

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

* * * * *

Bismarck, March 12, 1997

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

The prayer was offered by Sister Renee Zastoupil, Chaplain, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Senators Nething and B. Stenehjem.

A quorum was declared by the President Pro Tem.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 3:58 p.m., March 11, 1997: SB 2073, SB 2110, SB 2125, SB 2143.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 3:58 p.m., March 11, 1997: SCR 4008.

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 3038.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2010, SB 2288, SB 2373.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2036, SB 2066, SB 2074, SB 2080, SB 2084, SB 2086, SB 2087, SB 2104, SB 2121, SB 2144, SB 2172, SB 2199, SB 2356.

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

MADAM PRESIDENT: The House has failed to pass: SB 2152.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2033, SB 2072, SB 2089, SB 2116, SB 2117, SB 2118, SB 2120, SB 2157, SB 2272, SB 2331, SB 2343, SCR 4016.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2033

Page 1, line 7, replace "a" with "an academic"

Page 1, line 8, replace "national accreditation" with "regional accrediting" and after "organization" insert "or a vocational course offered by a postsecondary institution in a program accredited by a national or regional accrediting organization"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2072

Page 1, line 3, replace "57-40.3-05.1" with "57-40.3-05"

Page 1, line 6, remove "and" and after "57-37.1-14" insert ", and 57-40.3-05.1"

Page 1, line 8, remove "and" and after "depository" insert ", and the requirement of a seller's certificate under the motor vehicle excise tax"

Page 2, replace lines 6 through 20 with:

"SECTION 3. AMENDMENT. Section 57-40.3-05 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-05. Purchaser to furnish motor vehicle purchaser's certificate to director of the department of transportation. Any person purchasing a motor vehicle

and any person acquiring a motor vehicle by way of gift from a husband or wife, parent or child, or from a brother or sister shall complete a motor vehicle purchaser's certificate in such form and manner as may be prescribed by the director of the department of transportation, showing a complete description of the motor vehicle, the seller's name and address, the buyer's name and address, the full purchase price of the vehicle, trade-in allowance and description of the trade-in, if any, whether the vehicle was the subject of a gift, and any other information that the director of the department of transportation may require. ~~If the motor vehicle was the subject of a sale, the purchaser must, upon request of the department of transportation, also attach to the motor vehicle purchaser's certificate a copy of the seller's certificate required under section 57-40.3-05.1."~~

Page 2, line 22, replace "section" with "sections" and after "57-37.1-12" insert "and 57-40.3-05.1"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 2, after "Dakota" insert "and the workers compensation bureau"

Page 1, line 8, after the underscored comma insert "the workers compensation bureau,"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2116

Page 3, line 13, remove "The scholarship fund may not be funded during any period when the annual"

Page 3, remove line 14

Page 3, line 15, remove "fund deficit and the policyholders experience a premium rate increase."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2117

Page 1, line 3, replace "section" with "sections" and after "6-03-13.5" insert ", 7-01-07, 7-02-11.1, and 7-02-14"

Page 1, line 5, after "bank" insert ", federal deposit insurance, and powers granted to state-chartered associations"

Page 2, after line 2, insert:

"SECTION 2. AMENDMENT. Section 7-01-07 of the North Dakota Century Code is amended and reenacted as follows:

7-01-07. Certificate of state banking board required - Examination by board - Review by court - Federal ~~savings and loan~~ deposit insurance required. ~~Whenever~~ If the articles of incorporation of a proposed association are in due form and regularly executed and the bylaws have been approved as required by this chapter, the state banking board shall ascertain the responsibility, character, and general fitness of the incorporators, ~~and whether or not~~ there is a reasonable need for the existence of ~~such an~~ the association, and whether ~~or not~~ the public convenience and advantage will be promoted thereby. If the banking board is not satisfied with the result of its investigation, within sixty days after ~~said~~ the articles of incorporation and bylaws have been presented to ~~it~~ the board, ~~it~~ the board shall endorse upon each copy of the articles of incorporation the word "refused", ~~with~~ with the date of ~~such the~~ such the endorsement, and the reason for ~~such the~~ such the refusal, ~~and~~ and ~~The board shall return forthwith one copy of such the~~ such the articles of incorporation to the proposed incorporators from whom the ~~same was~~ articles were received, ~~and such~~ and such. The refusal is conclusive unless the incorporators, within thirty days after the issuance of ~~such the~~ such the notice of refusal, apply to the district court of Burleigh County, North Dakota, for a writ of mandamus to compel the filing of ~~such the~~ such the articles of incorporation and granting of a certificate to do business. A savings and loan association shall, after July 1, 1979, secure federal ~~savings and loan insurance~~ deposit insurance with an agency or instrumentality of the United States of America of accounts before it is authorized to commence business. Evidence of securing ~~such that~~ such that insurance must be furnished to the commissioner before the certificate of authority ~~may be~~ is delivered to the savings and loan association."

Page 3, after line 2, insert:

"SECTION 5. AMENDMENT. Section 7-02-11.1 of the North Dakota Century Code is amended and reenacted as follows:

7-02-11.1. Operation without federal savings and loan account deposit insurance prohibited - Liability - Penalty. No state savings and loan association may, after December 31, 1979, engage in the savings and loan business without securing and continuing in force ~~federal savings and loan insurance corporation~~ insurance of accounts with an agency or instrumentality of the United States of America. Any officer or director of any state savings and loan association who violates this section is guilty of a class A misdemeanor and is personally liable to any person aggrieved for any damages caused by the violation.

SECTION 6. AMENDMENT. Section 7-02-14 of the North Dakota Century Code is amended and reenacted as follows:

7-02-14. Powers granted federally chartered savings and loan associations extended to state-chartered associations. Any provision of law to the contrary notwithstanding, any state-chartered savings and loan association having insurance of accounts with ~~the federal savings and loan insurance corporation~~ an agency or instrumentality of the United States of America may, in addition to any loan, investment, ~~or account, or activity~~ now permitted, make any loan, investment, or account ~~which such that the~~ association could make or offer ~~were it incorporated and operating as,~~ or engage in any activity authorized for a federal savings and loan association with its domicile in this state. To the extent that the additional loans, investments, ~~or accounts, or activities~~ hereby authorized, are an enlargement of powers already granted by law, ~~then such the~~ additional loans, investments, ~~and accounts, and activities~~ must be made on the same terms and conditions and subject to the same limitations as are now permitted or as may hereafter be permitted in case of federally chartered savings and loan associations under presently existing, or later adopted regulations of the ~~federal home loan bank board and the rules and regulations for the federal savings and loan system, or otherwise~~ applicable federal regulatory agency. Any authority that is subject to discretionary approval by the federal regulatory agency is subject to discretionary approval by the state banking board."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2118

Page 1, line 3, replace "sections" with "section", after the second comma insert "if Senate Bill No. 2287 of the fifty-fifth legislative assembly does not become effective, section", and after the third comma insert "and"

Page 1, line 4, remove the first comma

Page 2, line 27, replace "Section" with "If Senate Bill No. 2287 of the fifty-fifth legislative assembly does not become effective, section"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2120

Page 1, line 1, after "to" insert "create and enact a new section to chapter 25-06 of the North Dakota Century Code, relating to the superintendent of the school for the blind serving as the superintendent of the school for the deaf; to"

Page 1, line 3, replace "sections" with "section" and remove "and 25-07-02"

Page 1, line 4, remove "and the superintendent of the school for the deaf"

Page 1, line 5, remove "serving as the superintendent of the school for the blind"

Page 1, after line 14, insert:

"SECTION 2. A new section to chapter 25-06 of the North Dakota Century Code is created and enacted as follows:

Superintendent - Special duties. The superintendent of the school for the blind may also be the superintendent of the school for the deaf."

Page 2, line 1, replace "Sections" with "Section" and remove "and 25-07-02"

Page 2, line 2, replace "are" with "is"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2157

Page 2, line 29, overstrike the first "with" and insert immediately thereafter "by"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2272

Page 1, line 1, remove "create and enact a new subsection to section 41-09-46 of the North Dakota"

Page 1, remove line 2

Page 1, line 3, remove the second "and" and after "35-31-06" insert ", and subsection 1 of section 41-09-43"

Page 1, line 14, replace "fifty" with "one hundred"

Page 1, line 22, replace "fifty" with "one hundred"

Page 2, line 6, replace "fifty" with "one hundred"

Page 2, replace lines 7 through 12 with:

"SECTION 4. AMENDMENT. Subsection 1 of section 41-09-43 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. If a financing statement covering consumer goods is filed on or after January 1, 1974, then within one month or within ten days following written demand by the debtor after there is no outstanding secured obligation and no commitment to make advances, incur obligations or otherwise give value, the secured party must file with each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement, which shall be identified by file number. In other cases where there is no outstanding secured obligation and no written commitment between the secured party and the debtor to make advances, incur obligations, or otherwise give value, the secured party, unless requested by the debtor in writing to continue the filing, must send to ~~the debtor on written demand by the debtor,~~ for each filing officer with whom the financing statement was filed, a termination statement to the effect that the secured party no longer claims a security interest under the financing statement nor under the central notice system, which shall be identified by file number. A termination statement signed by a person other than the secured party of record must be accompanied by a separate written statement of assignment signed by the secured party of record complying with subsection 2 of section 41-09-44, including payment of the required fee, if any. If the affected secured party fails to file a termination statement as required by this subsection, ~~or to send a termination statement within ten days after proper demand,~~ within sixty days of when the secured obligation is fully satisfied, and the debtor has not requested in writing that the filing be continued, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure. If the affected secured party fails to file a termination statement within ten days after proper written demand by the debtor, then the secured party is liable to the debtor for one hundred dollars, and in addition, for any loss caused to the debtor by such failure."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2331

Page 11, line 20, after "57-35.3-12" insert ", including related interest,"

Page 11, line 29, after "57-38-35.1" insert ", 57-38-35.2"

Renumber accordingly

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2343

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to the presumption that certain conditions are related to a firefighter's or a law enforcement officer's work for purposes of workers' compensation coverage;"

Page 1, line 3, after "coverage" insert "; and to provide an effective date"

Page 3, after line 9, insert:

"SECTION 2. A new section to chapter 65-01 of the North Dakota Century Code is created and enacted as follows:

Presumption of compensability for certain conditions of full-time paid firefighters and law enforcement officers. Any condition or impairment of health of a full-time paid firefighter or law enforcement officer caused by lung or respiratory disease as defined by sections 23-07.3-01 and 23-07.3-02, or occupational cancer in a full-time paid firefighter, resulting in total or partial disability or death is presumed to have been suffered in the line of duty. The condition or impairment of health may not be attributed to any disease existing before that total or partial disability or death unless the contrary is shown by competent evidence. As used in this section, an occupational cancer is one which arises out of employment as a full-time paid firefighter and is due to injury due to exposure to smoke, fumes, or carcinogenic, poisonous, toxic, or chemical substances while in the performance of active duty as a full-time paid firefighter. A full-time paid firefighter or law enforcement officer is not eligible for the benefit provided under this section unless that full-time paid firefighter or law enforcement officer has completed five years of continuous service and has successfully passed a medical examination which fails to reveal any evidence of such a condition. An employer shall require a medical examination upon employment, for any employee subject to this section. After the initial medical examination, an employer shall require at least a periodic medical examination as follows: for one to ten years of service, every five years; for eleven to twenty years of service, every three years; and for twenty-one or more years of service, every year. The periodic medical examination, at a minimum, must consist of a general medical history of the individual and the individual's family; an occupational history including contact with and an exposure to hazardous materials, toxic products, contagious and infectious diseases, and to physical hazards; a physical examination including measurement of height, weight, and blood pressure; and laboratory and diagnostic procedures including a nonfasting total blood cholesterol test and papanicolaou smear for women. If the medical examination reveals that an employee falls into a recognized risk group, the employee must be referred to a qualified health professional for future medical examination. This section does not affect an employee's responsibility to document that the employee has not used tobacco as required under section 65-01-15. Results of the examination must be used in rebuttal to a presumption afforded under this section. For purposes of this section, "law enforcement officer" means a person who is licensed to perform peace officer law enforcement duties under chapter 12-63 and is employed full time by the bureau of criminal investigation, the game and fish department, the state highway patrol, the parole and probation division, the North Dakota state university police department, the North Dakota state college of science police department, the university of North Dakota police department, a county sheriff's department, or a city police department. The presumption does not include a condition or impairment of health of a full-time paid firefighter or law enforcement officer, who has been employed for ten years or less, if the condition or impairment is diagnosed more than two years after the employment as a full-time paid firefighter or law enforcement officer ends. The presumption also does not include a condition or impairment of health of a full-time paid firefighter or law enforcement officer, who has been employed more than ten years, if the condition or impairment is diagnosed more than five years after the employment as a full-time paid firefighter or law enforcement officer ends.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective if House Bill No. 1269 is not approved by the fifty-fifth legislative assembly. Section 2 of this Act becomes effective if House Bill No. 1269 is approved by the fifty-fifth legislative assembly."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION 4016

Page 1, line 16, replace "is willing to match, dollar for dollar," with "has matched" and after "funds" insert "in the past;"

Page 1, remove line 17

Renumber accordingly

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

MR. SPEAKER: The Senate has passed unchanged: HB 1095, HB 1172, HB 1177, HB 1181, HB 1196.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1156, HB 1332, HB 1442.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

I hereby return Senate Bill 2316, which requires the Governor to call a special session of the Legislative Assembly if he or she vetoes a bill after the Legislature has adjourned. I respectfully veto this bill and ask members of the Assembly to carefully consider several concerns I have regarding this legislation.

First, I am concerned about the constitutional implications of SB 2316. Article V of the North Dakota Constitution, pertaining to the executive branch of government, provides that the Governor may call a special session of the Legislative Assembly. The article provides no legal authority for any other branch of government to prohibit the exercise of that power, to require the exercise of that power, or to condition the exercise of that power. In addition, the Constitution assigns the Governor authority to veto legislation and provides 15 days after adjournment to sign or veto a bill. Again, the Constitution does not provide any means by which that authority can be encumbered, prohibited, or conditioned. SB 2316 would force a governor to call a special session as a condition of exercising the veto. I believe this to be an unconstitutional infringement on the Governor's authority.

Second, I believe SB 2316 may prove impractical. For example, consider the case in which a governor line item vetoes an appropriation of \$78,000 that is part of a larger bill approved in the closing days of a legislative session. Under SB 2316 the Governor would be forced to call a special session to deal with this one issue, a special session that would cost the taxpayers a minimum of \$96,000. Another concern is the timing demands a special session would impose upon legislators. The bill requires the special session to be called within 45 days of adjournment, but does not specify when the special session would be held. This could potentially lead to a situation where the Legislature is still reviewing legislation into the summer.

Finally, I believe sufficient authority already exists under NDCC 54-03-02 to deal with a truly emergency situation. The Legislature can call itself back into session to deal with a delayed veto, so long as the Legislature has not exceeded the 80 day limitation in the Constitution. To date, no Legislature has breached the 80 day deadline in our state's history.

While for the reasons stated I must respectfully veto SB 2316, I do recognize the legitimate concerns members of the Legislative Assembly have with vetoes that occur after the Legislature adjourns. That concern will not go unnoticed. Be assured that I, like governors before me and those who will follow, will exercise the veto power judiciously and with great caution.

SECOND READING OF HOUSE BILL

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

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: Andrist; Berg; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; O'Connell; Redlin; Robinson; Schobinger; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1274, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1186: A BILL for an Act to amend and reenact subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to commercial movement of fertilizer spreaders and agricultural chemical applicators; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1186, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

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 fishing by nonresident and foreign exchange students; to amend and reenact section 20.1-03-07 of the North Dakota Century Code, relating to fishing by nonresidents; and to provide an expiration date.

ROLL CALL

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

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

NAYS: LaFountain; Mutzenberger; Thompson; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1190, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1224: A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers transporting agricultural commodities; to amend and reenact section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1224, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1302: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to appointment of agents and use of out-of-state vendors by county auditors to sell game and fish licenses.

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

ABSENT AND NOT VOTING: Nalewaja; Nething; Stenehjem, B.

HB 1302, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to a "test the waters" exemption to registration of securities; and to amend and reenact subsection 4 of section 10-04-03 of the North Dakota Century Code, relating to deposit of securities fees.

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, 1 NAY, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Redlin

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1412, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1068 and Engrossed HB 1076, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1122: A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to access to the records of the department of transportation.

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

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1122 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1202: A BILL for an Act to amend and reenact subsection 7 of section 20.1-03-11 and section 20.1-08-04.6 of the North Dakota Century Code, relating to landowner preference licenses to hunt elk and the governor's proclamation concerning the hunting of elk; 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; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsch; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1202 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

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.

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

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1214 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1242: A BILL for an Act to create and enact a new subsection to section 52-06-02 of the North Dakota Century Code, relating to North Dakota unemployment compensation disqualification.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: LaFountain

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1242 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1246: A BILL for an Act to amend and reenact section 15-40.1-07.6 of the North Dakota Century Code, relating to special education per student payments.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1246 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1249: A BILL for an Act to create and enact a new subsection to section 26.1-39-05 of the North Dakota Century Code, relating to insurance coverage on structures.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1249 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1292 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1294: A BILL for an Act to amend and reenact subsection 3 of section 21-03-07 of the North Dakota Century Code, relating to bonding for federal aid bridge projects.

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, 1 NAY, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Schobinger

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1294 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1305: A BILL for an Act to provide for a study of industrial hemp production by the agricultural experiment station.

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

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

NAYS: Schobinger; Solberg

ABSENT AND NOT VOTING: Grindberg; Nething; Stenehjem, B.

Engrossed HB 1305 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1310: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-01-01 of the North Dakota Century Code, relating to authorized emergency vehicles.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Nalewaja

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1310 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1334: A BILL for an Act to create and enact a new subsection to section 43-13-13.3 of the North Dakota Century Code, relating to consultations with a licensed ophthalmologist; and to amend and reenact sections 43-13-01 and 43-13-22 of the North Dakota Century Code, relating to definitions and licenses in the practice of optometry.

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, 1 NAY, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Nalewaja

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1334 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1335: A BILL for an Act to amend and reenact section 50-24.4-15 of the North Dakota Century Code, relating to recapture of depreciation in setting nursing home rates.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1335 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1380: A BILL for an Act to amend and reenact sections 21-03-15 and 21-03-42 of the North Dakota Century Code, relating to payment of the principal and interest on bonds issued by political subdivisions and termination of tax levies; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Freborg; Nothing; Stenehjem, B.

Engrossed HB 1380 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1395: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to a public access program; to amend and reenact subsections 18 and 19 of section 20.1-02-05, subsection 41 of section 20.1-03-12, and section 20.1-03-12.1 of the North Dakota Century Code, relating to a public access program; and to repeal section 20.1-02-16.3 of the North Dakota Century Code and sections 2, 3, 4, 5, and 6 of chapter 278 of the 1989 Session Laws, relating to the small and big game habitat restoration trust fund.

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

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

NAYS: Bowman; Christmann; Kinnoin; Krebsbach; Lee; O'Connell; Solberg; Urlacher; Wanzek

ABSENT AND NOT VOTING: Nothing; Stenehjem, B.

Engrossed HB 1395 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1402: A BILL for an Act to amend and reenact subsection 4 of section 15-47-46 of the North Dakota Century Code, relating to the qualifications of persons teaching kindergarten through grade eight.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nothing; Stenehjem, B.

HB 1402 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1434: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to labeling requirements for bagged agricultural seed; and to amend and reenact section 4-09-08 of the North Dakota Century Code, relating to public laboratory services by the state seed 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 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Krauter

ABSENT AND NOT VOTING: Nothing; Stenehjem, B.

Engrossed HB 1434 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1436: A BILL for an Act to create and enact two new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards and planting records for seed potatoes.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nothing; Stenehjem, B.

Engrossed HB 1436 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1437: A BILL for an Act to create and enact three new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards for seed potatoes imported into the state and potato planting records; to amend and reenact section 4-10-22 of the North Dakota Century Code, relating to civil penalties for violating potato grading and inspection laws; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg;

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

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

Engrossed HB 1437 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3017: A concurrent resolution urging the Congress of the United States to consider an amendment to the United States Constitution to require a balanced federal budget.

MOTION

SEN. HEITKAMP MOVED that HCR 3017 be amended as follows:

Page 1, line 2, after "budget" insert "which guarantees protection of Social Security trust funds and which excludes Social Security spending and revenues from budget calculations as required by current law"

Page 1, line 12, after "budget" insert "which guarantees protection of Social Security trust funds and which excludes Social Security spending and revenues from budget calculations as required by current law"

Renumber accordingly

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HCR 3017, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HCR 3017, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

The proposed amendments to HCR 3017 failed.

REQUEST

SEN. G. NELSON REQUESTED a recorded roll call vote on the final adoption of HCR 3017, 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 PASS, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HCR 3017 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3028: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state department of commerce.

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

HCR 3028 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3036: A concurrent resolution commending Leland Stenehjelm, Jr., upon his election as President of the Independent Bankers Association of America.

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

HCR 3036 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1064: A BILL for an Act to create and enact a new section to chapter 27-09.1 of the North Dakota Century Code, relating to the selection of jurors.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjelm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Sand; Stenehjelm, B.

HB 1064 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact a new subsection to section 12.1-32-04 of the North Dakota Century Code, relating to factors to be considered in sentencing decisions.

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

YEAS: Kelsh; Kinnoin; O'Connell

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

ABSENT AND NOT VOTING: Nething; Stenehjelm, B.

Engrossed HB 1145 lost.

SECOND READING OF HOUSE BILL

HB 1275: A BILL for an Act to amend and reenact subsection 2 of section 29-30.3-04, subsection 1 of section 29-30.3-05, and subsection 1 of section 29-30.3-13 of the North Dakota Century Code, relating to the magistrate before which an arrested person may be brought.

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; Bowman; 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.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1275 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Cook; DeMers; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Nalewaja; Nelson, G.; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Urlacher

NAYS: Berg; Christmann; Fischer; Freborg; Goetz; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Solberg; Thompson; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Stenehjem, B.

HB 1286 lost.

MOTION

SEN. GOETZ MOVED that HB 1183 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1183 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 and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, March 13, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1040, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1042, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1042 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1045: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1045 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1089, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1089 was placed on the Sixth order on the calendar.

Page 1, line 15, after "sentencing" insert ". The remaining life expectancy of the offender must be calculated on the date of sentencing.", after "to" insert "a", and replace "tables" with "table as established by rule by the supreme court"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1103, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1103 was placed on the Sixth order on the calendar.

Page 3, after line 26, insert:

- "12. For any other use in response to requests for individual motor vehicle records if the department has provided in a clear and conspicuous manner on forms for issuance or renewal of operator's permits, titles, registrations, or identification cards, notice that personal information collected by the department may be disclosed to any person, and the department has provided in a clear and conspicuous manner on the forms an opportunity to prohibit disclosure.
13. For bulk distribution for surveys, marketing, or solicitations if the motor vehicle department has implemented methods and procedures to ensure that:
- a. Individuals are provided an opportunity, in a clear and conspicuous manner, to prohibit those uses; and
 - b. The information disclosed may not be used for surveys, marketing, or solicitations directed at the individuals choosing to prohibit those uses."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1158, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1158 was placed on the Sixth order on the calendar.

Page 3, line 12, overstrike "The board of pardons."

Page 3, line 13, overstrike "o."

Page 3, line 14, overstrike "p." and insert immediately thereafter "o."

Page 3, line 15, overstrike "q." and insert immediately thereafter "p."

Page 3, line 17, overstrike "r." and insert immediately thereafter "q."

Page 3, line 18, overstrike "s." and insert immediately thereafter "r."

Page 3, line 19, overstrike "t." and insert immediately thereafter "s."

Page 3, line 21, overstrike "u." and insert immediately thereafter "t."

Page 3, line 24, overstrike "v." and insert immediately thereafter "u."

Page 3, line 26, overstrike "w." and insert immediately thereafter "v."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1159, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1159 was placed on the Sixth order on the calendar.

Page 2, line 19, remove "statewide or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1251: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1251 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1257 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "prehospital"

Page 1, line 15, remove ". Quality review and improvement information, data, records, and"

Page 1, remove line 16

Page 1, line 17, remove "action"

Page 1, line 20, remove "emergency service"

Page 1, line 21, remove "personnel, including" and replace "technicians" with "technicians-intermediate"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1260: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1260 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1343, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1343 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1344: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 13, after "obtained" insert "and the special execution has been served"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1345: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1345 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1358: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1358 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1359: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1359 was placed on the Sixth order on the calendar.

Page 1, line 9, remove the overstrike over "~~except marijuana~~" and insert immediately thereafter "in a quantity up to one ounce [28.35 grams]"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1456, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1456 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3034: 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). HCR 3034 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "two to three times"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3035, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3035 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3039: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3039 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3042: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3042 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

HCR 3052: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3052 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary