

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 17, 1999

The Senate convened at 8:30 a.m., with President Pro Tem W. Stenehjem presiding.

The prayer was offered by Reverend Jeannette Hickman, First Presbyterian Church, Bismarck.

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

A quorum was declared by the President Pro Tem.

CONSIDERATION OF AMENDMENTS

SB 2013: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ pages 482-487 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act to provide an appropriation for defraying the expenses of the department of public instruction, the school for the deaf, the school for the blind, and the state library; to amend and reenact section 15-21-02 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-02-02 of the North Dakota Century Code, relating to the salary of the superintendent of public instruction; to repeal section 2 of Senate Bill No. 2381, as enacted by the fifty-sixth legislative assembly; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2013 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2003: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 477-480 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2003: A BILL for an Act to provide an appropriation for defraying the expenses of the attorney general; to provide statements of legislative intent; to amend and reenact section 12-60-16.9, subsection 3 of section 53-06.1-14, and section 54-12-11 of the North Dakota Century Code, relating to criminal history background checks, gaming stamp fees, and the salary of the attorney general; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2003 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2333, as engrossed: SEN. HOLMBERG (Appropriations Committee) MOVED that the amendments on SJ page 498 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2333: A BILL for an Act to create and enact a new section to chapter 15-38 of the North Dakota Century Code, relating to teacher certification requirements; and to provide an appropriation.

ROLL CALL

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

YEAS: Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; Kilzer; Sand; Solberg

ABSENT AND NOT VOTING: Nothing; Traynor

Reengrossed SB 2333 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2009: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ pages 480-482 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2009: A BILL for an Act to provide an appropriation for defraying the expenses of the agriculture commissioner; and to amend and reenact section 4-01-21 of the North Dakota Century Code, relating to the salary of the agriculture commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2009 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2015: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 487-490 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions under the supervision of the director of the office of management and budget; to provide an appropriation for defraying the expenses of the department of human services; to provide for various transfers and financial transactions; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; to provide statements of legislative intent relating to state employee compensation adjustments; to authorize the transfer of special funds to the general fund; to provide for transfers from the Bank of North Dakota to the state general fund; to create and enact a new section to chapter 54-23.2 of the North Dakota Century Code, relating to mobile data terminal and 911 service fees; and to amend and reenact section 54-27.2-02 of the North Dakota Century Code, relating to the budget stabilization fund.

MOTION

SEN. ROBINSON MOVED that Engrossed SB 2015 be amended as follows:

Page 1, line 20, replace "3,082,026" with "2,962,026"

Page 2, line 3, replace "64,739,956" with "64,619,956"

Page 2, line 5, replace "18,651,713" with "18,531,713"

Page 2, line 24, replace "23,283,562" with "23,163,562"

Page 2, line 26, replace "120,420,422" with "120,300,422"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment removes \$120,000 of general fund moneys for a state lobbyist.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2015, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2015, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Schobinger; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; O'Connell; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

The proposed amendments to Engrossed SB 2015 were defeated.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Lee; Lindaas; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; Kroeplin; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2015 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. KRINGSTAD (Appropriations Committee) MOVED that the amendments on SJ pages 490-491 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; and to provide for a study by the state engineer of the feasibility and desirability of constructing dams and other impoundments in the Pembina River watershed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2023 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2026: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ pages 491-493 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act making an appropriation for defraying the expenses of various state departments and institutions; to amend and reenact subdivision 3 of section 1 of chapter 45 of the 1997 Session Laws, relating to the department of corrections and rehabilitation appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Freborg; Nething; Traynor

Engrossed SB 2026 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 10:25 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

CONSIDERATION OF AMENDMENTS

SB 2043: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ pages 493-494 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to provide for the information technology department and transition of responsibilities to the department; to amend and reenact sections 15-65-02, 41-09-46, 54-16-11.1, 54-35-15, 54-44-11, 54-44.8-01, 54-44.8-02, 54-44.8-03, 54-44.8-04, 54-44.8-05, 54-44.8-07, 54-44.8-08, 54-46-03, and 54-46.1-01 of the North Dakota Century Code, relating to references to the information services division, the information services operating fund, the legislative council, and the state records administrator; to repeal chapter 54-44.2 of the North Dakota Century Code, relating to the information services division; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2043 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2121: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 494-495 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2121: A BILL for an Act to create and enact two new sections to chapter 16.1-11 of the North Dakota Century Code, relating to requirements for conducting a presidential preference contest and a presidential caucus; to amend and reenact section 16.1-11-02 and subdivision v of subsection 2 of section 28-32-01 of the North Dakota Century Code, relating to the time for holding presidential preference contests and the adoption of rules by the secretary of state; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2121 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2264: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 495-496 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2264: A BILL for an Act to amend and reenact section 55-10-08 of the North Dakota Century Code, relating to the authority of the state historical board and superintendent of the state historical board to prohibit the alteration or demolition of historic sites.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2264 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2304: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ page 496 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to create and enact a new subsection to section 57-38-30.3 and a new section to chapter 57-38 of the North Dakota Century Code, relating to an income tax credit or rebate for property taxes paid contingent upon excess general fund balances; to repeal chapter 54-27.2 of the North Dakota Century Code, relating to the budget stabilization fund; to provide a continuing appropriation; and to provide an effective date.

ROLL CALL

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

YEAS: Bercier; DeMers; Flakoll; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2304 lost.

CONSIDERATION OF AMENDMENTS

SB 2307: SEN. ST. AUBYN (Appropriations Committee) MOVED that the amendments on SJ page 497 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact sections 57-40.6-02.1 and 57-40.6-02.2 of the North Dakota Century Code, relating to a wireless 911 service fee and service fund; to amend and reenact sections 57-40.6-01, 57-40.6-06, 57-40.6-07, and 57-40.6-08 of the North Dakota Century Code, relating to wireless 911 service fees, definitions, and communications; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

Engrossed SB 2307 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2320: SEN. KILZER (Human Services Committee) MOVED that the amendments on SJ pages 497-498 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to amend and reenact subsection 5 of section 23-06.5-03 and subsection 4 of section 23-12-13 of the North Dakota Century Code, relating to withdrawing or withholding nutrition and hydration from incapacitated patients; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2320 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2341: SEN. ANDRIST (Appropriations Committee) MOVED that the amendments on SJ pages 498-499 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2341, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2341, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Traynor

The motion to adopt the amendments to SB 2341 passed. Engrossed SB 2341 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to provide for agricultural education.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2341 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2349: SEN. BERCIER (Judiciary Committee) MOVED that the amendments on SJ page 499 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to create and enact a new section to chapter 19-02.1 of the North Dakota Century Code, relating to limitations on punitive damages.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Mutzenberger

ABSENT AND NOT VOTING: Nothing; Traynor

Engrossed SB 2349 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2355: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 499-500 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to amend and reenact sections 11-33-02 and 58-03-11 of the North Dakota Century Code, relating to zoning districts and regulations affecting normal incidents of farming and ranching.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wardner

NAYS: DeMers; Fischer; Heitkamp; Kelsh; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2355 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2356: SEN. KLEIN (Agriculture Committee) MOVED that the amendments on SJ pages 500-501 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to provide for a Legislative Council study of the feasibility and desirability of forming a multistate agricultural marketing commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

NAYS: DeMers; Kelsh; Nelson, C.; O'Connell; Watne

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2356 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 12:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

REPORT OF DELAYED BILLS COMMITTEE

MR. PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a concurrent resolution urging Congress to act quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced membership of the Advisory Commission on Electronic Commerce.

The resolution will be SCR 4053.

CONSIDERATION OF AMENDMENTS

SB 2413: SEN. BERCIER (Judiciary Committee) MOVED that the amendments on SJ page 501 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to create and enact a new chapter to title 14 of the North Dakota Century Code, relating to a North Dakota human rights commission; to amend and reenact sections 14-02.4-19 and 14-02.4-21 of the North Dakota Century Code, relating to actions, limitations, and mediation for discriminatory practices; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; DeMers; Fischer; Flakoll; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.;

Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Wardner; Watne

NAYS: Andrist; Bowman; Christmann; Cook; Freborg; Grindberg; Kringstad; Mutch; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Urlacher; Wanzek

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2413 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2419: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 501 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to funds recovered by the attorney general; and to amend and reenact section 54-12-18 of the North Dakota Century Code, relating to the attorney general refund fund.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Traynor

Engrossed SB 2419 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2427: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ page 501 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

REQUEST

SEN. D. MATHERN REQUESTED that the record show she was absent when the committee voted on these amendments and that she would have voted NAY.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2427, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2427, the roll was called and there were 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Traynor

The motion to adopt the amendments to SB 2427 passed. Engrossed SB 2427 was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2427: A BILL for an Act to create and enact two new sections to chapter 54-18 of the North Dakota Century Code, relating to the formation of a voluntary durum wheat pool; to provide for borrowing authority; and to declare an emergency.

MOTION

SEN. G. NELSON MOVED that the question be put at 2:08 p.m.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to set a time certain, which request was granted.

ROLL CALL

The question being on the motion to set a time certain, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

ABSENT AND NOT VOTING: Nothing; Tallackson; Traynor

The motion to set a time certain at 2:08 p.m. prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 21 YEAS, 25 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thane; Thompson; Tomac

NAYS: Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nothing; Tallackson; Traynor

Engrossed SB 2427 lost.

CONSIDERATION OF AMENDMENTS

SB 2433: SEN. WANZEK (Agriculture Committee) MOVED that the amendments on SJ pages 501-502 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to provide for a nonprofit agricultural property acquisition impact fee on the purchase price of agricultural property acquired by certain nonprofit corporations; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Grindberg; Heitkamp; Kinnoin; Klein; Kroeplin; Lindaas; Lyson; Naaden; Schobinger; Solberg; Thompson; Urlacher; Wanzek

NAYS: Bercier; DeMers; Fischer; Flakoll; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Lee; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.;

O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

Engrossed SB 2433 lost.

REQUEST

SEN. ST. AUBYN REQUESTED that the Senate move to the Eleventh order, which request was granted.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to the legislative council information technology committee.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2044 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to contingent fee arrangements for compensating special assistant attorneys general.

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 28 YEAS, 17 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

ABSENT AND NOT VOTING: Freborg; Nething; Tallackson; Traynor

SB 2047 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for certain building materials used in economically disadvantaged cities; and to provide an effective date.

MOTION

SEN. KROEPLIN MOVED that SB 2277 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for certain building materials used in economically disadvantaged cities; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-39.2 of the North Dakota Century Code is created and enacted as follows:

Sales and use tax exemption for residential and commercial building materials in economically disadvantaged cities.

1. a. Gross receipts from sales of building materials used to construct a new commercial building or to remodel a city's only public school building, which has been closed, in a city that is economically disadvantaged are exempt from taxes under this chapter. An agricultural elevator or agricultural commodity handling facility is not a commercial building and not entitled to exemption under this subsection.
- b. For purposes of this subsection, a city is economically disadvantaged if either of the following applies in that city:
 - (1) A new commercial building has not been constructed within the city in the five immediately preceding calendar years.
 - (2) The city's only public school building is closed.
- c. A city that is an economically disadvantaged city under this subsection retains that status for at least three calendar years and may again qualify for that status under this subsection.
- d. Remodeling of a closed school building for business or industrial use and construction of an agricultural elevator or agricultural commodity handling facility does not constitute construction of a new commercial building under paragraph 1 of subdivision b.
2. a. Gross receipts from sales of building materials used to construct a new residential building in a city that is economically disadvantaged are exempt from taxes under this chapter.
- b. For purposes of this subsection, a city is economically disadvantaged if either of the following applies in that city:
 - (1) A new residential building has not been constructed in either of the two immediately preceding calendar years.
 - (2) The city's only public school building is closed.
- c. A city that is an economically disadvantaged city under this subsection retains that status for at least three calendar years and may again qualify for that status under this subsection.
3. To qualify for exemption under this section at the time of purchase, the contractor must receive from the commissioner a certificate stating that the building qualifies for the exemption. If a certificate is not received before the purchase, the contractor must pay the tax and the owner of the building may apply for a refund of taxes paid on exempt purchases under this section.

SECTION 2. EFFECTIVE DATE. This Act is effective for property on which construction begins after July 31, 1999."

Renumber accordingly

SB 2277: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for certain building materials used in economically disadvantaged cities; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thane; Thompson; Tomac; Urlacher; Wardner; Watne

NAYS: Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Wanzek

ABSENT AND NOT VOTING: Nothing; Tallackson; Traynor

Engrossed SB 2277 lost for lack of a Constitutional majority.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem W. Stenehjem presiding.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to create and enact a new subsection to section 53-06.2-01, a new subsection to section 53-06.2-04, a new subsection to section 53-06.2-05, and a new section to chapter 53-06.2 of the North Dakota Century Code, relating to definitions, funds administered by the racing commission, and a continuing appropriation; to amend and reenact subsections 1, 2, and 3 of section 53-06.2-11 of the North Dakota Century Code, relating to the use of racing funds; and to provide an expiration 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 25 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bercier; Christmann; DeMers; Flakoll; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Stenehjem, B.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; Bowman; Cook; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kringstad; Lindaas; Mutch; Naaden; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.

ABSENT AND NOT VOTING: Nothing; Tallackson; Traynor

SB 2361 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to amend and reenact section 54-46.1-01 of the North Dakota Century Code, relating to the provision of microfilm services; 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 29 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2411 passed, the title was agreed to, but the emergency clause lost.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to the establishment of a livestock production loan program and the issuance of revenue bonds or other evidences of indebtedness by the industrial commission of North Dakota.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2425 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2426: A BILL for an Act to provide that the operation of sport shooting ranges may not be deemed a nuisance; 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 25 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Holmberg; Kilzer; Kinnoin; Klein; Kringstad; Lyson; Mutch; Naaden; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner

NAYS: Bercier; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Kelsh; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Thompson; Tomac; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2426 passed, the title was agreed to, but the emergency clause lost.

SECOND READING OF SENATE BILL

SB 2428: A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to motor vehicle registration fees.

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 10 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Kinnoin; Klein; Stenehjem, B.; Thane; Tomac; Wanzek

NAYS: Bercier; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thompson; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2428 lost.

SECOND READING OF SENATE BILL

SB 2430: A BILL for an Act to authorize the director of the department of human services to sell certain land in Stutsman County.

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 1 YEA, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist

NAYS: Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2430 lost.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act relating to review of state agency applications for grants from the United States government or foundations.

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 1 YEA, 45 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Christmann

NAYS: Andrist; Bercier; Bowman; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2431 lost.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to create and enact a new section to chapter 61-32 of the North Dakota Century Code, relating to consolidation of wetlands; and to amend and reenact section 61-32-03 of the North Dakota Century Code, relating to drainage permits.

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 14 YEAS, 32 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Holmberg; Kilzer; Klein; Mutch; Naaden; Nelson, G.; O'Connell; Schobinger; Solberg; Thompson; Wanzek

NAYS: Bercier; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2432 lost.

SECOND READING OF SENATE BILL

SB 2367: A BILL for an Act to amend and reenact subsection 7 of section 25-03.3-01 of the North Dakota Century Code, relating to the definition of sexually dangerous individual.

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 0 YEAS, 46 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2367 lost.

SECOND READING OF SENATE BILL

SB 2434: A BILL for an Act to amend and reenact section 24-17-03 of the North Dakota Century Code, relating to outdoor advertising.

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 27 YEAS, 19 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Fischer; Freborg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Tomac; Urlacher; Wardner; Watne

NAYS: Bercier; Cook; DeMers; Flakoll; Grindberg; Kelsh; Krebsbach; Kringstad; Lee; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Stenehjem, W.; Thompson; Wanzek

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2434 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act relating to the performance of partial-birth abortions; 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 42 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Redlin

ABSENT AND NOT VOTING: DeMers; Mutzenberger; Nelson, C.; Nething; Tallackson; Traynor

SB 2254 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2435: A BILL for an Act to provide an exemption from motor vehicle operator's license provisions for train crew members.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Mutzenberger; Nelson, C.; Nething; Tallackson; Traynor

SB 2435 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2436: 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.

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 29 YEAS, 17 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

SB 2436 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to amend and reenact subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the qualifications of members of the board of election.

MOTION

SEN. LEE MOVED that SB 2232 be amended as follows, which motion prevailed.

Page 1, line 6, replace "subdivision" with "subdivisions" and after "b" insert "and d"

Page 1, line 19, remove "public or private"

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

Page 1, line 23, after "request" insert "to be absent from school"

Page 1, line 24, replace "to be absent from school" with "and by the school administrator"

Page 2, line 4, remove "nor may the student be penalized by the school in any"

Page 2, line 5, remove "manner"

Page 2, after line 6, insert:

"d. An individual who has attained the age of sixteen and has graduated from high school or obtained a general education degree from an accredited educational institution is eligible to be appointed as a poll clerk if the individual meets the qualifications of paragraphs 1 and 2 of subdivision b."

Renumber accordingly

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Urlacher; Wanzek; Wardner

NAYS: Christmann; Cook; DeMers; Freborg; Krebsbach; Kroeplin; Mutch; Naaden; Redlin; Robinson; Sand; Solberg; Tomac; Watne

ABSENT AND NOT VOTING: Nothing; Tallackson; Traynor

Engrossed SB 2232 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2437: A BILL for an Act to create and enact a new section to chapter 23-15 of the North Dakota Century Code, relating to fireworks sales for New Year's Eve 2000; and to amend and reenact section 23-15-01 of the North Dakota Century Code, relating to the sale of fireworks.

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 41 YEAS, 4 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; DeMers; Lyson; Solberg

ABSENT AND NOT VOTING: Holmberg; Nothing; Tallackson; Traynor

SB 2437 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to repeal section 16.1-10-04.1 of the North Dakota Century Code, relating to disclosure requirements for political advertisements.

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 20 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Grindberg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mutzenberger; Naaden; Nelson, G.; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wardner; Watne

NAYS: Andrist; Bercier; Christmann; Cook; DeMers; Fischer; Flakoll; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Schobinger; Thompson; Tomac; Wanzek

ABSENT AND NOT VOTING: Nething; Tallackson; Traynor

Engrossed SB 2330 lost.

REPORT OF STANDING COMMITTEE

SB 2400: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2400 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "four" with "two"

Page 1, line 6, replace "subsections 4 and 5 of section 26.1.26.4-02, sections 26.1-26.4-03," with "subsection 9 of section"

Page 1, line 7, replace "26.1-26.4-04.1," with "and section" and remove ", and subsection 2 of section 26.1-47-03"

Page 2, line 16, remove "Medically necessary care" means health care services, supplies, or"

Page 2, remove lines 17 through 22

Page 2, line 23, remove "f."

Page 3, line 9, remove ", or protests a decision, policy, or"

Page 3, remove line 10

Page 3, line 11, remove "the provider's ability to provide medically necessary care"

Page 3, line 29, replace "Four" with "Two"

Page 4, remove lines 11 through 29

Page 5, remove lines 1 through 27

Page 5, line 28, replace "Section" with "Subsection 9 of section"

Page 5, remove lines 30 and 31

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 11

Page 10, line 12, remove the overstrike over "9."

Page 10, line 16, remove "14. Emergency services."

Page 10, remove lines 20 through 28

Page 10, line 29, replace "c" with "b"

Page 11, remove lines 1 through 31

Page 12, remove lines 1 through 31

Page 13, remove lines 1 through 3

Page 14, line 21, remove ". This subdivision may not be construed as requiring"

Page 14, remove line 22

Page 14, line 23, remove "arrangements between a health care provider and an insurer"

Page 16, line 18, replace "only" with "or research"

Page 16, line 27, after "26.1-26.4" insert an underscored comma and after "claim" insert an underscored comma

Page 16, line 28, after the underscored period insert "This section does not apply to data or information disclosed by an insurer as part of a biomedical research project approved by an institutional review board established under federal law."

Page 17, line 9, replace "physician's" with "practitioner's" and replace "physician" with "practitioner"

Page 17, line 10, replace "physician" with "practitioner for an excessive or inappropriate practice pattern"

Page 17, line 11, replace "physician" with "practitioner" and replace the second "a" with "an excessive or inappropriate"

Page 17, line 12, replace "that indicates provision of care that is not medically necessary" with "for the practitioner's specialty"

Page 17, line 13, replace "physician" with "practitioner" and replace "physician's" with "practitioner's"

Page 17, line 14, replace "pattern indicates provision of care that is not medically necessary" with "is excessive or inappropriate"

Page 17, line 15, replace "physician" with "practitioner"

Page 17, line 16, replace the first "physician's" with "practitioner's" and replace the second "physician's" with "excessive or inappropriate"

Page 17, line 18, replace "physician" with "practitioner", replace the first "physician's" with "practitioner's", after "contract" insert an underscored comma, remove the second underscored comma, and replace "if the physician's" with "designate the practitioner"

Page 17, remove line 19

Page 17, line 20, remove "medically necessary, the physician may be designated"

Page 17, line 21, replace "physician" with "practitioner"

Page 17, line 23, replace "a majority representation" with "at least one representative"

Page 17, line 24, replace "physician's" with "practitioner's" and replace "physician" with "practitioner"

Page 17, line 25, replace the first "physician" with "practitioner" and replace the second "physician" with "practitioner"

Page 17, line 27, replace "physician" with "practitioner"

Page 17, line 29, replace "except in a legal" with ". Nonpayable status under this section may not commence until after appropriate notification to the entity's subscribers and the affected practitioner. As used in this section "practitioner" includes an optometrist, a

physician, a chiropractor, or an advanced registered nurse practitioner duly licensed to practice in this state."

Page 17, remove line 30

Page 18, line 1, remove "in its contract review"

Page 18, line 2, replace "physician's" with "practitioner's" and replace "disclose in its contract with the" with "provide"

Page 18, line 3, remove "physician, and" and replace "physician provide" with "practitioner"

Page 18, line 5, replace "physician" with "practitioner"

Page 18, line 6, replace the first "physician" with "practitioner" and replace the second "physician" with "practitioner"

Page 18, line 7, replace "physician's" with "practitioner's" and replace "physician" with "practitioner"

Page 18, line 8, replace "physician" with "practitioner"

Page 18, line 11, replace "physician" with "practitioner"

Page 18, line 12, replace "physicians" with "practitioners"

Page 18, line 13, replace "physician" with "practitioner"

Page 18, line 17, replace "physicians" with "practitioners"

Page 18, line 22, replace "physician" with "practitioner"

Page 18, line 24, replace "physician" with "practitioner"

Page 18, line 25, replace "physician" with "practitioner"

Page 18, line 27, replace "physician" with "practitioner"

Page 18, line 28, replace "physician" with "practitioner"

Page 18, line 30, replace "9" with "6"

Page 19, line 11, remove "The grievance procedure is in addition to"

Page 19, remove line 12

Page 19, line 13, remove the underscored colon

Page 19, line 14, replace "a. A" with "a" and remove ", over a period of at least three previous"

Page 19, line 15, remove "years," and replace "and appeals;" with "since the date of its last examination of the grievances."

Page 19, remove lines 16 through 19

Page 20, line 20, remove ", reduce, limit, or delay"

Page 20, line 21, remove "or interfere"

Page 20, remove lines 22 and 23

Page 20, line 24, remove "necessary for treatment or diagnosis"

Page 20, remove lines 28 through 31

Page 21, remove lines 1 through 3

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2400: SEN. KILZER (Human Services Committee) MOVED that the amendments on the preceding report be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2400: A BILL for an Act to create and enact four new subsections to section 26.1-04-03, two new subsections to section 26.1-26.4-02, and four new sections to chapter 26.1-36 of the North Dakota Century Code, relating to fairness in health insurance practices, disclosure of health plan information, confidentiality of medical information maintained by health carriers, contract limitations, and health care grievance procedures; and to amend and reenact subsection 14 of section 26.1-04-03, subsection 9 of section 26.1-26.4-04, and section 26.1-47-02 of the North Dakota Century Code, relating to prohibited health insurance practices, health care utilization review procedures, and preferred provider arrangements.

MOTION

SEN. LEE MOVED that Engrossed SB 2400 be amended as follows:

Page 1, line 1, replace "four" with "three"

Page 2, line 16, replace "Four" with "Three"

Page 3, remove lines 13 through 17

ReNUMBER accordingly

REQUEST

SEN. DEMERS REQUESTED a verification vote on the motion to adopt the proposed amendments to Engrossed SB 2400, which request was granted.

The motion to adopt the proposed amendments to Engrossed SB 2400 was defeated on a verification vote. Engrossed SB 2400 was placed on the Eleventh order.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 3 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; DeMers; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Cook; Fischer; Lee

ABSENT AND NOT VOTING: Nothing; Stenehjem, B.; Tallackson; Traynor

Engrossed SB 2400 passed and the title was agreed to.

REPORT OF STANDING COMMITTEE

SB 2299: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second "offenders" insert "; and to repeal section 27-20-52.1 of the North Dakota Century Code, relating to the law enforcement data base"

Page 1, line 22, overstrike "'Qualified board" means two or more experts in the field of behavior and"

Page 1, overstrike lines 23 and 24

Page 2, line 1, overstrike "f."

Page 2, after line 5, insert:

"f. "Sexually dangerous individual" means an individual who meets the definition specified in section 25-03.3-01."

Page 2, line 6, overstrike ""Sexually violent predator" means a sexual offender who suffers from a"

Page 2, overstrike line 7

Page 2, line 8, overstrike "engage in predatory sexually violent offenses" and insert immediately thereafter "Temporarily domiciled" means staying or being physically present at a location for longer than ten days, or maintaining employment in the jurisdiction for longer than ten days, regardless of the state of the residence"

Page 2, line 9, overstrike "After a person has pled guilty or has been found guilty as a sexual offender, the court"

Page 2, overstrike lines 10 through 13

Page 2, line 14, overstrike "3."

Page 2, line 17, overstrike "person" and insert immediately thereafter "individual"

Page 2, line 18, overstrike "person" and insert immediately thereafter "individual" and overstrike the comma and insert immediately thereafter ". The individual must register"

Page 2, line 19, overstrike "person" and insert immediately thereafter "individual" and after "resides" insert "or is employed"

Page 2, line 20, remove the overstrike over "The court", remove "and", and overstrike "a person" and insert immediately thereafter "an individual"

Page 2, line 21, overstrike "person" and insert immediately thereafter "individual"

Page 2, line 22, after the first "guilty" insert "or nolo contendere to,"

Page 2, line 26, after the first "guilty" insert "or nolo contendere to,"

Page 2, line 29, remove "found to be" and replace "violent predator" with "dangerous individual"

Page 2, line 30, after the first "guilty" insert "or nolo contendere to,"

Page 2, line 31, replace "offender" with "individual"

Page 3, line 1, after "finds" insert "the individual is no more than three years older than the victim," and replace "offender" with "individual"

Page 3, line 3, replace "offender" with "individual"

Page 3, line 5, remove "offender"

Page 3, line 8, replace "an offender" with "the juvenile" and replace the second "offender" with "juvenile"

Page 3, line 10, replace "offender" with "juvenile"

Page 3, line 12, after the first "guilty" insert "or nolo contendere to," and after "of" insert an underscored comma

Page 3, line 14, replace "The" with "Except if the offense is described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 and the person is not the parent of the victim, the"

Page 3, line 15, replace the first "offender" with "individual" and replace the second "offender" with "individual"

Page 3, line 17, replace "offender" with "individual"

Page 3, line 19, after the first "guilty" insert "or nolo contendere"

Page 3, line 20, replace "person" with "individual"

Page 3, line 21, replace "person" with "individual" and after "or" insert "sexual"

Page 3, line 23, replace "a person" with "an individual"

Page 3, line 24, replace "offender must" with "individual shall"

Page 3, after line 25, insert:

"3. If a court has not ordered an individual to register in this state, the individual shall register if the individual:"

Page 3, line 26, replace "h." with "a." and remove the overstrike over "for a crime"

Page 3, line 27, remove the overstrike over "~~against a child~~" and insert immediately thereafter "described in section 12.1-29-02, or section 12.1-18-01 or 12.1-18-02 if the individual was not the parent of the victim," and remove the overstrike over "~~or~~"

Page 3, line 28, remove the overstrike over "~~b.~~" and remove "i."

Page 3, line 29, after "of" insert "this state for which registration is mandatory under this section or"

Page 3, line 30, overstrike "subdivisions a and", remove "f", and overstrike "of subsection 1" and insert immediately thereafter "this section if the individual was ordered by a court or required to register as a sexual offender, or for a crime against a child in another state or by the federal government"

Page 4, line 1, remove the overstrike over "~~e.~~", remove "j.", after the first "guilty" insert "or nolo contendere", after "to" insert an underscored comma, after "or" insert "has", remove the overstrike over "~~of~~" and insert immediately thereafter an underscored comma, remove the overstrike over "a" and insert immediately thereafter "felonious", and remove the overstrike over "~~crime against a child or~~"

Page 4, line 2, after "offender" insert "for which registration is mandatory under this section if the conviction occurred"

Page 4, line 6, replace "may" with "shall"

Page 4, line 7, after "counselor" insert ", psychologist,"

Page 4, line 8, replace "3" with "2"

Page 4, line 11, overstrike "a person" and insert immediately thereafter "an individual"

Page 4, line 12, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 13, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 14, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 15, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 16, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 17, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 18, overstrike "person" and insert immediately thereafter "individual" and after "reside" insert "or work"

Page 4, line 20, overstrike "one"

Page 4, line 21, overstrike "copy" and insert immediately thereafter "three copies", overstrike "person" and insert immediately thereafter "individual", and overstrike "four" and insert immediately thereafter "three"

Page 4, line 22, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 24, overstrike "person" and insert immediately thereafter "individual" and after "reside" insert "or work"

Page 4, line 25, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 26, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 28, overstrike "person" and insert immediately thereafter "individual"

Page 4, line 29, overstrike "A person" and insert immediately thereafter "An individual"

Page 4, line 31, overstrike "that person's" and insert immediately thereafter "the"

Page 5, line 1, overstrike the first "person" and insert immediately thereafter "individual" and overstrike the second "person" and insert immediately thereafter "individual"

Page 5, line 3, overstrike the first "person" and insert immediately thereafter "individual" and overstrike the second "person" and insert immediately thereafter "individual"

Page 5, line 4, overstrike "person" and insert immediately thereafter "individual" and after "reside" insert "or work"

Page 5, line 6, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 8, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 9, after "reside" insert "or work"

Page 5, line 10, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 12, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 14, overstrike "a person" and insert immediately thereafter "an individual"

Page 5, line 15, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 16, overstrike "person" and insert immediately thereafter "individual" and overstrike "person's" and insert immediately thereafter "individual's"

Page 5, line 17, after "address" insert ", or employment address if the individual is working in this state but not residing in this state"

Page 5, line 20, after "residence" insert "or employment"

Page 5, line 21, overstrike "person" and insert immediately thereafter "individual"

Page 5, line 22, after "residence" insert "or employment"

Page 5, line 27, overstrike "A person" and insert immediately thereafter "An individual"

Page 6, line 1, overstrike "Until a court determination is made that the person no longer is a sexually"

Page 6, overstrike lines 2 through 4

Page 6, line 5, overstrike "making the determination" and insert immediately thereafter "For the life of the individual, if that individual:

- (1) On two or more occasions has pled guilty or nolo contendere to, or been found guilty of, an offense in which that individual was ordered by a court or otherwise required to register as a felonious sexual offender or felonious offender against a child under this section;
- (2) Pleads guilty or nolo contendere to, or is found guilty of, an offense committed after the effective date of this Act which is described in subdivision a of subsection 1 of section 12.1-20-03, subdivision d of subsection 1 of section 12.1-20-03 if the person is an adult and the victim is under age twelve, or section 12.1-18-01 if that individual is an adult other than a parent of the victim; or

- (3) Has been civilly committed as a sexually dangerous individual under chapter 25-03.3, under the laws of another state, or by the federal government"

Page 6, line 6, overstrike "A person" and insert immediately thereafter "An individual"

Page 6, line 7, overstrike "a person" and insert immediately thereafter "an individual, other than a juvenile,"

Page 6, line 9, overstrike "A person" and insert immediately thereafter "An individual"

Page 6, line 11, overstrike "a person" and insert immediately thereafter "an individual"

Page 6, line 13, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 16, overstrike "a person" and insert immediately thereafter "an individual"

Page 6, line 17, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 19, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 20, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 21, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 22, overstrike "person" and insert immediately thereafter "individual"

Page 6, line 23, overstrike "shall" and insert immediately thereafter "must"

Page 6, line 29, after "A" insert "state officer,", after "agency" insert ", or school district", and overstrike "its"

Page 6, line 30, overstrike "officials, and its employees" and insert immediately thereafter "and an appointee, officer, or employee of those entities" and after "for" insert "making risk determinations or for"

Page 7, after line 11, insert:

"13. If a juvenile is adjudicated delinquent and required or ordered to register as a sexual offender or as an offender against a child under this section, the juvenile shall comply with the registration requirements in this section. Notwithstanding any other provision of law, a law enforcement agency shall register a juvenile offender in the same manner as adult offenders and may release any relevant and necessary information on file to other law enforcement agencies, the department of human services, the superintendent or principal of the school the juvenile attends, or the public if disclosure is necessary to protect public health or safety. The school administration may notify others in similar positions if the juvenile transfers to another learning institution in or outside the state.

14. If an individual has been required to register as a sexual offender or an offender against a child under section 12.1-32-15 or 27-20-52.1 before the effective date of this Act, the individual may petition the court to be removed from the offender list if registration is no longer mandatory for that individual. In considering the petition, the court shall comply with the requirements of this section.

SECTION 2. REPEAL. Section 27-20-52.1 of the 1997 Supplement to the North Dakota Century Code is repealed."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2299: SEN. WATNE (Judiciary Committee) MOVED that the amendments on the preceding report be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2299: A BILL for an Act to amend and reenact section 12.1-32-15 of the North Dakota Century Code, relating to the registration of offenders against children and sexual

offenders; and to repeal section 27-20-52.1 of the North Dakota Century Code, relating to the law enforcement data base.

MOTION

SEN. WATNE MOVED that Engrossed SB 2299 be amended as follows, which motion prevailed on a voice vote.

Page 3, line 12, after "victim" insert "if the victim is a minor"

Renumber accordingly

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Grindberg; Nothing; Tallackson; Traynor

Reengrossed SB 2299 passed and the title was agreed to.

MOTION

SEN. SAND MOVED that the Senate reconsider its action whereby SB 2277 failed to pass for want of a Constitutional majority, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for certain building materials used in economically disadvantaged cities; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 20 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Thane; Thompson; Tomac; Urlacher; Wardner; Watne

NAYS: Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Holmberg; Kilzer; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nelson, G.; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Wanzek

ABSENT AND NOT VOTING: Grindberg; Nothing; Tallackson; Traynor

Engrossed SB 2277 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Governor for his approval at the hour of 3:14 p.m., February 17, 1999: SB 2105.

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 2016, SB 2038, SB 2040, SB 2045, SB 2073, SB 2080, SB 2147, SB 2170, SB 2171, SB 2182, SB 2189, SB 2208, SB 2212, SB 2237, SB 2248, SB 2267, SB 2276, SB 2294, SB 2295, SB 2309, SB 2312, SB 2316, SB 2321, SB 2327, SB 2335, SB 2344, SB 2353, SB 2362, SB 2365, SB 2368, SB 2371, SB 2374, SB 2376, SB 2379, SB 2389, SB 2390, SB 2391, SB 2396, SB 2398, SB 2403.

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 2404, SB 2407, SB 2409, SB 2410, SB 2414, SB 2421, SB 2438.

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 2003, SB 2009, SB 2013, SB 2015, SB 2023, SB 2026, SB 2043, SB 2044, SB 2047, SB 2121, SB 2232, SB 2254, SB 2264, SB 2277, SB 2299, SB 2307, SB 2320, SB 2333, SB 2341, SB 2349, SB 2355, SB 2356, SB 2361, SB 2400, SB 2411, SB 2413, SB 2419, SB 2425, SB 2426, SB 2434, SB 2435, SB 2436, SB 2437.

REMARKS BY MAJORITY LEADER G. NELSON

Monday, January 18, 1999, was Martin Luther King Day and Monday, February 15, 1999, was George Washington's birthday, both official state holidays. Although both days were paid holidays for most state employees, Legislative Assembly employees were required to work on both days. The Legislative Assembly will be in recess on Monday and Tuesday, February 22-23, 1999. Legislative Assembly employees will be paid for those two days in lieu of the two holidays.

Employees of the Senate have worked many hours of uncompensated overtime since the session began. In recognition of the uncompensated overtime, employees of the Senate will be paid for Thursday, February 18, 1999, and Friday, February 19, 1999, even though the Senate will be in recess on those days.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 24, 1999, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. T. Mathern, G. Nelson and Reps. Boucher, Dorso introduced:

(Approved by the Delayed Bills Committee)

SCR 4053: A concurrent resolution urging Congress to act quickly to fulfill its obligation under the Internet Tax Freedom Act with regard to balanced membership of the Advisory Commission on Electronic Commerce.

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

FIRST READING OF HOUSE BILLS

HB 1001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and to declare an emergency.

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

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of the department of economic development and finance and to the agricultural products utilization commission for grants; to provide for transfers of funds; to amend and reenact sections 4-14.1-07 and 57-43.1-03.1 of the North Dakota Century Code, relating to ethanol plant production incentives for fuel used for agricultural purposes; and to provide an effective date.

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

HB 1233: A BILL for an Act to create and enact a new section to chapter 15-54 of the North Dakota Century Code, relating to training for food service personnel; and to repeal section 15-54-08 of the North Dakota Century Code, relating to health certificates for school food service personnel.

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

HB 1256: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to the designation of industrial hemp as a noxious weed; and to amend and reenact subsection 13 of section 4-09-01 of the North Dakota Century Code, relating to the definition of noxious weed seeds.

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

HB 1266: A BILL for an Act relating to the expenditure of bureau funds for capital purchases; to provide a continuing appropriation; to provide an expiration date; and to declare an emergency.

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

HB 1274: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to the interim reciprocity certification of teachers.

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

HB 1370: A BILL for an Act to create and enact a new section to chapter 15-36 of the North Dakota Century Code, relating to enforcement of requirements concerning teaching certificates; and to amend and reenact section 15-36-11 of the North Dakota Century Code, relating to requirements to hold teaching certificates.

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

HB 1405: A BILL for an Act to amend and reenact section 39-12-02 of the North Dakota Century Code, relating to applications for moving manufactured buildings and modular units.

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

HB 1422: A BILL for an Act to amend and reenact subsection 26 of section 65-01-02 and section 65-05-12.2 of the North Dakota Century Code, relating to workers' compensation awards for permanent impairment; to provide for a study of workers' compensation permanent impairment awards; and to provide an effective date.

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

HB 1439: A BILL for an Act to amend and reenact section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators; and to declare an emergency.

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

HB 1441: A BILL for an Act to provide for minimum safety standards for passenger contract carriers.

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

HB 1451: A BILL for an Act to create and enact sections 49-21-23, 49-21-24, 49-21-25, 49-21-26, and 49-21-27 of the North Dakota Century Code, relating to right-of-way fees; to amend and reenact section 49-21-01 of the North Dakota Century Code, relating to telecommunications definitions; and to provide for retroactive application.

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

HB 1454: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-02.1, subsection 9 of section 57-40.2-01, and subsection 3 of section 57-40.2-02.1 of the North Dakota Century Code, relating to sales and use taxes on coal and allocation of tax revenues; to repeal section 57-61-01.8 of the North Dakota Century Code, relating to a reduced severance tax for coal burned in small boilers; to provide a statement of legislative intent; to provide an effective date; and to declare an emergency.

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

HB 1462: A BILL for an Act to create and enact sections 57-43.1-02.2, 57-43.1-12.1, 57-43.2-03.1, 57-43.2-04.4, 57-43.2-38, 57-43.3-02.2, 57-43.3-09, 57-43.3-14, 57-43.3-18, 57-43.3-28, and chapter 57-43.4 of the North Dakota Century Code, relating to collection by the supplier of motor vehicle, special fuels, aviation fuels, and alternative fuels taxes, taxation of inventories, administration, enforcement, and penalties; to amend and reenact sections 57-43.1-02, 57-43.1-14, 57-43.1-16, 57-43.1-24, 57-43.1-26, 57-43.2-01, 57-43.2-02, 57-43.2-03, 57-43.2-04.1, 57-43.2-05, 57-43.2-07, 57-43.2-11, 57-43.2-21, and 57-43.3-02 of the North Dakota Century Code, relating to collection by suppliers of motor vehicle, special fuels, aviation fuels, and alternative fuels taxes, taxation of inventories, administration, enforcement, and penalties; to repeal sections 57-43.1-27 and 57-43.3-24 of the North Dakota Century Code, relating to motor vehicle fuels tax imposition and credit for losses and aviation fuel taxes collection allowances; and to provide an effective date.

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

HB 1465: A BILL for an Act to amend and reenact section 4-34-01 of the North Dakota Century Code, relating to the purposes of the Beef Promotion Act.

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

HB 1468: A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to width and length limitations for truck-mounted haystack moving equipment.

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

HB 1490: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-06-04 of the North Dakota Century Code, relating to length of the school year.

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

HB 1492: A BILL for an Act to provide for renaissance zones in cities and to provide tax exemptions and credits for investments in renaissance zones; and to provide an effective date.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3026: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a state college savings plan providing a state tuition tax credit or providing for a prepaid college tuition program.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary