a vehicle that is used to transport material for resource recovery purposes"

Re-number accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Christmann; Freborg; Lips; Mutch; Naaden; Sand; Stenehjem, B.; Streibel; Tennefos; Wanzek

ABSENT AND NOT VOTING: Tallackson

Reengrossed SB 2476 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2513: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to mill levies for teacher and administrator professional development.

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 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Grindberg; Heinrich; Holmberg; Kringstad; Lee; Lindaas; Lips; Mathern; Mushik; Nelson, C.; Redlin; Sand; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: LaFountain; Tallackson

Engrossed SB 2513 lost.

SECOND READING OF SENATE BILL

SB 2531: A BILL for an Act relating to the science of geology and the practice of geology.

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, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: LaFountain; Sand; Tallackson

Engrossed SB 2531 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2229: A BILL for an Act to amend and reenact subsection 2 of section 27-20-49 of the North Dakota Century Code, relating to costs and expenses of parties in juvenile court.

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, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; O'Connell; Wogsland

ABSENT AND NOT VOTING: LaFountain; Tallackson

SB 2229 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to amend and reenact subsection 3 of section

53-06.1-11 of the North Dakota Century Code, relating to the expense limitation for games of chance.

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 10 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Lips; Mushik; Robinson; Thane

NAYS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Langley; Lee; Lindaas; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: LaFountain; Tallackson

SB 2281 lost.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act relating to the rights of organization and representation of political subdivision employees, collective bargaining negotiations between political subdivision employers and their employees, and the establishment of an employment relations board and employment relations.

MOTION

SEN. DEMERS MOVED that SB 2365 be amended as follows, which motion prevailed.

Page 2, line 25, replace "twenty-five" with "fifty"

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Yockim

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

ABSENT AND NOT VOTING: LaFountain; Tallackson; Wogsland

Engrossed SB 2365 lost.

MOTION

SEN. GOETZ MOVED that SB 2488 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2488: A BILL for an Act to provide for rights of organization and

representation of state employees, collective bargaining negotiations between the state of North Dakota and its employees, establishment of a state employment relations board, and public employment relations.

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 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Wogsland; Yockim

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

ABSENT AND NOT VOTING: LaFountain; Tallackson

SB 2488 lost.

SECOND READING OF SENATE BILL

SB 2471: A BILL for an Act to create and enact nineteen new sections to chapter 11-05, two new sections to chapter 11-06, a new section to chapter 11-08, a new section to chapter 11-09, a new section to chapter 11-09.1, a new section to chapter 40-05.1, four new sections to chapter 40-08, and a new section to chapter 54-40 of the North Dakota Century Code, relating to methods of restructuring county and city governments; to amend and reenact sections 11-05-02, 11-05-04, 11-05-05, 11-05-07, 11-05-25, 11-05-26, 11-05.1-01, 11-05.1-03, 11-05.1-04, 11-05.1-06, 11-08-02.1, 11-08-05, 11-09-03, 11-09-07, 11-09-48, 11-09.1-02, 11-09.1-03, 11-09.1-04, subsection 3 of section 11-09.1-05, sections 11-10-02, 40-04.1-01, 40-04.1-02, 40-05.1-01, 40-05.1-03, 40-05.1-04, 40-08-03, 40-08-04, 40-09-01, 40-09-04, 40-10-02, 40-12-01, 40-14-04, 40-49-05, and 54-40-08 of the North Dakota Century Code, relating to methods of restructuring county and city governments; and to repeal sections 11-05-09.1, 11-05-09.2, 11-06-03.1, 11-09.1-04.1, chapters 11-10.2, 11-10.3, 40-01.1, sections 40-05.1-05.1, 40-06-09, 40-49-07.1, 40-49-07.2, chapters 40-49.1, 54-40.3, 54-40.4, and 54-40.5 of the North Dakota Century Code and section 1 of chapter 401 of the 1993 Session Laws, relating to methods of restructuring county and city governments.

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, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: LaFountain; Tallackson

SB 2471 lost.

SECOND READING OF SENATE BILL

SB 2492: A BILL for an Act to provide for the expiration of terms of members of the North Dakota council on the arts; and to amend and reenact sections 54-54-02 and 54-54-03 of the North Dakota Century Code, relating to the members of the North Dakota council on the arts.

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 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek

NAYS: Andrist; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Schobinger; Tomac; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2492 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2496: A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-01 of the North Dakota Century Code, relating to the imposition of life imprisonment without parole as the maximum penalty for a class AA felony.

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

ABSENT AND NOT VOTING: Tallackson

SB 2496 passed and the title was agreed to.

REQUEST

SEN. NALEWAJA REQUESTED that the letter of Judge Lawrence E. Jahnke in regard to SB 2094, which she will read to the Senate, be printed in the Journal, which request was granted.

LETTER FROM JUDGE LAWRENCE E. JAHNKE

Senator Nalewaja: Until earlier today, I had planned on traveling to Bismarck to offer my wholehearted and unhesitating support for your proposed legislation which deals with mandatory sentencing for those convicted of murdering a child, a member of the judiciary, or a law enforcement officer. However, weather information available here in Grand Forks this morning indicates that planning travel to Bismarck tomorrow might be a bit tenuous.

Hence, this letter in case I am unable to appear personally at the hearing scheduled for 11:00 a.m.

At 11:00 a.m. on May 5, 1992, an individual entered my courtroom in Grand Forks for a hearing on a child support matter. At 11:06 a.m., I was dead. The defendant had shot me at point blank range from a distance of about five feet with a .357 magnum pistol. Fortunately, a physician and his attorney, who had paramedic training, were in the Grand Forks County Court Courthouse at the time of the shooting. When I was finally found behind my bench, my facial coloring had turned to blue, I had no pulse, no heartbeat, and my pupils were fixed and dilated. It was nothing short of miraculous that I was able to be brought back.

Not only did I benefit from that miracle; so did my assailant. He was eventually tried and convicted of attempted murder. At the present time in North Dakota, a conviction of attempted murder carries with it a maximum punishment of twenty years imprisonment, with some deviation allowed under special circumstances. Had I not been revived, he would have faced a maximum of forty years imprisonment. In either case, under our present state sentencing and parole policies, an individual convicted of either attempted murder or murder is usually released long before serving the full period of incarceration.

To this date, the individual who attempted to murder me has expressed absolutely no remorse for the shooting, nor will he ever. Instead, he has continued to espouse nothing but continuing contempt for the judicial system which imposed upon him a duty to provide for a child he fathered. At the time of his appearance before me, he had an approximate \$12,000.00 arrearage in his child support obligations. Today, he continues to refuse to work while incarcerated in the North Dakota State Penitentiary so that even a minimal amount (about \$18.00 per month) can be collected as child support for his son.

On May 5, 1992, there were two other courthouse shootings in the United States, one in Missouri and the other in Alabama. Later the same month in Massachusetts, there was a fourth incident. All involved child custody disputes. Two months later in Forth Worth, Texas, two court officials were brutally shot to death and two appellate court judges severely wounded in the Tarrant County Courthouse. Again, a domestic case. And since 1992, there have been no fewer than a dozen other acts of violence in courthouses across the land which have left fifteen dead and many more wounded.

Until there are adequate deterrents in place, the carnage is going to continue. Not a day goes by that a local newspaper does not report the brutal murder of a young child or a law enforcement officer somewhere in the United States. And while we used to sigh with relief that such incidents could never happen in North Dakota, only the very naive still continue to feel that way. Now, not a day goes by that a law enforcement officer or judge somewhere in North Dakota does not feel threatened while performing his or her duties. And our children are no longer immune either.

I believe most strongly that your proposal for mandatory life sentencing for murdering a child, a law enforcement officer or a judge will certainly go a long way from both a deterrent and punishment standpoint. Those who contemplate such conduct will be forewarned and hopefully dissuaded; those who aren't will never walk the streets of North Dakota again.

On behalf of the other members of the North Dakota judicial system, I thank you for your foresight, conviction and support.

Sincerely yours,

Lawrence E. Jahnke
District Judge

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to the imposition of life imprisonment wjthout parole for the murder of a judge, law enforcement officer, correctional facility employee, or a child.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Grindberg; Holmberg; Kinnoin; Krebsbach; Nalewaja; Robinson; Schobinger; Solberg; Streibel; Tennefos; Thane

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Kelsh; Krauter; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Sand; Scherber; St. Aubyn; Stenehjtem, B.; Stenehjtem, W.; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2094 lost.

MOTION

SEN. LEE MOVED that the Senate reconsider its action whereby SB 2419 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to create and enact a new section to chapter 2-06 of the North Dakota Century Code, relating to additional mill levy authority for infrastructure needs of regional airport authorities; to amend and reenact subsection 1 of section 57-15-06.7, subsection 18 of section 57-15-10, subsection 4 of section 57-15-12.2, and subsection 6 of section 57-15-20.2 of the North Dakota Century Code, relating to mill levy authority for airport purposes of counties, cities, park districts, and townships; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; St. Aubyn; Stenehjtem, W.; Thane; Tomac; Traynor; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kinnoin; Langley; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; Stenehjtem, B.; Streibel; Tennefos; Urlacher; Wanzek

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2419 passed and the title was agreed to.

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 2003, SB 2009, SB 2012, SB 2013, SB 2014, SB 2015, SB 2017, SB 2022, SB 2023, SB 2026, SB 2027, SB 2028, SB 2030, SB 2031, SB 2038, SB 2041, SB 2044, SB 2045, SB 2075, SB 2080, SB 2081, SB 2181, SB 2187, SB 2192, SB 2202, SB 2211, SB 2229, SB 2231, SB 2242, SB 2251, SB 2264, SB 2296, SB 2297, SB 2306, SB 2308, SB 2309, SB 2332, SB 2335, SB 2339, SB 2349.

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 2350, SB 2356, SB 2358, SB 2359, SB 2372, SB 2378, SB 2380, SB 2383, SB 2386, SB 2388, SB 2392, SB 2395, SB 2399, SB 2403, SB 2406, SB 2410, SB 2419, SB 2420, SB 2422, SB 2423, SB 2425, SB 2428, SB 2443, SB 2453, SB 2455, SB 2457, SB 2458, SB 2460, SB 2463, SB 2476, SB 2477, SB 2484, SB 2492, SB 2496, SB 2499, SB 2505, SB 2506, SB 2507, SB 2511, SB 2514.

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 2517, SB 2520, SB 2522, SB 2524, SB 2526, SB 2527, SB 2531, SB 2535, SCR 4031, SCR 4043.

POINT OF PERSONAL PRIVILEGE

SEN. G. NELSON: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REMARKS OF SEN. G. NELSON

The Legislative Assembly will be in recess on Monday and Tuesday, February 20-21, 1995. Monday is George Washington's birthday or President's Day, an official state holiday. Monday, January 16, 1995, was also a state holiday, Martin Luther King Day. Although other state employees had that day off, Legislative Assembly employees were required to work on January 16, 1995. Legislative employees will be paid for Monday and Tuesday in recognition of these two holidays. Madam President, I would ask the members of the Senate to join me in thanking our employees for the hard work in this first half of the legislative session. Without their dedication and long hours we would probably still be a long way from conclusion. I would also like to thank the members of the Senate, both under the minority party and the majority party, for the hard work, cooperation, and the effort that was put forth in the last month and a half. The last couple of days have been particularly stressful and draining, and I think we all need the four days off. I wish you well and safe travel.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 22, 1995, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wanzek, Krebsbach, Scherber and Reps. Austin, Kerzman, Wald introduced: **SCR 4059:** A concurrent resolution directing the Legislative Council to study the impact of nonpublic schools on the state and the feasibility and desirability of offering tax credits or vouchers to the parents of nonpublic schoolchildren.

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

Human Services Committee introduced:

SCR 4060: A concurrent resolution directing the Legislative Council to study the laws related to sexual offenders, including consideration of options for involuntary treatment of civilly committed or criminally incarcerated sexual offenders.

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

Sens. Nething, G. Nelson, Redlin, Tennefos, Wogsland introduced:

SCR 4061: A concurrent resolution directing the Legislative Council to study the statutes of this state to determine if there are obsolete, redundant, or inaccurate laws that should be eliminated.

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

Sens. Scherber, Mathern, Thane, Wogsland and Rep. Oban introduced:

SCR 4062: A concurrent resolution directing the Legislative Council to study the effectiveness of economic development programs in creating quality jobs, the relationship between economic development efforts and welfare reform efforts, and ways in which economic development programs can be structured to help recipients of aid to families with dependent children achieve self-sufficiency.

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

Sen. Kelsh introduced:

(Approved by the Delayed Bills Committee)

SCR 4063: A concurrent resolution urging the Federal Railroad Administration to require railroads to provide for the application and maintenance of highly reflectorized materials on both sides of all railcars.

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

FIRST READING OF HOUSE BILLS

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; to create and enact sections 23-12-10.4 and 48-08-04.1 of the North Dakota Century Code, relating to smoking in state-owned or leased buildings and control over certain legislative committee rooms; to provide for a technology applications committee of members from the budget section; and to declare an emergency.

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

HB 1002: A BILL for an Act to provide an appropriation for defraying the expenses of the judicial branch; and to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to the salaries of supreme and district court judges.

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

HB 1003: A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system and the various institutions of higher learning under the supervision of the state board of higher education; to provide an exemption to the provisions of section 54-44.1-11; and to authorize an agreement for the operation and leasing of the North Dakota state art gallery.

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

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the North Dakota state university extension service, the northern crops institute, and the North Dakota agricultural experiment station; and to declare an emergency.

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

HB 1006: A BILL for an Act to provide an appropriation for defraying the expenses of the state department of health and consolidated laboratories and requiring the state department of health and consolidated laboratories to bill Indian health service for the cost of providing services on Indian reservations.

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

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the aeronautics commission and the adjutant general for the civil air patrol.

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

- HB 1013:** A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1014:** A BILL for an Act making an appropriation for defraying the expenses of the various divisions under the supervision of the director of the department of transportation.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1015:** A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1017:** A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission; to authorize transfers; to amend and reenact subsection 2 of section 57-61-01.5 of the North Dakota Century Code, relating to deposits in the lignite research fund; to repeal section 14 of chapter 38 of the 1993 Session Laws, relating to transfers from the Bank of North Dakota; and to declare an emergency.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1018:** A BILL for an Act making an appropriation for defraying the expenses of the department of corrections and rehabilitation.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1021:** A BILL for an Act making an appropriation for defraying the expenses of the department of economic development and finance; providing for transfers of funds; providing for the reallocation of funds; to provide for wage requirements for economic development projects; to create and enact a new chapter to title 10 of the North Dakota Century Code, relating to the establishment of the North Dakota development fund; to amend and reenact section 54-34.3-08 of the North Dakota Century Code, relating to patent and royalty rights of the North Dakota development fund; and to repeal chapter 10-30.3 of the North Dakota Century Code, relating to the North Dakota future fund.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1022:** A BILL for an Act making an appropriation for defraying the expenses of the state board for vocational and technical education.
Was read the first time and referred to the **Appropriations Committee**.
- HB 1050:** A BILL for an Act to create and enact two new sections to chapter 23-01, two new sections to chapter 23-17.5, a new chapter to title 26.1, two new sections to chapter 26.1-36, a new chapter to title 32, and two new sections to chapter 50-24.1 of the North Dakota Century Code, relating to the health council, cost and quality review program, modifying preexisting conditions limitations, providing for guaranteed renewal of health insurance products, modified community rating, insurance reimbursement to advanced registered nurse practitioners, establishing a standard benefits package, establishing limits on damages and contingency fees and providing for alternative dispute resolution for medical malpractice claims, and expanding medical assistance; to amend and reenact sections 23-01-02, 23-17.5-01, 23-17.5-02, 23-17.5-03, 23-17.5-04, 23-17.5-07, 23-17.5-08, 23-17.5-10, 23-17.5-11, subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, subsection 2 of section 26.1-08-06, subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, subdivision e of subsection 2 of section 26.1-36-04, sections 26.1-36-05, 26.1-36-22, subsections 11 and 23 of section 26.1-36.3-01, and subsection 1 of section 26.1-36.3-04 of the North Dakota Century Code, relating to membership of the health council, supervision of health care provider

cooperatives, maximum lifetime benefits of a qualified health coverage plan, guaranteed renewal of health insurance products, modified community rating, insurance reimbursement to advanced registered nurse practitioners, and expansion of medical assistance coverage; to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to insurance reimbursement for nurses; to provide a penalty; to provide an appropriation; to provide for application and retroactive application; to provide for a legislative council study; and to declare an emergency.

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

HB 1076: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly.

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

HB 1090: A BILL for an Act to create and enact a new subsection to section 47-30.1-01 and section 47-30.1-16.1 of the North Dakota Century Code, relating to definitions applicable to the Uniform Unclaimed Property Act and unclaimed mineral proceeds; to amend and reenact subsection 1 of section 47-30.1-02, subsection 1 of section 47-30.1-05, subsection 4 of section 47-30.1-06, subsections 1 and 3 of section 47-30.1-07, section 47-30.1-10, subsection 1 of section 47-30.1-12, section 47-30.1-13, subsection 1 of section 47-30.1-14, sections 47-30.1-16, 47-30.1-17, subsections 1 and 4 of section 47-30.1-18, section 47-30.1-19.1, subsection 3 of section 47-30.1-24, and subsection 1 of section 47-30.1-35 of the North Dakota Century Code, relating to abandoned property under the Uniform Unclaimed Property Act; and to repeal sections 47-30.1-19 and 47-30.1-21 of the North Dakota Century Code, relating to the payment or delivery of and the crediting of dividends accrued on abandoned property.

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

HB 1094: A BILL for an Act to create and enact a new section to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota Century Code, relating to additional motor vehicle fuels taxes and special fuels taxes to be imposed if additional federal highway matching funds become available; to repeal sections 1 and 2 of chapter 573 of the 1993 Session Laws, relating to additional motor vehicle and special fuels taxes; to provide an appropriation; to provide an effective date; and to provide an expiration date.

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

HB 1131: A BILL for an Act to amend and reenact sections 29-26-22, 29-26-22.2, and 29-27-02.1 of the North Dakota Century Code, relating to imposition and disposition of fines and fees for violation of state law; to provide an effective date; and to provide an expiration date.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1151: A BILL for an Act to amend and reenact subsections 9 and 10 of section 27-20-02 of the North Dakota Century Code, relating to the definitions of traffic offense, unruly child, and implied consent to determine alcohol and drug content of blood.

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

HB 1155: A BILL for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to viatical settlements.

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

HB 1165: A BILL for an Act to create and enact a new subsection to section 10-04-09, a new subsection to section 10-04-10.1, a new subsection to section 10-04-11, a new subsection to section 10-04-15, a new subsection to section 10-04-18, a new subsection to section

43-10.1-06.1, a new section to chapter 43-10.1, a new subsection to section 51-19-09, a new subsection to section 51-19-11, a new subsection to section 51-19-13, a new subsection to section 51-23-07, a new subsection to section 51-23-20, and a new section to chapter 51-23 of the North Dakota Century Code, relating to statutes of limitations and civil remedies for certain commodities activities; to amend and reenact subsection 1 of section 10-04-17, subsection 1 of section 43-10.1-06.2, section 43-10.1-08, subsection 5 of section 51-19-12, and subdivisions f and g of subsection 2 of section 51-19-13 of the North Dakota Century Code, relating to statutes of limitations for certain securities and commodities activities and civil remedies for violations of certain pre-need funeral activities and franchise investment activities; and to provide a penalty.

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

HB 1168: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to interest and penalty for licensed gaming organizations; to amend and reenact section 53-06.1-01, subsection 2 of section 53-06.1-01.1, sections 53-06.1-02, 53-06.1-03, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1, 53-06.1-06, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.2, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to definitions under the games of chance laws, qualifications of gaming commission members, use of net proceeds, allowable games and prize limitations, conditional site authorization, two organizations conducting games on a site, license fees, rent limits, regulation of the number of twenty-one tables and sites, persons restricted from being involved in gaming equipment, history background checks, local work permits, allowed games of chance, limitations on hours and participation in games, poker, calcuttas, punchboards, pull tabs, sports pools, twenty-one, raffles, gross proceeds and expenses, organizations using money in certain political activities, gaming taxes, deposits, examination of books and records, distributors and manufacturers, form and display of a license and local permit, reimbursing the attorney general for inspection costs, the statute of limitations, conditional licenses, violation of a law or rule, thefts and fraudulent schemes, ineligibility for local permits and rules; to repeal sections 53-06.1-02.1, 53-06.1-04, 53-06.1-05, and 53-06.1-08.1 of the North Dakota Century Code, relating to waiver of the two-year activity requirement for local permits, local permits, and pull tab prizes; and to provide a penalty.

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

HB 1171: A BILL for an Act to create and enact three new sections to chapter 15-40.1 of the North Dakota Century Code, relating to equalization of per student payments, additional payments for small but necessary schools, and increased weighting factors for students attending school out-of-state; and to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-09, and 15-44-03 of the North Dakota Century Code, relating to per student payments, weighting factors, computation of foundation aid, and apportionment of the state tuition fund.

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

HB 1203: A BILL for an Act to amend and reenact section 54-03-23 of the North Dakota Century Code, relating to return of legislators' copies of the North Dakota Century Code after termination of service.

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

HB 1218: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to sentencing of violent offenders; and to amend and reenact sections 12-54.1-01,

12-54.1-03, subsection 12 of section 12.1-32-02, and section 12.1-32-09 of the North Dakota Century Code, relating to sentence reductions for good or meritorious conduct, presentence investigations, and extended sentences for special dangerous or habitual offenders.

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

HB 1241: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to sponsoring of charity nights by fraternal, veterans', civic, and service organizations; and to amend and reenact subsection 1 of section 53-06.1-07 of the North Dakota Century Code, relating to games of chance.

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

HB 1245: A BILL for an Act to amend and reenact sections 44-08-04 and 54-06-09 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

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

HB 1257: A BILL for an Act to create and enact three new subsections to section 57-51.1-01 and two new subsections to section 57-51.1-03 of the North Dakota Century Code, relating to definitions and exemptions for purposes of the oil extraction tax; to amend and reenact subsection 8 of section 57-51.1-01 and subsection 3 of section 57-51.1-03 of the North Dakota Century Code, relating to stripper wells and oil extraction tax exemptions for certain inactive wells, horizontal reentry wells, and horizontal wells; to provide an effective date; and to declare an emergency.

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

HB 1284: A BILL for an Act to amend and reenact subsection 1 of section 28-32-02 and sections 28-32-03 and 28-32-03.3 of the North Dakota Century Code, relating to the authority of the administrative rules committee over the effectiveness of administrative rules; and to provide an effective date.

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

HB 1289: A BILL for an Act to create and enact two new sections to chapter 10-30.4 of the North Dakota Century Code, relating to the establishment of the technology transfer economic development fund and the authority of technology transfer, incorporated; to amend and reenact sections 4-01-19, 6-09.10-02.1, 10-30.3-11, and 10-30.4-03 of the North Dakota Century Code, relating to an agriculture marketing bureau, the duties of the credit review board, the income level requirement of the North Dakota future fund, and the organization and management of technology transfer, incorporated; and to provide a continuing appropriation.

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

HB 1290: A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the appointment of members of the committee on protection and advocacy; to provide for application of this Act; to provide an effective date; and to declare an emergency.

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

HB 1291: A BILL for an Act to amend and reenact subsection 8 of section 57-38-01 and subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to computation of state individual, estate, and trust income tax liability if federal income taxes are substantially reduced; to provide an effective date; and to provide an expiration date.

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

HB 1305: A BILL for an Act to amend and reenact sections 61-32-03 and 61-32-07 of the North Dakota Century Code, relating to drainage permits and closing drains; to repeal sections 61-32-01, 61-32-02, 61-32-04, 61-32-05, 61-32-06, 61-32-09, and 61-32-11 of the North Dakota Century Code, relating to wetlands.

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

HB 1320: A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to requirements for fishing guides.

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

HB 1334: A BILL for an Act relating to the killing or injury of certified, law enforcement support dogs; and to provide a penalty.

Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1344: A BILL for an Act to amend and reenact section 57-15-37.1 of the North Dakota Century Code, relating to township levies for airport purposes; and to provide an effective date.

Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1355: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-03, section 53-06.1-06, and subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to licensure of eligible organizations and allowable expenses for games of chance.

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

HB 1360: A BILL for an Act to amend and reenact section 57-02.2-03 of the North Dakota Century Code, relating to the authority of cities and counties concerning property tax exemptions for improvements to commercial and residential buildings and structures; and to provide an effective date.

Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1363: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to publication of false information in political advertisements; and to provide a penalty.

Was read the first time and referred to the **Political Subdivisions Committee.**

HB 1365: A BILL for an Act to amend and reenact subsection 2 of section 53-06.2-11 of the North Dakota Century Code, relating to uses of racing funds in excess of expenses.

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

HB 1375: A BILL for an Act to create and enact two new subsections to section 20.1-01-02 of the North Dakota Century Code, relating to definitions for the purpose of the regulation of boating; and to amend and reenact section 20.1-13-07 of the North Dakota Century Code, relating to the operation of motorboats, vessels, and personal watercraft.

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

HB 1378: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

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

HB 1379: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

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

HB 1392: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carrier regulation by the department of transportation and enforcement by the highway patrol; to provide a penalty; and to provide an effective date.

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

HB 1399: A BILL for an Act limiting claims by community service workers.

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

HB 1415: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the establishment of a legislative ethics committee.

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

HB 1416: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to declare an emergency.

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

HB 1426: A BILL for an Act to amend and reenact section 15-21-01 of the North Dakota Century Code, relating to gubernatorial appointment of the superintendent of public instruction; to repeal section 15-21-01.1 of the North Dakota Century Code, relating to the office of the superintendent of public instruction; and to provide a contingent effective date.

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

HB 1432: A BILL for an Act to create and enact two new sections to chapter 16.1-11 of the North Dakota Century Code, relating to the conduct of a presidential preference primary; to amend and reenact sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and subsection 2 of section 16.1-12-02.2, relating to the date of the presidential preference primary; to provide an appropriation; and to provide an expiration date.

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

HB 1439: A BILL for an Act to amend and reenact sections 54-12-08 and 65-02-06 of the North Dakota Century Code, relating to assistant attorneys general employed by agencies.

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

HB 1441: A BILL for an Act to create and enact a new section to chapter 6-03 and three new sections to chapter 6-08.3 of the North Dakota Century Code, relating to bank powers and interstate banking and branching; to amend and reenact sections 6-01-17, 6-01-17.2, subsection 8 of section 6-03-02, sections 6-03-11, 6-03-13.1, 6-03-13.4, 6-03-14.1, 6-07-04.2, 6-08.3-01, 6-08.3-04, 6-08.3-13, 6-10-03, 57-35-02.1, and 57-35.2-02.2 of the North Dakota Century Code, relating to interstate banking and branching and taxation of financial institutions; to repeal subsection 7 of section 6-01-17.1, sections 6-03-14, 6-03-15, 6-03-16, 6-03-17, 6-03-18, 6-03-19, 6-08.3-02, 6-08.3-03, 6-08.3-05, 6-08.3-06, 6-08.3-07, 6-08.3-08, 6-08.3-09, 6-08.3-10, 6-08.3-11, 6-08.3-12, and 6-08.3-14 of the North Dakota Century Code, relating to banking; and to provide an effective date.

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

HB 1461: A BILL for an Act to create and enact two new sections to chapter 23-17.3 of the North Dakota Century Code, relating to a penalty for a violation of home health agency licensure and the development of annual licensure fees; and to amend and reenact section 23-17.3-01 and subsection 1 of section 23-17.3-05 of the North Dakota Century Code, relating to standards of home health agency licensure.

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

HB 1487: A BILL for an Act to create and enact a new section to chapter 47-16 of the North Dakota Century Code, relating to the definition of dwelling unit.

Was read the first time and referred to the **Political Subdivisions Committee**.

HB 1496: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school reports.

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

HB 1501: A BILL for an Act to create and enact a new subsection to section 54-44.3-20 of the North Dakota Century Code, relating to exceptions from categories of positions in the state service; and to amend and reenact sections 54-44.3-03, 54-44.3-07, and 54-44.3-12.2 of the North Dakota Century Code, relating to the composition and duties of the state personnel board and appeal procedures for state employee complaints.

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

HB 1502: A BILL for an Act to amend and reenact subsection 12 of section 63-01.1-02 of the North Dakota Century Code, relating to the definition of noxious weeds and pests.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3023: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

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

HCR 3033: A concurrent resolution directing the Legislative Council to study the role and mission of the Milk Stabilization Board, including the effectiveness and necessity of regulating the production, transportation, processing, storage, distribution, and sale of milk and milk products.

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

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

William C. Parker, Secretary