

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, February 3, 1997

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

The prayer was offered by Pastor Henry Mohagen, Hope Free Lutheran, Rugby, and Inherred Lutheran, Bottineau.

The roll was called and all members were present except Senators Bowman, Kringstad, Mathern, G. Nelson, and Thompson.

A quorum was declared by the President.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1089, HB 1195, HB 1206, HB 1256, HB 1275, HB 1323, HB 1324.

**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 1060, HB 1091, HB 1130.

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

**MR. SPEAKER:** The President has signed: HB 1060, HB 1091, HB 1130.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2068, SB 2091, SB 2102, SB 2115, SB 2118, SB 2135, SB 2149, SB 2151, SB 2175, SB 2208, SB 2235, SB 2237, SB 2303.

**MOTION**

**SEN. GOETZ MOVED** that SB 2047, which is on the Sixth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2047 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2007: SEN. TALLACKSON (Appropriations Committee) MOVED** that the amendments on SJ pages 207-208 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2011: SEN. NALEWAJA (Appropriations Committee) MOVED** that the amendments on SJ pages 208-209 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2065: SEN. MUTZENBERGER (Judiciary Committee) MOVED** that the amendments on SJ pages 209-210 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2074: SEN. ST. AUBYN (Appropriations Committee) MOVED** that the amendments on SJ page 210 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2116: SEN. SAND (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 211 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that SB 2133, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2136: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 211 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2238: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 212 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2239: SEN. FISCHER (Natural Resources Committee) MOVED** that the amendments on SJ page 212 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2266: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ page 213 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2272: SEN. LINDAAS (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 213-214 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2177: A BILL** for an Act to provide for restrictions on governmental regulation of private real property.

**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 8 YEAS, 36 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Klein; Mutch; Schobinger; Solberg; Traynor; Wanzek

**NAYS:** Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nothing; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2177 lost.

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**SECOND READING OF SENATE BILL**

**SB 2190: A BILL** for an Act to amend and reenact subsection 2 of section 16.1-05-01 and subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the appointment of election judges and clerks.

**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 37 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krebsbach; Lee; Lindaas; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nothing; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Christmann; Cook; Freborg; Krauter; LaFountain; Mutch; O'Connell

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2190 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2192:** A BILL for an Act to amend and reenact subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to powers of home rule cities.

**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 11 YEAS, 33 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Freborg; Kinnoin; Klein; Lips; Mutch; O'Connell; Robinson; Thane; Traynor; Wanzek

**NAYS:** Andrist; Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tomac; Urlacher; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2192 lost.

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**SECOND READING OF SENATE BILL**

**SB 2212:** A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-11 of the North Dakota Century Code, relating to temporary restricted motor vehicle operators' 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2212 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2218:** A BILL for an Act to amend and reenact section 35-05-01.1 of the North Dakota Century Code, relating to crop mortgages; and to repeal section 35-05-04 of the North Dakota Century Code, relating to security agreements covering specific crops.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2218 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2219:** A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to expense reimbursement of members of the legislative assembly; to provide for retroactive application; 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; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2219 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2245:** A BILL for an Act to amend and reenact section 39-05-19 of the North Dakota Century Code, relating to obtaining motor vehicle certificates of title.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2245 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that SB 2284, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2256:** A BILL for an Act to create and enact section 39-12-05.4 of the North Dakota Century Code, relating to weight restrictions on haystack movers.

**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 12 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; DeMers; Kelsh; Krauter; Lindaas; Mutzenberger; Naaden; O'Connell; Robinson; Tallackson; Wogsland; Yockim

**NAYS:** Berg; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krebsbach; LaFountain; Lee; Lips; Mutch; Nalewaja; Nelson, C.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2256 lost.

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**SECOND READING OF SENATE BILL**

**SB 2258:** A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to points for driving with an expired license; and to amend and reenact subsection 2 of section 39-06.1-06 and paragraph 23 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the permits and fees for driving without a license.

**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 2 YEAS, 42 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; Yockim

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2258 lost.

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**SECOND READING OF SENATE BILL**

**SB 2299:** A BILL for an Act to create and enact a new section to chapter 58-03 of the North Dakota Century Code, relating to sales, use, and excise taxes imposed by townships.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 38 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; O'Connell; Tallackson; Traynor; Wogsland; Yockim

**NAYS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

SB 2299 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1113:** A BILL for an Act to amend and reenact section 47-25-03 of the North Dakota Century Code, relating to the consent to use a similar trade name.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

Engrossed HB 1113 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1148:** A BILL for an Act to amend and reenact sections 43-19.1-18 and 43-19.1-22 of the North Dakota Century Code, relating to the registration of professional engineers and land surveyors.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

HB 1148 passed and the title was agreed to.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3003:** A concurrent resolution directing the Legislative Council to monitor the implementation of the projects developed by the Department of Human Services related to the conversion of existing nursing facility or basic care capacity for use by the Alzheimer's and related dementia population and the testing of an expanded case management system for elderly persons and disabled persons.

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

HCR 3003 was declared adopted on a voice vote, and the title was agreed to.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3004:** A concurrent resolution directing the Legislative Council to study the means of expanding home and community-based service availability, options for training additional qualified service providers, adequacy of geropsychiatric services, and the feasibility of combining service reimbursement payment sources to allow payments to flow to a broadened array of elderly and disabled services options.

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

HCR 3004 was declared adopted on a voice vote, and the title was agreed to.

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### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3007:** A concurrent resolution regarding the approval of state agency use of block grant funds and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

HCR 3007 was declared adopted on a voice vote, and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1059:** A BILL for an Act to amend and reenact sections 4-13.2-03 and 19-07-02 of the North Dakota Century Code, relating to the poultry advisory board; and to repeal section 4-13.2-04 of the North Dakota Century Code, relating to the poultry advisory board.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Thompson

HB 1059 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1108:** A BILL for an Act to amend and reenact subsection 1 of section 39-06-42 of the North Dakota Century Code, relating to the suspension or revocation of an operator's license; 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 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Tallackson; Thompson

HB 1108 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1126:** A BILL for an Act to amend and reenact section 54-27-24 of the North Dakota Century Code, relating to paying refunds from the general 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 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Bowman; Kringstad; Mathern; Nelson, G.; Tallackson; Thompson

HB 1126 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**HCR 3005:** A concurrent resolution directing the Legislative Council to study Native American long-term care needs and access to appropriate services and the functional relationship between state service units and the Native American reservation service systems.

The question being on the final adoption of the resolution, which has been read.

HCR 3005 was declared adopted on a voice vote, and the title was agreed to.

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**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., Tuesday, February 4, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "a nurses' aide registry with the department of health, a nurses' aide"

Page 1, line 7, remove "registry with" and remove "the state board of nursing, or a"

Page 1, line 8, replace "a nurses' aide or" with "the"

Page 1, line 9, replace "registration qualifications" with "enrollment competencies"

Page 1, line 10, remove "department of health, the state board of nursing, or the" and after the period insert "Home service providers on the human service registry are subject to the investigation and disciplinary process of the qualified service provider registry operated by the department of human services."

Page 1, line 11, after "violates" insert "the registry requirements of"

Page 1, line 13, remove "or"

Page 1, line 14, after "licensed" insert ", or to a person registered on the board of nursing or department of health nurse assistant registries"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2051: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the the Sixth Order on the calendar.

Page 1, line 2, after "assembly" insert "; to provide for retroactive application; and to declare an emergency"

Page 1, line 8, overstrike "ninety" and insert immediately thereafter "one hundred eleven"

Page 2, line 10, remove the overstrike over "~~every six months~~" and insert immediately thereafter "or" and after "monthly" insert ", at the member's option"

Page 2, after line 18, insert:

**"SECTION 2. RETROACTIVE APPLICATION.** This Act is retroactive in application to January 1, 1997.

**SECTION 3. EMERGENCY.** This Act is declared to be an emergency measure."



Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2053: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the the Sixth Order on the calendar.

Page 1, line 1, replace "sections 4-09-03.1, 4-10.4-05, 4-10.5-04, 4-10.6-04," with "section"

Page 1, remove line 2

Page 1, line 3, remove "subsection 2 of section 25-02-01.1, sections 43-35-07," and remove ", 54-24.3-02, 54-35-10,"

Page 1, remove line 4

Page 1, line 5, remove "61-24.5-04"

Page 1, line 6, remove "and various boards, councils, and commissions"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 30

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 15

Page 7, remove lines 23 through 31

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 28

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2097: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 4-12.2-16 of the North Dakota Century Code, relating to the duties and powers of the bee inspector.

#### BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

**SECTION 1. AMENDMENT.** Section 4-12.2-16 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-12.2-16. Bee inspector - Duties - Powers.** Upon request, the bee inspector shall provide inspection services to beekeepers, provide assistance in the location of bee colonies for pollination purposes, facilitate the interstate movement of bees, promote improvements in apicultural practices, and work with institutions of higher education to promote the apiary industry. If the bee inspector or a deputy inspector receives a complaint ~~from a beekeeper, aerial sprayer, or farmer,~~ the inspector may enter private property during reasonable hours to make an external inspection for the purpose of identifying a colony."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2122: Human Services Committee (Sen. Thane, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2141: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2144: 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). SB 2144 was placed on the Sixth order on the calendar.

Page 2, line 2, after "4" insert "or 5"

Page 2, line 5, after "4" insert "or 5"

Page 2, line 9, after "4" insert "or 5"

Page 2, line 15, after "4" insert "or 5"

Page 3, line 31, remove the overstrike over "~~42%~~" and remove "43%"

Page 4, line 1, remove the overstrike over "~~44%~~" and remove "46%"

Page 4, line 2, remove the overstrike over "~~46%~~" and remove "49%"

Page 4, line 3, remove the overstrike over "~~48%~~" and remove "52%"

Page 4, line 4, remove the overstrike over "~~50%~~" and remove "55%"

Page 4, line 5, remove the overstrike over "~~52%~~" and remove "58%"

Page 4, line 6, remove the overstrike over "~~54%~~" and remove "61%"

Page 4, line 7, remove the overstrike over "~~56%~~" and remove "64%"

Page 4, line 8, remove the overstrike over "~~58%~~" and remove "67%"

Page 4, line 9, remove the overstrike over "~~60%~~" and remove "70%"

Page 4, line 10, after "5." insert "With the consent of the governing body of the city involved, and in substitution for the pension payment schedule provided in subsection 1, 3, or 4, a firefighters relief association shall pay a monthly service pension to members of the association with the following qualifications, the following amount:

<u>Years of service</u>	<u>Years of age</u>	<u>Percent of first-class firefighter's monthly salary on January first during year the pension is paid</u>
<u>10</u>	<u>50</u>	<u>20%</u>
<u>11</u>	<u>50</u>	<u>22%</u>
<u>12</u>	<u>50</u>	<u>24%</u>
<u>13</u>	<u>50</u>	<u>26%</u>
<u>14</u>	<u>50</u>	<u>28%</u>
<u>15</u>	<u>50</u>	<u>30%</u>
<u>16</u>	<u>50</u>	<u>32%</u>
<u>17</u>	<u>50</u>	<u>34%</u>
<u>18</u>	<u>50</u>	<u>36%</u>
<u>19</u>	<u>50</u>	<u>38%</u>
<u>20</u>	<u>50</u>	<u>40%</u>
<u>21</u>	<u>51</u>	<u>43%</u>
<u>22</u>	<u>52</u>	<u>46%</u>
<u>23</u>	<u>53</u>	<u>49%</u>
<u>24</u>	<u>54</u>	<u>52%</u>

<u>25</u>	<u>55</u>	<u>55%</u>
<u>26</u>	<u>56</u>	<u>58%</u>
<u>27</u>	<u>57</u>	<u>61%</u>
<u>28</u>	<u>58</u>	<u>64%</u>
<u>29</u>	<u>59</u>	<u>67%</u>
<u>30</u>	<u>60</u>	<u>70%</u>

6."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2164: 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). SB 2164 was placed on the Sixth order on the calendar.

Page 1, line 2, after "machinery" insert "; and to declare an emergency"

Page 1, line 23, after "agreements" insert "under which the annual payments by the county do not exceed twenty thousand dollars"

Page 2, after line 3, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2172: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2172 was placed on the Sixth order on the calendar.

Page 2, line 24, overstrike "state"

Page 2, line 26, overstrike "state"

Page 2, line 27, overstrike "state"

Page 3, line 10, overstrike "state"

Page 3, line 24, after "closed" insert an underscored comma and overstrike "proceed to"

Page 3, line 25, overstrike "state"

Page 4, line 1, overstrike "state"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2185: 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). SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "social security number" with "birthdate"

Page 1, line 14, after the period insert "Any record required to be kept by this section is open to inspection by a law enforcement officer during regular business hours."

Page 1, line 17, replace "violation of" with "business entity that violates" and after "is" insert "guilty of"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2195: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 3 of section 52-09-08 and"

Page 1, remove lines 5 through 21

Page 2, line 2, remove ", social security, or an employee retirement program"

Page 2, line 3, remove "established by the governing body" and after "52-09-08" insert ", for social security, or for an employee retirement program established by the governing body"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2196: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2196 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2199: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Sixth order on the calendar.

Page 1, line 11, after the first period insert "This section does not apply to property located within one quarter mile of the municipality's corporate limits or to an agreement that contains a provision whereby the municipality agrees to provide a municipal service or services before the annexation."

Page 1, line 17, after the period insert "This section does not apply to property located within one quarter mile of the municipality's corporate limits or to an agreement that contains a provision whereby the municipality agrees to provide a municipal service or services before the annexation."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2217: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2217 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2271: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Sixth order on the calendar.

Page 3, line 1, after the first "any" insert "nonlegislative"

Page 3, line 3, after the underscored period insert "If the office of any legislative member becomes vacant by reason of the failure of a legislator to qualify or for any other reason, the chairman of the legislative council shall appoint a successor to fill the vacancy."

Renumber accordingly

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

**William C. Parker, Secretary**