

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, March 7, 1997

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Phil Leer, Bethany Lutheran and Berwick Lutheran, Rugby.

The roll was called and all members were present except Senators Mathern, Mutch, Tallackson, and Urlacher.

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 4:54 p.m., March 6, 1997: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:13 a.m., March 7, 1997: SCR 4004, SCR 4009, SCR 4017, SCR 4023.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2038, SB 2039, SB 2103, SB 2107, SB 2111, SB 2123, SB 2126, SB 2201, SB 2212, SB 2245, SB 2277, SB 2316, SB 2337.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1057, HB 1073, HB 1110, HB 1235, HB 1280, HB 1288, HB 1309, HB 1341, HB 1390, HB 1420, HB 1421, HB 1451.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1049, HB 1276, HB 1336, HB 1392.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3002.

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

MR. SPEAKER: The President has signed: HB 1057, HB 1073, HB 1110, HB 1235, HB 1280, HB 1288, HB 1309, HB 1341, HB 1390, HB 1420, HB 1421, HB 1451.

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

MADAM PRESIDENT: The Speaker has signed: SB 2038, SB 2039, SB 2103, SB 2107, SB 2111, SB 2123, SB 2126, SB 2201, SB 2212, SB 2245, SB 2277, SB 2316, SB 2337.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2067, SB 2095, SB 2098, SB 2127, SB 2129, SB 2135, SB 2142, SB 2146, SB 2148, SB 2167, SB 2168, SB 2169, SB 2179, SB 2191, SB 2280, SB 2286, SB 2307, SCR 4021.

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

MADAM PRESIDENT: The House has failed to pass: SCR 4029.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1143, HB 1301, HB 1393.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1048, HB 1131, HB 1134, HB 1180, HB 1193, HB 1197.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1093, which is on the Sixth order, be moved to the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1093, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 663-666 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED the rules be suspended and after action taken on the Sixth order today, the bills, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1079: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 663 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1079: A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to the penalty for unauthorized use of a law enforcement officer's firearm.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

HB 1079, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1146, as reengrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ pages 666-668 be adopted and then be placed on the Fourteenth order with **DO PASS**.

REQUEST

SEN. FREBORG REQUESTED that the Senate divide the amendments to Reengrossed HB 1146, which request was granted.

DIVISION A: Section 1 of the proposed Senate amendments to Reengrossed HB 1146.

DIVISION B: The remainder of the proposed Senate amendments to Reengrossed HB 1146.

REQUEST

SEN. FREBORG REQUESTED a verification vote on Division A of the proposed amendments to Reengrossed HB 1146, which request was granted.

The question being on the adoption of Division A of the proposed amendments to Reengrossed HB 1146, Division A of the proposed amendments failed on a verification vote.

The question being on the adoption of Division B of the proposed amendments to Reengrossed HB 1146, Division B of the proposed amendments was adopted on a voice vote.

The question being on the final adoption of the proposed amendments to Reengrossed HB 1146, excluding Division A and including Division B, the proposed amendments to Reengrossed HB 1146 were adopted on a voice vote.

MOTION

SEN. GOETZ MOVED that Reengrossed HB 1146, as amended, be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1160, as engrossed: SEN. LAFOUNTAIN (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 668 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1160: A BILL for an Act to create and enact three new sections to chapter 43-47 of the North Dakota Century Code, relating to the authority of the board of counselor examiners to appoint or employ persons, payment of delinquent license fees, and unauthorized practice of counseling; to amend and reenact sections 43-47-01, 43-47-03, 43-47-06, and 43-47-08 of the North Dakota Century Code, relating to definitions, duties, responsibilities, license qualifications, and complaints and investigations applicable to the board of counselor examiners; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Solberg

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1160, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1161, as engrossed: SEN. YOCKIM (Human Services Committee) MOVED that the amendments on SJ pages 668-669 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1161: A BILL for an Act to create a new section to chapter 43-41 of the North Dakota Century Code, relating to fees charged by the North Dakota board of social work examiners; 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.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Christmann; O'Connell; Solberg

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher; Wogsland

Engrossed HB 1161, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Reengrossed HB 1146, as amended, be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact sections 15-40.1-07.3, 15-40.1-07.4, 15-40.2-01, 15-40.2-04, 15-40.3-01, 57-15-13, and 57-15-14.5 of the North Dakota Century Code and section 2 of chapter 701 of the 1989 Session Laws of North Dakota, as amended by section 1 of chapter 656 of the 1991 Session Laws of North Dakota and by section 26 of chapter 3 of the 1993 Session Laws of North Dakota, relating to per student payments for cooperating and reorganized school districts, open enrollment procedures, school district tax levies, education technology supervisors, and special reserve fund withdrawals; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsch; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Reengrossed HB 1146, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1167: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 669-670 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1167: A BILL for an Act to amend and reenact subsection 5 of section 12-60-16.4, sections 40-57.3-02, 53-06.1-01, 53-06.1-01.1, 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, and 53-06.1-16 of the North Dakota Century Code, relating to games of chance and moneys in a city visitors' promotion capital construction fund; and to repeal sections 53-06.1-01.2, 53-06.1-02, 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-05.1, 53-06.1-06.1, 53-06.1-07, 53-06.1-07.1, 53-06.1-12.1, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-15, 53-06.1-15.2, 53-06.1-15.3, 53-06.1-15.4, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsch; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

HB 1167, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1169: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 670 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1169: A BILL for an Act relating to American sign language as an elective at the high school level.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

HB 1169, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1234: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 670 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1234: A BILL for an Act to amend and reenact sections 15-47-06, 16.1-16-01, 40-21-13, and 40-21-17 of the North Dakota Century Code, relating to school district, city, and statewide election recounts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

HB 1234, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1323, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 670 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1323: A BILL for an Act to amend and reenact section 28-20-08 of the North Dakota Century Code, relating to real property judgments.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1323, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1357, as engrossed: SEN. BERG (Judiciary Committee) MOVED that the amendments on SJ page 670 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1357: A BILL for an Act to prohibit surreptitious intrusion; to amend and reenact subdivision c of subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to sexual offenders; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1357, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1371, as engrossed: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ pages 670-671 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1371: A BILL for an Act to amend and reenact section 5-02-09 of the North Dakota Century Code, relating to the establishment of local regulations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 2 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Cook; Redlin

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1371, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1384, as engrossed: SEN. LINDAAS (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 671 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1384: A BILL for an Act to amend and reenact sections 43-09-22 and 43-09-23 of the North Dakota Century Code, relating to the inspections of electrical installations and administrative actions by the state electrical board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 5 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Kinnoin; Thompson; Wanzek; Watne

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1384, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1387, as engrossed: SEN. SAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 671-672 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1387: A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to prohibiting the facilitation of sexual acts in public; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

NAYS: DeMers

ABSENT AND NOT VOTING: Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1387, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1428, as engrossed: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 672 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1428: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to coverage for off-label uses of drugs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1428, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1098: A BILL for an Act to amend and reenact section 6-06-07 of the North Dakota Century Code, relating to fields of membership for credit unions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Wanzek; Watne; Wogsland

NAYS: Berg; Christmann; Nelson, C.; O'Connell; Schobinger; Tomac; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1098, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1223: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to the return of instruments issued without sufficient funds; and to amend and reenact sections 6-08-16 and 6-08-16.2 of the North Dakota Century Code, relating to collection on instruments issued without sufficient funds.

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 40 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

NAYS: Berg; LaFountain; Nelson, C.; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1223, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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 40 YEAS, 4 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin;

Robinson; Sand; Schobinger; Solberg; St. Aubyn; Thane; Thompson; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Cook; Stenehjem, B.; Stenehjem, W.

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1238, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1225: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to the paying of an insurance deductible or offering of a rebate by a seller of goods or services; and to provide a penalty.

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 30 YEAS, 14 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Freborg; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mutzenberger; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; St. Aubyn; Thane; Thompson; Tomac; Traynor; Watne; Wogsland

NAYS: Andrist; Berg; Fischer; Goetz; Lee; Naaden; Nelson, C.; O'Connell; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Wanzek; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1225 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1265: A BILL for an Act to amend and reenact section 65-05-07 of the North Dakota Century Code, relating to medical benefits furnished by the workers compensation bureau.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1265 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1299: A BILL for an Act to amend and reenact sections 4-02-27.2, 4-02-31, 11-09.1-06, 11-10.2-02, 11-10.3-01, 15-27.3-19, 15-27.3-21, subsection 2 of section 15-27.6-10, subsection 2 of section 15-28-01, section 15-48-05, subsection 3 of section 21-03-38.1, sections 23-14-01, 23-14-13, 23-14-13.1, 23-29-07, 27-19-02, 38-02-02, 40-02-10, 40-02-11, 40-04-04, 40-04-11, 40-05.1-07, 40-10-02, 40-10-08, 40-33-12, 40-38-01, 40-49-07.2, 40-49.1-02, 40-53.1-04, 40-53.2-03, 54-40.4-01, subsection 1 of section 54-40.4-05, sections 54-40.4-06, 57-15-08, 57-15-12, 57-15-12.1, 57-15-12.3, 57-15-14.5, 57-15-44, 57-15-50, 57-15-51, 57-15-55, 57-15-55.1, subsection 3 of section 57-15-56, subsection 3 of section 57-15-60, sections 61-04.1-29, 61-04.1-30, and 61-04.1-31 of the North Dakota Century Code, relating to the required vote for approval of ballot issues by the qualified electors of political subdivisions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1299 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1315: A BILL for an Act to amend and reenact sections 15-63-02, 15-63-03, and 15-63-04 of the North Dakota Century Code, relating to eligibility of candidates for scholarships awarded by the state board for Indian scholarships.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1315 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1349: A BILL for an Act to amend and reenact sections 23-01-18 and 23-01-19 of the North Dakota Century Code, relating to the control and eradication of rabies.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1349 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1466: A BILL for an Act to amend and reenact sections 34-14-05 and 34-14-09 of the North Dakota Century Code, relating to investigation and enforcement of wage claims by the labor commissioner.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

NAYS: Berg

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1466 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1470: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to an exemption to the premium tax for premium or capitated fees paid by the department of human services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1470 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

HB 1154 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1237: A BILL for an Act to establish an electric industry competition committee; to provide an expiration 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1237 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1255: A BILL for an Act to create and enact a new section to chapter 11-10 of the North Dakota Century Code, relating to the residency of appointed members of county boards, commissions, or committees; and to amend and reenact subsection 2 of section 63-01.1-04 of the North Dakota Century Code, relating to the residency of members of county weed boards.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

NAYS: Berg

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1255 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1383: A BILL for an Act to provide for a study by the workers compensation bureau of the feasibility of basing premium calculations on an employee's gross wages.

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 3 YEAS, 41 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Holmberg; Kinnoin; Yockim

NAYS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1383 lost.

SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to create and enact a new section to chapter 47-04 of the North Dakota Century Code, relating to modification of covenants running with the land.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Heitkamp; Mathern; Mutch; Tallackson; Urlacher

Engrossed HB 1424 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing property tax relief through alternative state and local revenue sources.

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

HCR 3037 was declared adopted on a voice vote, and the title was agreed to.

**SECOND READING OF SENATE CONCURRENT RESOLUTION
AND HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

SCR 4056: A concurrent resolution urging the State Department of Health to utilize its rulemaking authority to strengthen the remediation and long-term liability requirements for solid waste disposal.

HCR 3030: A concurrent resolution directing the Legislative Council to study the development of a strategic planning process for the future of public health in this state.

HCR 3032: A concurrent resolution directing the Legislative Council to study the responsibilities of county social services as they are distinguished from the responsibilities of regional human service centers and the Department of Human Services when providing services to children and their families and persons with disabilities, including the elderly.

HCR 3033: A concurrent resolution directing the Legislative Council to study the effects of managed health care on the future viability of the health care delivery system in rural North Dakota.

The question being on the final adoption of the resolutions, which have been read.

SCR 4056, HCR 3030, HCR 3032, and HCR 3033 were declared adopted on a voice vote, and the titles were agreed to.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 10, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1095, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1095 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1172, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1172 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1177: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1177 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1181 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1196, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1196 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1202, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1202 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1214 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1246 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1249, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1249 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1292: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1292 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1305, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1305 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1332, as engrossed: 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). Engrossed HB 1332 was placed on the Sixth order on the calendar.

Page 1, line 17, after "and" insert "in"

Page 2, line 15, after "that" insert "no interest accrues"

Page 2, line 17, remove the underscored comma

Page 2, line 18, remove ", interest accrues to the date the amended return or"

Page 2, line 19, remove "claim is filed"

Page 3, line 30, after the underscored period insert:

"f."

Page 3, line 31, replace "no" with "an"

Page 4, line 1, replace "3" with "4"

Page 5, line 15, after the comma insert "1997, except subdivision f of subsection 1 of section 57-38-45 and section 4 of this Act which are effective for taxable periods beginning after December 31,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1335: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1335 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1340, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1340 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to provide a transfer;"

Page 2, remove lines 19 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1364, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1380, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1380 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1395, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1395 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1402: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1402 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1433, as reengrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1433 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HB 1434, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1434 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1436, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1436 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1437, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1437 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1442, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1442 was placed on the Sixth order on the calendar.

Page 1, line 12, after "state" insert ", except the advertisement for a public improvement financed by special assessments need only be published once each week for two weeks in the official newspaper with the first publication being at least fourteen days before bid opening"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3017: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3018: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3018 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3028: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HCR 3028 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3029: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3029 was placed on the Tenth order on the calendar.

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

William C. Parker, Secretary