

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, February 28, 1995

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

The prayer was offered by Pastor Dale V. Nabben, Heart River Lutheran Church, Mandan.

The roll was called and all members were present except Senators Lee, Solberg, and Tallackson.

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: SCR 4032.

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

MR. SPEAKER: The Senate has failed to pass: HB 1081.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1040, HB 1042, HB 1137, HB 1142, HB 1144, HB 1242, HB 1319, HB 1357, HB 1364, HB 1410, HB 1483.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2078, SB 2092, SB 2129, SB 2144, SB 2162, SB 2197, SB 2201, SB 2222, SB 2266, SB 2287, SB 2299, SB 2364, SB 2431, SB 2479, SB 2493, SB 2523.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2150.

## HOUSE AMENDMENTS TO SENATE BILL NO. 2150

Page 1, line 3, after "tax" insert "; and to declare an emergency"

Page 1, after line 13, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2124, SB 2189, SB 2191, SB 2199, SB 2333, SCR 4015.

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

MR. SPEAKER: The President has signed: HB 1056, HB 1085, HB 1095, HB 1101, HB 1107, HB 1113, HB 1114, HB 1118.

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

MR. SPEAKER: The President has signed: HB 1079, HB 1096, HB 1143, HB 1158, HB 1197, HB 1438, HB 1480.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1056, HB 1085, HB 1095, HB 1101, HB 1107, HB 1113, HB 1114, HB 1118.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1079, HB 1096, HB 1143, HB 1158, HB 1197, HB 1438, HB 1480.

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

MADAM PRESIDENT: The Speaker has signed: SB 2032, SB 2048, SB 2077, SB 2119, SB 2125, SB 2126, SB 2153, SB 2165, SB 2168, SB 2169, SB 2184, SB 2185, SB 2337, SB 2346, SCR 4004.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills and resolution were delivered to the Governor for his approval at the hour of 8:55 a.m., February 28, 1995: SB 2032, SB 2048, SB 2077, SB 2119, SB 2125, SB 2126, SB 2153, SB 2165, SB 2168, SB 2169, SB 2184, SB 2185, SB 2337, SB 2346, SCR 4004.

**THE SENATE RECOGNIZED THE PRESENCE OF:**

Former Senator Herb Geving.

**CONSIDERATION OF AMENDMENTS**

SCR 4027: SEN. GRINDBERG (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 773 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SCR 4047: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 774 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SCR 4056: SEN. CHRISTMANN (Natural Resources Committee) MOVED that the amendments on SJ page 775 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1100: SEN. SAND (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 775 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HCR 3027: SEN. KELSH (Transportation Committee) MOVED that the amendments on SJ page 779 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

HB 1124, as engrossed: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ pages 775-778 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

**SECOND READING OF HOUSE BILL**

HB 1124: A BILL for an Act to amend and reenact sections 4-10.4-08, 4-10.4-09, 4-24-10, 4-28-07, and 4-28-08 of the North Dakota Century Code, relating to agricultural commodity group reports, commodity taxes, and refunds; 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

Engrossed HB 1124, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

SCR 4057: A concurrent resolution urging the United States Secretary of Agriculture to consider North Dakota's cooperative grazing associations as models for successful federal land use and to create a separate entity for the management of grasslands.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4057 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

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 assistance to the parents of nonpublic schoolchildren.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

Engrossed SCR 4059 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

SCR 4036: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota badlands.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4036 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

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.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4063 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

HB 1046: A BILL for an Act to amend and reenact section 15-21-18 of the

North Dakota Century Code, relating to joint meetings and cooperative activities of the boards of higher education, vocational and technical education, and public school education.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; 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

**NAYS:** Christmann

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1046, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1103:** A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state employee travel reimbursement.

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

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1103, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1070:** A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to the fee for a nonresident reciprocal trapping license; and to amend and reenact subsection 2 of section 20.1-03-07 and section 20.1-03-10 of the North Dakota Century Code, relating to nonresident reciprocal trapping licenses.

**ROLL CALL**

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

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik;

Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Wogsland

**ABSENT AND NOT VOTING:** Tallackson

HB 1070 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1102:** A BILL for an Act to amend and reenact section 43-07-12 of the North Dakota Century Code, relating to exemptions from contractor's bid requirements.

**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

Engrossed HB 1102 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1105:** A BILL for an Act to create and enact sections 20.1-03-32, 20.1-03-33, and 20.1-03-34 of the North Dakota Century Code, relating to establishing a computer hunting and fishing license system.

**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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bowman; O'Connell; Solberg; Stenehjem, B.; Thane

**ABSENT AND NOT VOTING:** Tallackson

Engrossed HB 1105 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1106:** A BILL for an Act to amend and reenact section 20.1-08-04.5 of the

North Dakota Century Code, relating to the governor's proclamation concerning the hunting of deer with muzzleloading firearms.

#### ROLL CALL

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

**YEAS:** Andrist; Bowman; Christmann; 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

**NAYS:** DeMers

**ABSENT AND NOT VOTING:** Tallackson

HB 1106 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1126:** A BILL for an Act to create and enact three new sections to chapter 54-52.1 and four new subsections to section 54-52.1-02 of the North Dakota Century Code, relating to dental, vision, long-term care, and employee assistance benefits coverage under the uniform group insurance program; and to amend and reenact subsection 6 of section 54-52-04 of the North Dakota Century Code, relating to the authority of the retirement board.

#### 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

HB 1126 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1127:** A BILL for an Act to amend and reenact subsection 8 of section 54-52-01 of the North Dakota Century Code, relating to definitions for purposes of the public employees retirement system.

#### 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

HB 1127 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact subdivision b of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the computation of benefits for participants in the judges' system under the public employees retirement system.

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

HB 1128 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to orders issued by the commissioner of labor.

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

HB 1188 passed and the title was agreed to.

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SECOND READING OF HOUSE BILL

HB 1219: A BILL for an Act to create and enact a new section to chapter 65-04 of the North Dakota Century Code, relating to employer relief for third-party lawsuit recovery; to amend and reenact section 65-05-07.2 of the North Dakota Century Code, relating to requiring a third party

to pay the workers compensation bureau for certain claims; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO 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

Grossed HB 1219 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1285:** A BILL for an Act to amend and reenact subsection 1 of section 51-07-18 of the North Dakota Century Code, relating to refunds for defective passenger motor vehicles.

#### 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

HB 1285 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**SCR 4045:** A concurrent resolution directing the Legislative Council to study the effects of blackbirds on agricultural crop production, the level of depredation in the state, and the short-term and long-term effects of continued depredation on the species, the environment, and rural North Dakota in general.

**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.

**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.

**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.

#### ROLL CALL

The question being on the final adoption of the resolutions, which have been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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; Uriacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Tallackson; Yockim

SCR 4045, SCR 4052, SCR 4054, and SCR 4062 were declared adopted and the titles were agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. W. STENEHJEM MOVED** that the Senate do concur in the House amendments to SB 2120 as printed on SJ page 755, which motion prevailed on a voice vote.

SB 2120, as amended, was placed on the Eleventh order.

#### SECOND READING OF SENATE BILL

**SB 2120:** A BILL for an Act to amend and reenact section 29-01-01 of the North Dakota Century Code, relating to prosecution of crimes; and to declare an emergency.

#### 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; Tennefos; Thane; Tomac; Traynor; Uriacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2120 passed, the title was agreed to, and the emergency clause was declared carried.

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#### MOTION

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

#### MOTION

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

## REPORT OF STANDING COMMITTEE

**SCR 4049: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4049 was placed on the Sixth order on the calendar.

Page 1, after line 6, insert:

"WHEREAS, federal regulations require a periodic review of child support guidelines; and"

Page 1, line 10, remove "as they relate to persons who are obligors"

Page 1, line 19, remove the first "guidelines" and remove "the existence of inequities in" and after the second "guidelines" insert "that became effective January 1, 1995" and remove "as they"

Page 1, line 20, remove "relate to the obligor"

Page 1, line 22, replace "treatment of multiple support obligations," with "and"

Page 2, line 1, remove ", and the effectiveness of the child support guidelines"

Page 2, line 2, replace "recently adopted by the Department of Human Services." with "; and"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**SCR 4055: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4055 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

**SCR 4058: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4058 was placed on the Sixth order on the calendar.

Page 1, line 5, replace "children" with "persons"

Page 1, after line 7, insert:

"WHEREAS, out-of-home mental health services are provided in an equal manner regarding residence of families, unrealistic time lines, and requirements of court action to receive services; and"

WHEREAS, it has been documented that the need for state-appropriated funds underlies all identified solutions to this problem and the Fifty-fourth Legislative Assembly was unable to provide adequate funding to begin to address the identified solutions; and"

Page 1, line 16, replace "study the feasibility and desirability of" with "determine how"

Page 1, line 17, remove "providing"

Page 1, line 18, after "children" insert "may be delivered throughout the state"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SCR 4061: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4061 was placed on the Tenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1044: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1094, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1094 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "eighty-one" with "seventy-five"

Page 3, line 14, replace "eighty-one" with "seventy-five"

Renumber accordingly

## REPORT OF STANDING COMMITTEE

HB 1109: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1136: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1136 was rereferred to the Appropriations Committee.

## REPORT OF STANDING COMMITTEE

HB 1202: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1202 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1262, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1262 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1333: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1333 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1348, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1348 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1395: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1395 was placed on the Fourteenth order on the calendar.

## REPORT OF STANDING COMMITTEE

HB 1396: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1396 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary