

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 11, 1997

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

The prayer was offered by Joanne Spears, Religious Society of Friends (Quaker), Bismarck.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2204, SB 2207, SB 2255, SB 2286, SB 2287, SB 2339, SB 2361, SB 2372, SB 2373, SB 2398.

CONSIDERATION OF AMENDMENTS

SB 2152: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 301-303 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2213: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 303-304 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2232: SEN. WATNE (Political Subdivisions Committee) MOVED that the amendments on SJ page 304 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2242: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 304 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2293: SEN. GRINDBERG (Political Subdivisions Committee) MOVED that the amendments on SJ pages 304-305 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2337: SEN. LINDAAS (Transportation Committee) MOVED that the amendments on SJ page 305 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2355, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. GOETZ MOVED that HB 1032, which is on the Sixth order, be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1032 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1119, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 306 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that Engrossed SB 2005, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the state industrial commission; to provide a continuing appropriation; to authorize transfers; to create and enact section 54-17.4-09.1 of the North Dakota Century Code, relating to a fossil excavation and restoration fund; and to declare an emergency.

MOTION

SEN. LIPS MOVED that Engrossed SB 2015 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 15, replace "5,319,672" with "5,329,672"

Page 1, line 21, replace "37,057,425" with "37,067,425"

Page 1, line 23, replace "20,707,088" with "20,717,088"

Page 2, line 29, replace "26,825,688" with "26,835,688"

Page 2, line 31, replace "114,634,181" with "114,644,181"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION (GEOLOGICAL SURVEY)

SENATE - This amendment makes the following change:

	ENGROSSED BILL	ADDITIONAL FUNDING FOR SOILS DIGITIZING PROGRAM	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$5,319,672	\$10,000	\$10,000	\$5,329,672
Operating expenses	1,616,481			1,616,481
Equipment	118,600			118,600
Grants	13,430,280			13,430,280
Administrative contingency	10,000			10,000
Bond payments	<u>16,562,392</u>	_____	_____	<u>16,562,392</u>
Total all funds	\$37,057,425	\$10,000	\$10,000	\$37,067,425
Less estimated income	<u>16,350,337</u>	_____	_____	<u>16,350,337</u>
General fund	\$20,707,088	\$10,000	\$10,000	\$20,717,088
FTE	58.50	0.50	0.50	59.00

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Reengrossed SB 2015 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to create and enact five new sections to chapter 43-32 of the North Dakota Century Code, relating to powers of the board of psychologist examiners, investigations, licensure renewal, and disciplinary hearings; to amend and reenact

sections 43-32-01, 43-32-02, 43-32-03, 43-32-05, 43-32-08.1, 43-32-13, 43-32-14, 43-32-16, 43-32-19, 43-32-20, 43-32-21, 43-32-27, 43-32-29, and 43-32-30 of the North Dakota Century Code, relating to the board of psychologist examiners, licensure and regulation of psychologists, continuing education, and client records; and to repeal sections 43-32-18 and 43-32-28 of the North Dakota Century Code, relating to licensing of psychologists without examination and disciplinary hearings.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tomac; Traynor

Engrossed SB 2113 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2148: A BILL for an Act to amend and reenact subsections 3 and 4 of section 27-20-36 of the North Dakota Century Code, relating to time limitations on court orders for children in foster care.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Tomac; Traynor

Engrossed SB 2148 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to amend and reenact sections 43-09-13.2 and 43-18-11.4 of the North Dakota Century Code, relating to licensing requirements for plumbing inspectors and electrical inspectors.

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 7 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Heitkamp; Stenehjem, B.; Stenehjem, W.; Tallackson; Yockim

NAYS: Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; 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; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2161 lost.

SECOND READING OF SENATE BILL

SB 2197: A BILL for an Act to amend and reenact sections 26.1-36-09.3 and 54-52.1-04.6 of the North Dakota Century Code, relating to insurance coverage for treatment of temporomandibular joint disorder and craniomandibular disorder.

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 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Cook; Freborg; Lee; Mutch; Naaden; Schobinger; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2197 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to amend and reenact subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, and subsection 1 of section 57-36-28 of the North Dakota Century Code, relating to tobacco products tax rates; to provide an appropriation; and to provide an effective date.

ROLL CALL

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

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

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

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2263 lost.

SECOND READING OF SENATE BILL

SB 2294: A BILL for an Act to amend and reenact sections 61-16.1-12.1, 61-16.1-18, 61-16.1-19, 61-21-13, and 61-21-14 of the North Dakota Century Code, relating to notice and approval of proposed water projects.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wogsland; Yockim

NAYS: Andrist; Christmann; Cook; Freborg; Klein; Krebsbach; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Schobinger; Solberg; Stenehjem, B.; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2294 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to create and enact sections 36-04-10.1 and 36-05-13.2 of the North Dakota Century Code, relating to violations of laws governing livestock dealers and livestock auction markets; to amend and reenact sections 36-04-02, 36-04-05.1, 36-04-10, 36-04-13, 36-05-02, 36-05-04.1, and 36-05-14 of the North Dakota Century Code, relating to the licensing of livestock dealers and livestock auction markets; 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2393 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4016: A concurrent resolution urging each member of the North Dakota Congressional Delegation to seek and promote federal legislation that provides for in-home adjustment services for the visually impaired older citizens of the state of North Dakota.

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

Engrossed SCR 4016 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact sections 53-06.1-03.1 and 53-06.1-03.3 of the North Dakota Century Code, relating to the site rental for certain games of chance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Kelsh; Kinnoin; Krauter; Lindaas; Mutzenberger; O'Connell; Tallackson; Thane; Wogsland

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2274 lost.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to create and enact section 1-03-12 of the North Dakota Century Code, relating to the designation of Four Chaplains Sunday.

REQUEST

SEN. THANE REQUESTED that his remarks be printed in the Journal, which request was granted.

SEN THANE: We received excellent testimony which was emotional and difficult for the several people who spoke and said "we don't have enough heroes" or that "we will be soon passing from the scene."

The bill is simple: It says that the Governor shall issue a proclamation designating the first Sunday of February as Four Chaplains Sunday to honor the Four Army Chaplains, George L. Fox, Alexander D. Goode, Clark V. Poling, and John P. Washington, who sacrificed their own lives to save the lives of other servicemen on the Dorchester, a troop transport that was torpedoed off the coast of Greenland on February 3, 1943.

I have placed on your desk a copy of the story appearing in the February 1997 American Legion magazine. It tells the basic story. Four Chaplains - two Protestant, one Catholic, and one Jewish - who through an act of love made the ultimate sacrifice. Of the 900 men aboard the ship, less than 300 survived. Written accounts of our conflicts point out hundreds, if not thousands, of acts of courage and bravery and heroism brought about by the basic human emotions - anger, yes, even fear, self-preservation, and occasionally love.

I have before me four books that give accounts of bravery and courage:

1. The Longest Day - An account of the Normandy landings.
2. Heroes of World War II - An account of medal of honor recipients such as the conscientious objector, a medic, who was derided and abused by his fellow servicemen until the last battle of Okinawa, in 1945, when he personally saved the lives of over 70 wounded men.
3. Chosin - An account of the Korean Conflict and the withdrawal from the Chosin Reservoir.
4. We were Soldiers Once and Young - An account of the Ia Drang battle, 1965, in Vietnam.

You might ask now: "What's your point?"

Future generations will not have old soldiers to give accounts of what took place, and most old soldiers are reluctant to talk about painful memories.

So what will happen? When these generations are surfing the net or exploring cyberspace, who will tell them about the bravery and courage and sacrifices made in our conflicts that provided them the freedoms they enjoy?

Let us hope that this proclamation, when issued by future Governors, will cause these young citizens of the 21st Century to pause and say, "What kind of men were these who would willingly give up their lives for a friend?" and then, just maybe, they would look between the covers of books such as these and be moved and inspired by these accounts. All old soldiers fervently hope that will be the case.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; 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; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; LaFountain; Traynor

SB 2365 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales and use, or motor vehicle or special fuels tax increase by the legislative assembly.

REQUEST

SEN. SOLBERG REQUESTED a recorded roll call vote on the motion to adopt SCR 4011, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 11 YEAS, 36 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christmann; Cook; Freborg; Klein; Mutch; Naaden; Nalewaja; Schobinger; Solberg; Stenehjem, B.; Wanzek

NAYS: Andrist; Berg; DeMers; Fischer; 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; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

SCR 4011 lost.

SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; 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; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Heitkamp; Traynor

SEN. HEITKAMP STATED that it was his intention to vote YEA on HB 1020, so the final vote was 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

HB 1020 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1070: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to assessed valuation of irrigated cropland; 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 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

HB 1070 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1105: A BILL for an Act to amend and reenact section 57-01-13 of the North Dakota Century Code, relating to the collection of delinquent motor vehicle fuels, special fuels, importer for use, aviation fuel, and motor vehicle excise taxes from nonresident taxpayers.

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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

HB 1105 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1107: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-01-02 of the North Dakota Century Code, relating to the use of electronic funds transfers for the payment of taxes.

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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed HB 1107 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1120: A BILL for an Act to amend and reenact section 52-06-30 of the North Dakota Century Code, relating to voluntary withholding of federal income tax and state income tax from unemployment compensation benefits; to provide an effective date; 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

HB 1120 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. GOETZ MOVED that HB 1256, which is on the Fourteenth order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1256 was rereferred.

MOTION

SEN. GOETZ MOVED that the absent members 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., Wednesday, February 12, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2127: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2127 was placed on the Sixth order on the calendar.

Page 1, line 4, replace "12-4.1-18.1" with "12-44.1-18.1"

Page 1, line 15, after the second "center" insert "for the detention or confinement of persons in accordance with law. The use of the term does not imply and may not be used to require the provision of services including treatment, counseling, vocational, or educational services, except as may otherwise be required or provided for under this chapter"

Page 4, line 3, overstrike "all"

Page 6, line 3, overstrike "Repealed by S.L. 1985, ch. 169, § 3."

Page 6, line 4, overstrike "5. Whenever required to do so by any United States officer, a"

Page 6, line 5, remove "correctional facility" and overstrike "shall make out under oath a list of federal inmates"

Page 6, overstrike line 6

Page 6, line 7, overstrike "offenses.", remove "The", overstrike "list", remove "must", and overstrike "be transmitted to the United States district court"

Page 6, line 8, remove "for the district of North Dakota" and overstrike the period

Page 6, line 9, overstrike "6."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2202: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2202 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2253: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2253 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2260 was placed on the Sixth order on the calendar.

Page 1, line 10, after "other" insert "manmade"

Page 1, line 11, after "objects" insert ", except a fence or corral,"

Page 1, line 13, replace "notify" with "issue an order to"

Page 1, line 14, replace "notice" with "order"

Page 1, line 21, replace "shall" with "may"

Page 1, line 24, replace "If" with "The state engineer may bring an action to enforce an order of the state engineer, or if"

Page 2 line 2, after the underscored semicolon insert "or"

Page 2, line 4, replace "; or" with an underscored period

Page 2, remove line 5

Page 2, line 13, replace "notice" with "order"

Page 2, line 27, replace "a notice" with "an order under this section"

Page 2, line 28, after "other" insert "manmade"

Page 2, line 31, replace "notice" with "order"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2261: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2261 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "6-08.3-02.1" insert "and 6-08.3-13"

Page 1, line 2, after "state-chartered" insert "or national"

Page 1, line 3, after "company" insert "and interstate banking authorization"

Page 1, line 8, after "**state-chartered**" insert "**or national**"

Page 1, line 9, after "state-chartered" insert "or national" and remove "that has been in existence"

Page 1, line 10, remove "for a minimum period of five years prior to the date of acquisition"

Page 1, after line 17, insert:

"SECTION 2. AMENDMENT. Section 6-08.3-13 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-08.3-13. Interstate banking authorization. This chapter specifically authorizes, in accordance with section 3 of the Bank Holding Company Act of 1956 [12 U.S.C. 1842], and section 101 of the Riegle-Neal Interstate Banking and Branching Efficiency Act of 1994 [Pub. L. 103-328; 108 Stat. 2338; 12 U.S.C. 1811 et seq.], interstate banking in this state. However, to the extent a state imposes a restriction on the ability of a North Dakota bank holding company to acquire a bank in that state and the restriction is based on the length of time either bank has existed, that restriction must apply to any acquisition of a North Dakota bank by a bank holding company located in that state."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2262: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2262 was placed on the Sixth order on the calendar.

Page 1, line 2, after "licenses" insert "; and to amend and reenact subsection 3 of section 62.1-02-10, subdivision a of subsection 2 of section 62.1-03-01, and section 62.1-04-04 of the North Dakota Century Code, relating to concealed weapons licenses"

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Subsection 3 of section 62.1-02-10 of the North Dakota Century Code is amended and reenacted as follows:

3. Any person possessing a valid North Dakota concealed weapons license; or a valid license issued by another state authorizing the person to carry a dangerous weapon concealed if that state permits a holder of a valid North Dakota concealed weapons license to carry a dangerous weapon concealed in that state without obtaining a similar license from that state. except while that person is in the field engaged in hunting or trapping activities.

SECTION 2. AMENDMENT. Subdivision a of subsection 2 of section 62.1-03-01 of the North Dakota Century Code is amended and reenacted as follows:

- a. Any person possessing a valid North Dakota concealed weapons license or a valid license issued by another state authorizing the person to carry a dangerous weapon concealed if that state permits a holder of a valid North Dakota concealed weapons license to carry a dangerous weapon concealed in that state without obtaining a similar license from that state.

SECTION 3. AMENDMENT. Section 62.1-04-04 of the North Dakota Century Code is amended and reenacted as follows:

62.1-04-04. Producing license on demand. Every person while carrying a concealed firearm or dangerous weapon for which a license to carry concealed is required, shall have on one's person the license issued by this or another state and shall give it to any law enforcement officer for an inspection upon demand by the officer. The failure of any person to give the license to the officer is prima facie evidence that the person is illegally carrying a firearm or dangerous weapon concealed."

Page 1, underscore line 6

Page 1, line 7, remove "1." and underscore "A person who has a valid license issued by another state to carry a concealed"

Page 1, underscore lines 8 through 13

Page 1, remove lines 14 through 22

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2273: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2273 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2278: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Sixth order on the calendar.

Page 1, remove lines 14 and 15

Page 1, line 18, after "treatment" insert "options"

Page 2, line 15, after "services" insert "that are medically necessary"

Page 2, after line 16, insert:

"This section does not prohibit an entity from communicating with its participating health care providers to address internal health plan issues of quality assurance or utilization review."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2317: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2320: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2322: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2322 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "gas or electric public utilities other than on rate increase"

Page 1, line 10, after "utilities" insert "and rate decrease applications filed by the commission"

Page 1, line 12, remove "gas or electric public utilities other than on rate"

Page 1, line 13, remove "increase" and after "utilities" insert "and rate decrease applications filed by the commission"

Page 1, line 14, after "fund" insert "within the commission's appropriation for the biennium"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2356: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2356 was placed on the Sixth order on the calendar.

Page 1, line 2, after "state" insert "ambient"

Page 1, line 7, after "**dioxide**" insert "**ambient**"

Page 1, line 8, after "adopt" insert "ambient"

Page 1, line 10, after "adopt" insert "ambient"

Page 1, line 12, after "Any" insert "ambient"

Page 1, line 21, after the second "of" insert "ambient"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 57-51 and"

Page 1, line 2, remove "oil and gas gross"

Page 1, line 3, remove "production tax reduction and" and replace "new" with "initial"

Page 1, line 4, replace "or allotted" with "trust" and remove "to amend and reenact subsection 1 of section 57-51-15 of the North Dakota"

Page 1, line 5, remove "Century Code, relating to allocation of oil and gas gross production tax revenues;"

Page 1, remove lines 8 through 23

Page 2, line 3, remove the underscore

Page 2, line 4, remove the underscore under "this chapter for a period of", replace "fifteen" with "sixty", remove the underscore under "months if", and replace "the well is drilled and completed on" with ":

- a. The well is located within the boundaries of an Indian reservation;
- b. The well is drilled and completed on lands held in trust by the United States for an Indian tribe or individual Indian; or
- c. The well is drilled and completed on lands held by an Indian tribe if the interest is in existence on the effective date of this Act."

Page 2, remove lines 5 and 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4021: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4021 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4029: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "may" with "must"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1069, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1069 was placed on the Sixth order on the calendar.

Page 2, line 19, replace "before" with "Before"

Page 3, line 29, after "2000" insert "and thereafter"

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Schobinger, Grindberg, Krauter, O'Connell, Thane introduced:

SCR 4040: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a prepaid college tuition program.

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

Sens. Lindaas, Thane and Rep. Aarsvold introduced:

SCR 4041: A concurrent resolution directing the Legislative Council to study the establishment of watershed districts to manage water based on watershed boundaries.

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

Sens. St. Aubyn, Grindberg, Robinson and Reps. R. Kelsch, Kretschmar, Wentz introduced:

SCR 4042: A concurrent resolution directing the Legislative Council to study the use of "abuse," and "neglect," and "exploitation" in the North Dakota Century Code.

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

FIRST READING OF HOUSE BILLS

HB 1031: A BILL for an Act to amend and reenact subsection 2 of section 28-32-03 of the North Dakota Century Code, relating to the effective date of administrative rules; and to provide an effective date.

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

HB 1033: A BILL for an Act to amend and reenact sections 43-19.1-28 and 48-01.1-04 of the North Dakota Century Code, relating to plans and specifications for public improvement contracts.

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

HB 1110: A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of public and nonprofit entities by the state auditor.

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

HB 1144: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement benefit adjustments under the teachers' fund for retirement; to amend and reenact subsection 2 of section 15-39.1-10 of the North Dakota Century Code, relating to the computation of benefits under the teachers' fund for retirement; and to provide for application.

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

HB 1154: A BILL for an Act to create and enact sections 15-27.3-07.5 and 15-27.3-13.5 of the North Dakota Century Code, relating to voting on the issuance of bonds by school districts contemplating reorganization; and to amend and reenact sections 15-27.1-10, 15-27.1-11, subsection 2 of section 15-27.2-01, sections 15-27.3-10, 15-27.3-12, 15-27.3-20, 15-27.4-02, and 15-47-39 of the North Dakota Century Code, relating to the annexation, reorganization, and dissolution of school districts.

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

HB 1179: A BILL for an Act to amend and reenact section 15-10-12.1 of the North Dakota Century Code, relating to budget section approval of the acceptance of buildings and campus improvements at the institutions of higher education.

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

HB 1190: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to hunting by nonresident and foreign exchange students; to amend and reenact sections 20.1-03-07 and 20.1-03-07.1 of the North Dakota Century Code, relating to hunting by nonresidents and nonresident waterfowl hunting licenses; and to provide an expiration date.

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

HB 1196: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to hunting deer with muzzleloading firearms.

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

HB 1210: A BILL for an Act to create and enact a new section to chapter 43-04 of the North Dakota Century Code, relating to continuing education of barbers; and to amend and reenact sections 43-04-07 and 43-04-42 of the North Dakota Century Code, relating to the state board of barber examiners and fees.

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

HB 1213: A BILL for an Act to create and enact two new sections to chapter 51-07 of the North Dakota Century Code, relating to succession to ownership of an automobile, truck, or farm equipment dealership.

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

HB 1214: A BILL for an Act to amend and reenact subsection 8 of section 20.1-03-11 of the North Dakota Century Code, relating to landowner preference moose hunting licenses.

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

HB 1235: A BILL for an Act to amend and reenact sections 54-09-02 and 54-09-04 of the North Dakota Century Code, relating to the duties of and fees charged by the secretary of state.

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

HB 1240: A BILL for an Act to amend and reenact sections 40-49-21 and 40-49-22 and subsection 1 of section 57-15-12.2 of the North Dakota Century Code, relating to park district pension plans.

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

HB 1247: A BILL for an Act to amend and reenact section 11-28.2-02 of the North Dakota Century Code, relating to compensation of members of boards of recreation service district commissioners.

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

HB 1250: A BILL for an Act to amend and reenact section 47-06-04.1 of the North Dakota Century Code, relating to the maintenance responsibilities of mobile home storm shelter owners.

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

HB 1272: A BILL for an Act to amend and reenact section 50-24.1-02.3 and subsection 1 of section 50-24.1-07 of the North Dakota Century Code, relating to funeral expenses in claims against the estates of former medicaid recipients.

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

HB 1276: A BILL for an Act to create and enact a new section to chapter 59-04.1 of the North Dakota Century Code, relating to allocation of receipts and expenditures of charitable trusts to principal or income.

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

HB 1280: A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for farm residences and buildings; and to provide an effective date.

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

HB 1286: A BILL for an Act to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refunds; to repeal section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refunds; to provide an effective date; and to declare an emergency.

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

HB 1288: A BILL for an Act to amend and reenact section 57-14-08 of the North Dakota Century Code, relating to property reassessments.

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

HB 1292: A BILL for an Act to create and enact two new sections to chapter 57-19 of the North Dakota Century Code, relating to the control and use of school district special reserve funds; to amend and reenact section 57-19-02 of the North Dakota Century Code, relating to school district special reserve funds; to repeal sections 57-19-06, 57-19-07, and 57-19-08 of the North Dakota Century Code, relating to school district special reserve funds, the use of vouchers, and the liability of school district officers and county treasurers in connection with school district special reserve funds; and to declare an emergency.

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

HB 1297: A BILL for an Act to amend and reenact subsection 1 of section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages.

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

HB 1341: A BILL for an Act to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to establishing values for property exempt from property taxes.

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

HB 1418: A BILL for an Act relating to the relationship between health care providers and patients.

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

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

William C. Parker, Secretary