

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 5, 1997

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

The prayer was offered by Senator Darlene Watne.

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

A quorum was declared by the President.

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 1132, HB 1147, HB 1238, HB 1274.

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 2007, SB 2011, SB 2074, SB 2116, SB 2122, SB 2136, SB 2141, SB 2217, SB 2238, SB 2239, SB 2266, SB 2272.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Twenty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 224, line 21, remove "the"

MOTION

SEN. SAND MOVED that the report be adopted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2298: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 236 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2334: SEN. LINDAAS (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 236-237 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that SB 2027 be moved to the bottom of the calendar, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Adam Krauter.

SECOND READING OF SENATE BILL

SB 2097: A BILL for an Act to amend and reenact section 4-12.2-16 of the North Dakota Century Code, relating to the duties and powers of the bee inspector.

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 3 YEAS, 44 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Kinnoin; Lindaas; Stenehjem, B.

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn;

Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2097 lost.

SECOND READING OF SENATE BILL

SB 2133: A BILL for an Act to amend and reenact subdivision n of subsection 1 of section 26.1-36-04 and subdivision d of subsection 3 of section 26.1-36.3-06 of the North Dakota Century Code, relating to accident and health insurance and small employer/employee health insurance.

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 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2133 lost.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

MOTION

SEN. G. NELSON MOVED that SB 2144 be rereferred to the **Political Subdivisions Committee**, for an updated actuarial report, which motion prevailed. Pursuant to Sen. G. Nelson's motion, Engrossed SB 2144 was rereferred.

SECOND READING OF SENATE BILL

SB 2164: A BILL for an Act to amend and reenact section 24-05-04 of the North Dakota Century Code, relating to purchases and agreements for the use of road machinery; 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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; 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; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; Sand; Solberg

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2164 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2172: A BILL for an Act to amend and reenact sections 4-22-17, 4-22-22, and 4-22-48 of the North Dakota Century Code, relating to the election of soil conservation district supervisors and consolidation of soil conservation districts.

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

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2172 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to pawnbrokers and secondhand stores; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2185 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the old-age and survivor insurance system tax levy.

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

ABSENT AND NOT VOTING: Bowman; Tallackson

Engrossed SB 2195 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2199: A BILL for an Act to create and enact a new section to chapter 40-47 and a new section to chapter 40-48 of the North Dakota Century Code, relating to conditions for approval of an amendment or modification of a zoning regulation or approval of a plat.

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

YEAS: Andrist; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; 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

NAYS: Berg; Mutzenberger; Nelson, C.; O'Connell; Yockim

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2199 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2162: A BILL for an Act to repeal section 34-06.1-08 of the North Dakota Century Code, relating to posting of copies of the equal pay law 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 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Thompson; Tomac; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2162 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to provide for the advance purchase of tuition credits and to establish a tuition account program; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; Cook; Kinnoin; Klein; Krauter; Krebsbach; Naaden; Nalewaja; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Yockim

NAYS: Andrist; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Urlacher; Wogsland

ABSENT AND NOT VOTING: Bowman

SB 2166 lost.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact subsection 2 of section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign contribution statements required of persons promoting passage or defeat of initiated or referred measures.

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 2184 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2205: A BILL for an Act to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to wage, hour, and conditions of labor 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; 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 2205 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to amend and reenact section 34-14-02 of the North Dakota Century Code, relating to the direct deposit of wages by employers.

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 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Cook; Kinnoin; LaFountain; Solberg; Stenehjem, B.; Thane; Wanzek

ABSENT AND NOT VOTING: Bowman

SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 12.1-20-03, subdivision c of subsection 1 of section 12.1-20-07, subsection 6 of section 19-03.1-05, subsection 4 of section 19-03.1-07, and subsection 4 of section 19-03.1-11 of the North Dakota Century Code, relating to controlled substances in sex crimes and the categorizing of controlled substances.

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 2285 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2288: A BILL for an Act to amend and reenact section 6-03-49.1 of the North Dakota Century Code, relating to associations of state and national banks becoming shareholders in bank service corporations; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tallackson

SB 2288 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2312: A BILL for an Act to amend and reenact sections 15-62.2-00.1 and 15-62.2-03.3 of the North Dakota Century Code, relating to scholarships for postsecondary students.

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; 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

NAYS: Yockim

ABSENT AND NOT VOTING: Bowman

SB 2312 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2313: A BILL for an Act to amend and reenact section 15-21-01 of the North Dakota Century Code, relating to qualifications for the superintendent of public instruction.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Kinnoin; Klein; Lee; Mutch; Naaden; Nalewaja; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Tomac; Urlacher; Wanzek; Yockim

NAYS: Berg; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wogsland

ABSENT AND NOT VOTING: Bowman; Watne

SB 2313 lost.

SECOND READING OF SENATE BILL

SB 2387: A BILL for an Act to amend and reenact section 15-40.3-03 of the North Dakota Century Code, relating to payments for students participating in open enrollment.

ROLL CALL

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

YEAS: Yockim

NAYS: 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

ABSENT AND NOT VOTING: Bowman

SB 2387 lost.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to provide for registration of certain home service providers; and to provide a penalty.

MOTION

SEN. G. NELSON MOVED the question be put at 3:04 p.m., which motion prevailed.

ROLL CALL

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

YEAS: Berg; DeMers; Fischer; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Yockim

NAYS: Andrist; Christmann; Cook; Freborg; Goetz; Grindberg; Kinnoin; Klein; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman

Reengrossed SB 2027 lost for lack of a majority.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, February 6, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2001 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to repeal section 54-03-19 of the North Dakota Century Code, relating to the seal on legislative bills; to provide for retroactive application,"

Page 1, line 14, replace "4,259,577" with "4,136,669"

Page 1, line 15, replace "3,528,845" with "3,450,586"

Page 1, line 18, replace "7,952,816" with "7,751,649"

Page 2, line 2, replace "13,835,548" with "13,634,381"

Page 2, after line 22, insert:

"SECTION 4. REPEAL - RETROACTIVE APPLICATION. Section 54-03-19 of the North Dakota Century Code is repealed retroactive to January 1, 1997."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 150 - LEGISLATIVE ASSEMBLY

SENATE - This amendment makes the following changes:

	1997-99 EXECUTIVE RECOMMENDATION	REDUCE NUMBER OF LEGISLATIVE DAYS BY FIVE	SENATE VERSION
Salaries and wages	\$4,259,577	\$(122,908)	\$4,136,669
Operating expenses	3,528,845	(78,259)	3,450,586
Equipment	15,000		15,000
NCSL	<u>149,394</u>		<u>149,394</u>
Total	<u>\$7,952,816</u>	<u>\$(201,167)¹</u>	<u>\$7,751,649</u>
General fund	\$7,952,816	\$(201,167)	\$7,751,649
Special funds	<u> </u>	<u> </u>	<u> </u>
Total	<u>\$7,952,816</u>	<u>\$(201,167)</u>	<u>\$7,751,649</u>

¹ Reduces the number of legislative days provided for the 1999 legislative session by 5 days, from 77 to 72.

This amendment repeals NDCC Section 54-03-19 as of January 1, 1997. This section required each legislative bill introduced to a legislative session to be imprinted with a seal.

REPORT OF STANDING COMMITTEE

SB 2009: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "Premiums" with "Youth premiums" and replace "280,136" with "320,000"

Page 1, line 11, replace "490,136" with "530,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 665 - STATE FAIR ASSOCIATION

SENATE - This amendment provides that the funding provided for State Fair premiums be paid only to 4-H, FFA, and open-class youth exhibitors rather than all exhibitors at the State Fair and provides \$320,000 from the general fund for the youth premiums. The executive budget had provided \$280,136 from the general fund for premiums for all exhibitors at the State Fair.

REPORT OF STANDING COMMITTEE

SB 2017: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2017 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2088: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2088 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "The" with "There is hereby appropriated from the"

Page 1, line 12, replace "is hereby appropriated on a continuing basis" with "nine hundred fifty thousand dollars or so much of the amount as may be necessary, per biennium."

Page 1, line 14, after the underscored period insert "The director of the office of management and budget shall transfer any unobligated balance in the fund, in excess of one hundred twenty-five thousand dollars, to the state general fund at the end of each fiscal year."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2108, as engrossed: 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). Engrossed SB 2108 was placed on the Sixth order on the calendar.

Page 3, line 12, after the underscored colon insert "the governor."

Page 3, line 13, after the first "board" insert ", if the governor has appointed a pardon advisory board"

Page 3, line 17, after "general" insert "and investigators, consultants, or experts retained by the state; the risk management division of the office of management and budget for the purpose of investigating and defending actions or claims under chapter 32-12.2"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2131: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2131 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 2, after "of" insert "individuals housed or employed by"

Page 1, line 3, remove "subsection 2 of"

Page 1, line 4, replace "of" with "for licensing"

Page 1, line 6, replace "Subsection 2 of section" with "Section"

Page 1, replace lines 8 through 10 with:

"50-11-02. License granted - Term - Conditions.

1. The department shall grant a license for the operation of a facility receiving persons for foster care, for a period of not more than two years, to reputable and responsible persons upon showing that:
 - a. The premises to be used are in fit sanitary condition and properly equipped to provide good care for all persons who may be received;
 - b. The persons in active charge of the facility are properly qualified to carry on efficiently the duties required of them;
 - c. The facility is likely to be conducted for the public good in accordance with sound social policy and with due regard to the health, morality, and well-being of all persons cared for in the facility; and
 - d. The facility will be maintained according to the standards prescribed for its conduct by the rules of the department.
2. Before licensing or approving a facility for providing foster care for children, the department may investigate the background of an individual living or working in the facility shall seek a criminal history record when required by section 2 of this Act. The department shall consider any criminal history record information available at the time a licensing or approval decision is made.
3. The department shall determine, in accordance with rules of the department to determine, whether a license may be issued to a facility that houses or employs any individual who has a criminal record.

SECTION 2. A new section to chapter 50-11 of the North Dakota Century Code is created and enacted as follows:

Criminal background investigation.

1. Except as provided in subsection 6, each facility providing foster care for children shall secure, from a law enforcement agency or any other agency authorized to take fingerprints, two sets of fingerprints and shall provide all other information necessary to secure state criminal history record information and a nationwide background check under the National Child Protection Act of 1993 [Pub. L. 103-209; 107 Stat. 2490; 42 U.S.C. 5119, et seq.], as amended, from:
 - a. Any individual employed by the facility; and
 - b. Any adult living in the facility, but not being provided care in the facility.
2. The facility shall assure that information obtained under subsection 1 is provided to the department.
3. Upon receipt of all fingerprints and necessary information relating to a license request, the department shall submit the information and fingerprints to the bureau of criminal investigation. The department shall provide a copy of any response received from the bureau of criminal investigation to the facility.
4. The bureau of criminal investigation shall request a nationwide background check from the federal bureau of investigation and, upon receipt of a response, provide the response of the federal bureau of investigation to the department. The bureau shall also provide any criminal history record

information that may lawfully be made available under chapter 12-60 to the department.

5. Upon request by the operators of a facility, a law enforcement agency shall take fingerprints of persons described in subdivisions a and b of subsection 1 if the request is made for purposes of this section.
6. This section does not apply to a family foster care home for children if the home was licensed under this chapter on July 31, 1995, and has remained licensed continuously thereafter.
7. The department shall pay the cost of securing fingerprints, any criminal history record information made available under chapter 12-60, and a nationwide background check."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2180: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2180 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2203: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2251: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2275: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2275 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an appropriation"

Page 3, remove lines 19 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2279: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2279 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2289: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2289 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2292: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2292 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2347: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 22, after the underscored period insert "If it appears to the borrower that at the end of the biennium the amount available to repay the amount borrowed plus interest is insufficient to totally repay the Bank of North Dakota, the borrower shall request from the legislative assembly a deficiency appropriation sufficient for the repayment of the amount borrowed plus interest."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2357: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2357 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2377: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2377 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1132: A BILL for an Act to amend and reenact subsection 7 of section 38-12-01 and subsection 10 of section 38-15-02 of the North Dakota Century Code, relating to the definition of subsurface minerals.

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

HB 1147: 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 personnel notification of juvenile offenses; and to amend and reenact subsection 4 of section 27-20-51 of the North Dakota Century Code, relating to school personnel receipt of juvenile orders of disposition.

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

HB 1238: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 and section 6-08-16.2 of the North Dakota Century Code, relating to issuing a check without an account or without sufficient funds.

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

HB 1274: A BILL for an Act to create and enact a new section to chapter 51-14 of the North Dakota Century Code, relating to additional charges on revolving charge accounts.

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

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

William C. Parker, Secretary