

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 29, 1997

The Senate convened at 1:00 p.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Captain Dale Sherod, The Salvation Army Corps Community Center, Bismarck.

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

A quorum was declared by the President Pro Tem.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1073, HB 1083, HB 1084, HB 1094, HB 1117, HB 1118, HB 1122, HB 1161, HB 1181, HB 1186, HB 1203, HB 1232, HB 1242, HB 1246, HB 1254, HB 1320.

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 2041, SB 2043, SB 2048, SB 2058, SB 2077, SB 2137, SB 2170, SB 2201, SCR 4004, SCR 4009.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1128.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator E. Gene Hilken.

CONSIDERATION OF AMENDMENTS

SCR 4010: SEN. COOK (Education Committee) MOVED that the amendments on SJ page 174 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. LEE MOVED that SB 2282 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LEE REQUESTED the unanimous consent of the Senate to withdraw SB 2282. There being no objection, it was so ordered by the President Pro Tem.

SECOND READING OF SENATE BILL

SB 2049: A BILL for an Act to create and enact section 37-17.1-14.5 of the North Dakota Century Code, relating to the interstate mutual aid agreement or compact; to amend and reenact sections 37-17.1-04, 37-17.1-14.2, and 37-17.1-14.3 of the North Dakota Century Code, relating to interstate mutual aid agreements; to repeal section 37-17.1-14.4 of the North Dakota Century Code, relating to the mutual aid agreement or compact; 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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Cook; Klein; Mutch; Naaden; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bowman; Nalewaja

Engrossed SB 2049 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2055: A BILL for an Act to amend and reenact section 50-11.1-13.1 of the North Dakota Century Code, relating to a penalty for providing certain childhood services.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Nalewaja

Engrossed SB 2055 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the provision of paid leave for disaster services volunteers.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2057 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to create and enact section 38-08-04.12 of the North Dakota Century Code, relating to liens of the industrial commission on well-site equipment; and to amend and reenact subdivision g of subsection 1 of section 38-08-04.5 of the North Dakota Century Code, relating to deposit of money in the abandoned oil and gas well plugging and site reclamation fund.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2082 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2090: A BILL for an Act to amend and reenact section 39-09-01 of the North Dakota Century Code, relating to careless driving involving snow removal equipment; to provide a penalty; 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2090 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to amend and reenact section 54-06-25 of the North Dakota Century Code, relating to the appointment of members to the state employees compensation commission; 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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2138 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to permitted uses of the great seal; 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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg;

St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2150 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to require the Environmental Protection Agency to use Canadian data in its registration of crop protection chemicals appropriate for canola.

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

Engrossed SCR 4008 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2178: A BILL for an Act to amend and reenact section 26.1-23.1-05 of the North Dakota Century Code, relating to the investment of government self-insurance pool funds.

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

YEAS: Cook; Kelsh; Kinnoin; Lips; Nelson, C.; O'Connell

NAYS: Andrist; Berg; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2178 lost.

SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the qualifications of members of the board of election.

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 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Grindberg; Heitkamp; Kelsh; Kinnoin; Kringstad; Lindaas; Mathern; Mutzenberger; Nelson, C.; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Wogsland

NAYS: Christmann; Cook; Fischer; Freborg; Goetz; Holmberg; Klein; Krauter; Krebsbach; LaFountain; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Tomac; Urlacher; Watne; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2276 lost.

SECOND READING OF SENATE BILL

SB 2290: A BILL for an Act to amend and reenact sections 16.1-11-21, 16.1-11-22, and 16.1-11-30 of the North Dakota Century Code, relating to the form of the primary election ballot.

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

YEAS: Andrist; Berg; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: DeMers; Schobinger

ABSENT AND NOT VOTING: Bowman

SB 2290 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to provide an appropriation for the development and delivery of continuing education units for teachers.

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 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman

SB 2297 lost.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact a new section to chapter 50-22 of the North Dakota Century Code, relating to licensing of charitable organizations.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2307 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1060: A BILL for an Act to amend and reenact subsection 2 of section 6-01-03, sections 6-01-04, 6-01-04.3, subsection 7 of section 6-03-02, sections 6-03-07, 6-03-21, subsection 1 of section 6-03-47.2, sections 6-03-69, 6-03-71, subsections 5 and 6 of section 6-06-02, subsection 12 of section 6-06-06, subsection 1 of section 6-06-08, sections 6-06-19, 6-06-21.1, and 6-06-26 of the North Dakota Century Code, relating to the membership of the state credit union board and the powers and duties of the state banking board and state credit union board; and to repeal section 6-06-18 of the North Dakota Century Code, relating to state credit union board approval of interest rates.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed HB 1060 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1091: A BILL for an Act to amend and reenact sections 30.1-31-10 and 30.1-31-19 of the North Dakota Century Code, relating to alteration of rights and discharge under nonprobate transfers on death.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

HB 1091 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1130: A BILL for an Act to amend and reenact section 15-21.1-03 of the North Dakota Century Code, relating to chemical abuse prevention program grants to school districts.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman

HB 1130 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2260 be returned to the Senate floor from the **Finance and Taxation Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2260 was rereferred.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 30, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2018: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2018 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2032, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed SB 2032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2068: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2068 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "subsection 3 of section 27-08.1-01,", replace the second "and" with a comma, and after "27-08.1-04" insert ", and 27-08.1-05"

Page 1, line 2, after "to" insert "small claims judgments and the" and after "actions" insert "; and to repeal section 27-08.1-06 of the North Dakota Century Code, relating to docketing and execution of small claims judgments"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 27-08.1-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. Except for an action under subdivision e of subsection 2, the defendant may elect to remove the action to a small claims court in the defendant's county of residence. ~~No~~ A claim may ~~not~~ be filed by an assignee of that claim. ~~No~~ A garnishment or attachment may ~~not~~ issue from this court until after judgment is entered."

Page 2, after line 12, insert:

"SECTION 4. AMENDMENT. Section 27-08.1-05 of the North Dakota Century Code is amended and reenacted as follows:

27-08.1-05. Judgment. The court ~~will~~ shall enter a written judgment indicating its decision on all cases filed with the court on the basis of the evidence presented. A judgment must be entered even if either party fails to appear at the hearing. The court may award the costs of the action to the prevailing party. A judgment of the small claims court has the same force, effects, and attributes of a judgment of the district court.

SECTION 5. REPEAL. Section 27-08.1-06 of the 1995 Supplement to the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2084: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2084 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2102, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2102 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "thirteen" with "thirty-three"

Page 1, line 19, replace "forty-six" with "sixty-six"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2140: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2151: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2151 was placed on the Sixth order on the calendar.

Page 4, overstrike lines 17 through 20

Page 4, line 21, overstrike "statement," and overstrike "swear that I am a resident of the township of _____, or"

Page 4, overstrike line 22

Page 4, line 23, overstrike "_____in", remove "the", and overstrike "county of _____ and state of North Dakota, and"

Page 4, line 24, overstrike "entitled to vote in such precinct at the next election"

Page 4, overstrike line 28 and insert immediately thereafter:

"Precinct _____
 Name _____
 Residential Address _____
 City _____ ND Zip Code _____
 Under penalty of possible criminal prosecution for making a false statement, I swear that the above residential address is my address for voting purposes, that I have resided in my precinct for at least thirty days, and this is the only ballot I will cast in this election.
 Applicant's Signature _____
 Date _____"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Sixth order on the calendar.

Page 4, line 13, replace "second" with "third"

Page 5, line 28, replace "twentieth" with "thirty-third"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2183: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "forty" with "twenty"

Page 1, line 10, after the period insert "Upon a resolution adopted by the board of recreation service district commissioners, a levy of up to an additional twenty mills on the taxable property in the district may be levied if approved by a majority of voters of the recreation service district qualified under section 11-28.2-03."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2186: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2186 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2194: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2194 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2222: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2237: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 3, line 1, remove "- Use of"

Page 3, line 2, remove "state revenue permitted"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2247: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2250: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2280: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2280 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2281: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2281 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2303: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2303 was placed on the Sixth order on the calendar.

Page 1, line 14, remove the overstrike over "~~platted on or after March 30, 1981,~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3003: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3003 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3004: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3004 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3005: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3007: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3007 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. St. Aubyn, DeMers, Krebsbach and Reps. Christopherson, Delmore, Mickelson introduced:

SCR 4022: A concurrent resolution directing the Legislative Council to study the public utility territorial integrity laws of this state.

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

Sens. B. Stenehjem, Lee, Wogsland and Reps. Brown, Christenson, Wardner introduced:

SCR 4023: A concurrent resolution directing the Legislative Council to study the process of privatization and contracting for public sector services.

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

Sens. Mathern, DeMers, Lee, G. Nelson and Reps. Boucher, Dorso introduced:

SCR 4024: A concurrent resolution directing the Legislative Council to study the development of an electronic mail policy for governmental entities.

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

Sens. Nalewaja, Cook, C. Nelson, Robinson and Reps. Grande, Kliniske introduced:

SCR 4025: A concurrent resolution directing the Legislative Council to study the effects of sexual abuse on child victims, strategies to assist child victims and the parents of child victims, effective deterrents, and the need for training of professionals, public awareness initiatives, and training of school personnel in the recognition of victims and in prevention activities.

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

Sens. DeMers, Mathern, C. Nelson and Reps. Guleson, Jensen, Wentz introduced:

SCR 4026: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a statewide domestic violence task force to address domestic violence prevention issues and adopt a statewide domestic violence prevention strategy.

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

Sens. Wanzek, Kelsh and Reps. D. Johnson, Murphy, Schmidt, Wilkie introduced:

SCR 4027: A concurrent resolution requesting the North Dakota Department of Transportation to study the feasibility and desirability of upgrading United States Highway 281 to an all-year load-free highway.

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

Sens. W. Stenehjem, G. Nelson and Rep. Kliniske introduced:

SCR 4028: A concurrent resolution for the amendment of subdivision d of subsection 6 of section 6 of article VIII of the Constitution of North Dakota, relating to appropriations for the institutions of higher education.

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

Sens. O'Connell, Kelsh, Krauter, Thompson, Wogsland introduced:

SCR 4029: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to dedication and distribution of a portion of sales, use, and motor vehicle excise tax revenues to political subdivisions for state revenue sharing and personal property tax replacement; and to provide an effective date.

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

Sens. DeMers, Kinnoin, Traynor and Reps. Christopherson, D. Johnson, Kerzman introduced:
SCR 4030: A concurrent resolution directing the Legislative Council to study the issues of welfare reform as they relate to the relationship between the state and the federally recognized Indian tribes within the state.

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

Sens. Andrist, Cook, Grindberg, Nething, B. Stenehjem introduced:

SCR 4031: A concurrent resolution for the amendment of section 2 of article V, subsection 2 of section 6 of article VIII, and section 3 of article IX of the Constitution of North Dakota, relating to the elimination of the superintendent of public instruction and the tax commissioner as constitutionally elected officials, the nomination of candidates for the state board of higher education, and the composition of the board of university and school lands; to provide for application; and to provide an effective date.

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

Sens. Tomac, Kelsh and Reps. Brandenburg, Brown, DeKrey, Renner introduced:

SCR 4032: A concurrent resolution urging the United States Department of Agriculture to support efforts to restore competition in the livestock packing industry.

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

Sens. Tomac, Freborg and Reps. Grosz, Mahoney introduced:

SCR 4033: A concurrent resolution urging the Congress of the United States and the United States Army Corps of Engineers to assume responsibility for Missouri River bank erosion downstream from all Pick-Sloan Project dams, including the Garrison Dam to Oahe Reservoir reach in North Dakota, and to continue a program of annually appropriating funds for the maintenance and construction of bank protection projects.

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

Sens. Tomac, Freborg and Reps. Grosz, Mahoney introduced:

SCR 4034: A concurrent resolution urging the United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan Project.

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

Sens. Thompson, LaFountain, Wogsland and Reps. Kerzman, Warner, Wilkie introduced:

SCR 4035: A concurrent resolution congratulating the North American Indigenous Games TEAM North Dakota, an indigenous sports organization comprised of members from the Spirit Lake Nation; Standing Rock Sioux; Three Affiliated Tribes; and Turtle Mountain Band of Chippewa, for successfully securing the bid to host the 1999 North American Indigenous Games in Fargo, North Dakota, to be held July 28 through August 27, 1999.

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

FIRST READING OF HOUSE BILLS

HB 1073: A BILL for an Act relating to establishing a water supply for eastern North Dakota as a critical priority.

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

HB 1083: A BILL for an Act to amend and reenact subsection 8 of section 39-20-07 of the North Dakota Century Code, relating to the testing for driving while intoxicated.

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

HB 1084: A BILL for an Act to amend and reenact subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to testimony on testing for driving while intoxicated.

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

HB 1094: A BILL for an Act to amend and reenact section 20.1-08-04.2 of the North Dakota Century Code, relating to the North Dakota game warden association raffle.

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

HB 1117: A BILL for an Act to amend and reenact subsection 3 of section 37-15-14.1 of the North Dakota Century Code, relating to the fund for deposit of membership contributions to the veterans' home; and to provide for a transfer.

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

HB 1118: A BILL for an Act to amend and reenact subsection 3 of section 37-19.1-04 of the North Dakota Century Code, relating to requests for administrative hearings from the commissioner of veterans' affairs.

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

HB 1122: A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to access to the records of the department of transportation.
Was read the first time and referred to the **Transportation Committee**.

HB 1161: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 26.1-36-09, and sections 43-41-01, 43-41-04, 43-41-05, 43-41-10, and 43-41-12 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage and social work licensures; and to repeal sections 43-41-06 and 43-41-12.1 of the North Dakota Century Code, relating to licensing requirements for social workers.
Was read the first time and referred to the **Human Services Committee**.

HB 1181: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to security deposits for motor vehicle fuel franchise agreements.
Was read the first time and referred to the **Transportation Committee**.

HB 1186: A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of fertilizer spreaders.
Was read the first time and referred to the **Transportation Committee**.

HB 1203: A BILL for an Act to amend and reenact section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims.
Was read the first time and referred to the **Transportation Committee**.

HB 1232: A BILL for an Act to amend and reenact subsection 5 of section 43-12.1-09 of the North Dakota Century Code, relating to the licensing requirements for advanced practice registered nurses; and to declare an emergency.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1242: A BILL for an Act to create and enact a new subsection to section 52-06-02 of the North Dakota Century Code, relating to North Dakota unemployment compensation disqualification.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1246: A BILL for an Act to amend and reenact section 15-40.1-07.6 of the North Dakota Century Code, relating to special education per student payments.
Was read the first time and referred to the **Education Committee**.

HB 1254: A BILL for an Act to amend and reenact sections 23-10-05 and 23-10-06 of the North Dakota Century Code, relating to the licensing of mobile home parks, trailer parks, and campgrounds; and to provide a penalty.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

HB 1320: A BILL for an Act to create and enact a new subsection to section 10-15-05, sections 10-15-08.1, 10-15-08.2, and a new subsection to section 10-15-12.1 of the North Dakota Century Code, relating to the articles of association of a cooperative and cooperative names; and to amend and reenact sections 10-15-07, 10-15-36, and 10-15-54 of the North Dakota Century Code, relating to cooperative existence, annual reports, and fees.
Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

William C. Parker, Secretary