

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 4, 1997

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

The prayer was offered by Pastor Jay Spoonheim, Stanton Lutheran Parish, Stanton.

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

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 1030, HB 1048, HB 1063, HB 1178, HB 1194, HB 1197, HB 1390, HB 1428.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1059, HB 1108, HB 1113, HB 1126, HB 1148, HCR 3003, HCR 3004, HCR 3005, HCR 3007.

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 2190, SB 2212, SB 2218, SB 2219, SB 2245.

CONSIDERATION OF AMENDMENTS

SB 2027, as engrossed: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ page 224 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2133: SEN. THOMPSON (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 NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2051: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 224-225 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. W. Stenehjem's motion, Engrossed SB 2051 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2053: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 225 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. W. Stenehjem's motion, Engrossed SB 2053 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2097: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 225-226 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2144: SEN. MUTZENBERGER (Political Subdivisions Committee) MOVED that the amendments on SJ pages 226-227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2164: SEN. GRINDBERG (Political Subdivisions Committee) MOVED that the amendments on SJ page 227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2172: SEN. TOMAC (Agriculture Committee) MOVED that the amendments on SJ page 227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2185: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 227 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2195: SEN. KINNOIN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 227-228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2199: SEN. WATNE (Political Subdivisions Committee) MOVED that the amendments on SJ page 228 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2271: SEN. CHRISTMANN (Natural Resources Committee) MOVED that the amendments on SJ page 228 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed SB 2271 was rereferred.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and department of veterans' affairs; and to provide legislative intent regarding veterans' home management, budgeting, and accounting practices and related budget section reports.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2007 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the highway patrol; to provide for mobile data terminals; 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 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Berg; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Fischer; Kinnoin; Klein; LaFountain; Lee; Mutch; O'Connell; Schobinger; Stenehjem, B.; Thompson; Tomac; Wanzek

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2011 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2065: A BILL for an Act relating to security measures in certain retail establishments; to provide a penalty; and to provide for an effective date.

ROLL CALL

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

YEAS: Bowman; Freborg; Kinnoin; Lindaas; Solberg; St. Aubyn; Stenehjem, W.; Traynor; Watne

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Krebsbach; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh; Kringstad

Engrossed SB 2065 lost.

SECOND READING OF SENATE BILL

SB 2074: A BILL for an Act to require the workers compensation bureau to submit to independent performance audits on a biennial basis.

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; Kinnoin; Klein; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh; Kringstad

Engrossed SB 2074 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of workers compensation benefits to and scholarships for spouses and dependent children of employees who have died as the result of work-related injuries; to amend and reenact sections 65-05-16, 65-05-17, 65-05-26, and 65-05.2-02 of the North Dakota Century Code, relating to benefits for dependents of employees who have died as a result of work-related injuries; to repeal section 65-05-23 of the North Dakota Century Code, relating to apportionment of benefits in certain death cases; and to provide an effective date.

MOTION

SEN. GOETZ MOVED that SB 2116 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to create and enact twelve new sections to chapter 43-10 of the North Dakota Century Code, relating to funeral practice exceptions, limitations on licenses, registration of intern embalmers, civil penalties for the unauthorized practice of funeral service, and licenses to operate a crematorium; to amend and reenact sections 43-10-01, 43-10-02, 43-10-04, 43-10-05, 43-10-10, 43-10-11, 43-10-12, 43-10-13, 43-10-14, 43-10-15, 43-10-16, 43-10-19, 43-10-20, 43-10-22, 43-10-23, 43-10-24, and 43-10-25 of the North Dakota Century Code, relating to the powers of the state board of

funeral service, licensure and regulation of funeral service practitioners, and disciplinary action of funeral service licensees; and to repeal sections 43-10-17 and 43-10-18 of the North Dakota Century Code, relating to state board of funeral service disciplinary hearings; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2136 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act relating to performing rights societies.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2238 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to provide for creation of a Devils Lake outlet management advisory committee.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2239 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2266: A BILL for an Act to create and enact a new subsection to section 14-07.1-13 of the North Dakota Century Code, relating to domestic violence arrest procedures; and to amend and reenact subsections 4 and 8 of section 14-07.1-02, subsection 2 of section

14-07.1-03, and subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to domestic violence protection orders.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2266 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact a new subsection to section 41-09-46 of the North Dakota Century Code, relating to termination of security interests under the central notice system; to amend and reenact sections 35-17-08, 35-30-06, and 35-31-06 of the North Dakota Century Code, relating to termination of statutory liens filed under the central notice system; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2272 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2284: A BILL for an Act to amend and reenact section 65-04-15 of the North Dakota Century Code, relating to confidentiality of workers' compensation employers' reports.

MOTION

SEN. MUTZENBERGER MOVED that SB 2284 be amended as follows:

Page 1, line 16, remove "the amount of the premium paid for"

Page 1, line 17, remove "each employee."

Renumber accordingly

REQUEST

SEN. MUTZENBERGER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2284, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2284, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Kringstad

The proposed amendments to SB 2284 failed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Kringstad

SB 2284 lost.

SECOND READING OF SENATE BILL

SB 2122: A BILL for an Act to create and enact a new subsection to section 43-17-02 and sections 43-17-26.1 and 43-17-27.1 of the North Dakota Century Code, relating to persons exempt from licensure as a physician, physician license renewals and late fees, and continuing education for physicians; and to amend and reenact section 43-17-18 of the North Dakota Century Code, relating to license requirements for physicians.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Kringstad

SB 2122 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact section 57-15-26.3 of the North Dakota Century Code, relating to the mill levy limitation for rural fire protection districts; 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 NOT PASS, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; Cook; DeMers; Freborg; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Wogsland

NAYS: Andrist; Berg; Bowman; Fischer; Goetz; Grindberg; Heitkamp; Klein; Lee; Nelson, G.; Solberg; Thompson; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Kringstad

SB 2141 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to amend and reenact section 28-01-46 of the North Dakota Century Code, relating to expert witnesses in medical malpractice actions.

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, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeMers; LaFountain; O'Connell; Yockim

ABSENT AND NOT VOTING: Kringstad

SB 2217 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2116: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to payment of workers compensation benefits to and scholarships for spouses and dependent children of employees who have died as the result of work-related injuries; to amend and reenact sections 65-05-16, 65-05-17, 65-05-26, and 65-05.2-02 of the North Dakota Century Code, relating to benefits for dependents of employees who have died as a result of work-related injuries; to repeal section 65-05-23 of the North Dakota Century Code, relating to apportionment of benefits in certain death cases; and to provide an effective date.

ROLL CALL

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

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

NAYS: Krauter

ABSENT AND NOT VOTING: Kringstad

Engrossed SB 2116 passed and the title was agreed to.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 5, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2162: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2162 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2166: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2184: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2205: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2205 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2215: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2215 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2285: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2285 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2288: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2288 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2298: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Sixth order on the calendar.

Page 3, line 15, after "directors" insert "at large from counties"

Page 3, line 18, after the underscored period insert "All candidates for election to the board must be voted on by the qualified electors of the entire Devils Lake basin, but there must be one director elected from each of the nine counties."

Page 4, line 8, replace "title 32" with "chapter 61-16.1"

Page 8, after line 14, insert:

"20. Soil conservation districts."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2312: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2313: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2313 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2334: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2334 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "six" with "ten"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2387 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1030: A BILL for an Act to amend and reenact section 28-32-03.3 of the North Dakota Century Code, relating to consideration of administrative rules by the administrative rules committee; and to provide an effective date.

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

HB 1048: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the powers and duties of the department of human services; and to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to registration of sexually violent predators.

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

HB 1063: A BILL for an Act to create and enact two new sections to chapter 28-04 and a new section to chapter 29-01 of the North Dakota Century Code, relating to civil and criminal proceedings; to amend and reenact sections 28-04-02, 28-04-03, 28-04-04, 28-04-05, 29-03-07, 29-03-08, and 54-18-12 of the North Dakota Century Code, relating to the location of civil and criminal proceedings; and to repeal section 28-04-06 of the North Dakota Century Code, relating to the proper location of civil trials.

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

HB 1089: A BILL for an Act to amend and reenact section 12.1-32-09.1 of the North Dakota Century Code, relating to sentencing of violent offenders.

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

HB 1178: A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01 of the North Dakota Century Code, relating to assault of firefighters or emergency medical services personnel; and to provide a penalty.

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

HB 1194: A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to oil and gas production reports.

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

HB 1195: A BILL for an Act to amend and reenact subsection 6 of section 12.1-32-01, subsection 1 of section 27-09.1-07, sections 40-05-06, and 40-18-14 of the North Dakota Century Code, relating to misdemeanor monetary penalties.

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

HB 1197: A BILL for an Act to amend and reenact section 34-06-15 of the North Dakota Century Code, relating to issuing special licenses to employ at less than minimum wage.

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

HB 1206: A BILL for an Act to amend and reenact section 54-35-01 of the North Dakota Century Code, relating to the composition of the North Dakota legislative council; and to provide an effective date.

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

HB 1256: A BILL for an Act to amend and reenact section 57-51-11 of the North Dakota Century Code, relating to oil and gas gross production and oil extraction tax, liens, penalty, and interest.

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

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.

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

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

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

HB 1324: A BILL for an Act to amend and reenact section 28-21-06 of the North Dakota Century Code, relating to the contents of writs of execution.

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

HB 1390: A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to appraisals of real estate that is collateral for a loan by state-chartered banks.

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

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

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

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

William C. Parker, Secretary