

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, February 1, 1999

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

The prayer was offered by Sen. Mutzenberger.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. THANE MOVED** that SB 2293 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

## REQUEST

**SEN. THANE REQUESTED** the unanimous consent of the Senate to withdraw SB 2293. There being no objection, it was so ordered by the President.

## MOTION

**SEN. ST. AUBYN MOVED** that SB 2201, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2036: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ pages 195-197 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2200: SEN. WATNE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 197 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2214: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 198 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2257: SEN. REDLIN (Education Committee) MOVED** that the amendments on SJ page 198 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2280: SEN. WATNE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 199 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2282: SEN. KELSH (Education Committee) MOVED** that the amendments on SJ page 199 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Carrol Torgerson.

## CONSIDERATION OF AMENDMENTS

**SB 2288: SEN. MUTZENBERGER (Human Services Committee) MOVED** that the amendments on SJ pages 199-200 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2346: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 200 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2347: SEN. WARDNER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 200 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2058:** A BILL for an Act to amend and reenact section 12-60-16.9 of the North Dakota Century Code, relating to the fee for a criminal history record check.

**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 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner; Watne

**NAYS:** Bowman; Christmann; Kinnoin; Mutch; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Wanzek

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2058 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2125:** A BILL for an Act to amend and reenact section 12.1-31-03 of the North Dakota Century Code, relating to the purchase, possession, and use of tobacco by minors; 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; 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2125 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2133:** A BILL for an Act to amend and reenact sections 12-47-21 and 12-47-37 of the North Dakota Century Code, relating to contraband at the penitentiary and escapes from the penitentiary; and to repeal sections 12-47-03, 12-47-07, 12-47-19, 12-47-20, and 12-47-32 of the North Dakota Century Code, relating to service of process at the penitentiary, oath and bond of the warden, inmates' food, beds, and clothing at the penitentiary, and warrants for cash payments to inmates at the penitentiary.

**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; 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2133 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2185:** A BILL for an Act to create and enact a new section to chapter 12-56 of the North Dakota Century Code, relating to the violation by parolees and probationers of the interstate compact for out-of-state supervision; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2185 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2186:** A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to contact by bodily fluids or excrement; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2186 passed and the title was agreed to.

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#### **SECOND READING OF SENATE BILL**

**SB 2249:** A BILL for an Act to amend and reenact section 12-54.1-01 of the North Dakota Century Code, relating to sentence reduction for good or meritorious conduct.

#### **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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2249 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2205:** A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to stopping at weigh stations; and to provide civil and criminal penalties.

### 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 5 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Holmberg; O'Connell; Redlin; Traynor

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

SB 2205 lost.

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### SECOND READING OF SENATE BILL

**SB 2206:** A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to certain weigh stations; 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 NOT PASS, the roll was called and there were 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bowman; DeMers; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Solberg; Tallackson; Thane; Tomac; Traynor; Watne

**NAYS:** Andrist; Bercier; Christmann; Cook; Fischer; Flakoll; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Urlacher; Wanzek; Wardner

SB 2206 lost.

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### SECOND READING OF SENATE BILL

**SB 2218:** A BILL for an Act to amend and reenact subdivision a of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exception of agricultural labor from employment subject to unemployment compensation insurance coverage.

### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2218 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2221:** A BILL for an Act to create and enact three new sections to chapter 26.1-12.1 of the North Dakota Century Code, relating to foreign mutual insurance holding companies; and to amend and reenact sections 26.1-12.1-01 and 26.1-12.1-09 of the North Dakota Century Code, relating to definitions and approval of a reorganization by eligible members of a domestic mutual insurance company.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2221 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2224:** A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

**ROLL CALL**

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

**YEAS:** O'Connell; Traynor

**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.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

SB 2224 lost.

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**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact section 49-21-06 of the North Dakota Century Code, relating to telecommunications prices; 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 PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2234 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2261:** A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-11 of the North Dakota Century Code, relating to purchase of deer hunting licenses by nonresidents.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2261 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2266:** A BILL for an Act to amend and reenact section 25-01.3-02 of the North Dakota Century Code, relating to the membership of the committee on protection and advocacy.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2266 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2272:** A BILL for an Act to amend and reenact section 65-01-08 of the North Dakota Century Code, relating to workers' compensation employer and staffing service relief from liability for injuries to an employee; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2272 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2343:** A BILL for an Act to create and enact section 39-10-26.2 of the North Dakota Century Code, relating to the presumption of owner violation for failing to yield right of way to an emergency vehicle; and to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to the fees for noncriminal traffic violations.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2343 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2355:** A BILL for an Act to create and enact a new section to chapter 42-04 of the North Dakota Century Code, relating to livestock production on existing farms.

### MOTION

**SEN. G. NELSON MOVED** that the question be put at 2:36 p.m., which motion prevailed.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 19 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Freborg; Grindberg; Holmberg; Kelsh; Kinnoin; Klein; Kringstad; Kroeplin; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Tomac; Traynor; Urlacher; Wanzek; Wardner

**NAYS:** Cook; DeMers; Fischer; Flakoll; Heitkamp; Kilzer; Krauter; Krebsbach; Lee; Lindaas; Mathern, T.; Nelson, C.; O'Connell; Redlin; Robinson; Stenehjem, W.; Thane; Thompson; Watne

SB 2355 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2360:** A BILL for an Act to amend and reenact sections 12-46-05, 12-47-07, 15-02-01, 15-02-04, 18-01-01, 20.1-02-06, 20.1-02-08, 25-01-04, 27-03-02, 37-15-07, 37-18-07, subsection 3 of section 37-18.1-03, sections 39-03-06, 44-03-01, 49-01-03, 54-11-07, 54-23.3-04, 54-44-03, subsection 2 of section 54-52-04, sections 55-02-01.1, 61-03-02, 65-02-02, and 65-04-30 of the North Dakota Century Code, relating to bonds required of state officers; and to repeal sections 6-01-12, 15-12-06, 20.1-02-12, 27-04-02, 44-01-13, 54-06-11, 54-09-06, 54-10-03, 54-11-14, 54-18-08, and 57-01-01 of the North Dakota Century Code, relating to bonds required of state officers.

### 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; 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Freborg

SB 2360 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2369:** A BILL for an Act to amend and reenact sections 61-16.1-18 and 61-16.1-22 of the North Dakota Century Code, relating to water resource district project notices.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2369 passed and the title was agreed to.

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**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1028, HB 1188, HB 1202, HB 1283, HB 1304, HB 1331, HB 1342, HB 1351, HB 1363, HB 1375.

**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 2169, SB 2174, SB 2177, SB 2211, SB 2240, SB 2253, SB 2290, SB 2292, SB 2298, SB 2306, SB 2326, SB 2357, SCR 4014.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1054.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 2, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2093: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2093 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2131, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2131 was placed on the Sixth order on the calendar.

Page 5, line 11, remove "or the adjutant general"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2175: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2195: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2195 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2215: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2215 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2268: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2268 was placed on the Eleventh order on the calendar.



**REPORT OF STANDING COMMITTEE**

**SB 2283: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2291: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2291 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "inclusion" with "exemption" and replace "in" with "from"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2313: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 11, after the second "number" insert ", consumer report"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2315: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2315 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2373: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2373 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "dawn" with "one-half hour before sunrise"

Renumber accordingly

**FIRST READING OF HOUSE BILLS**

**HB 1028:** A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 14-09-09.7 of the North Dakota Century Code, relating to the child support guidelines' definition of gross income.

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

**HB 1188:** A BILL for an Act to amend and reenact subsection 6 of section 15-19-01, sections 15-19-04, 15-21-01, 15-21-18, 15-22-02, subsections 3 and 4 of section 15-27.6-13, subsections 1 and 2 of section 15-27.6-14, subsection 10 of section 15-29-08, subsection 1 of section 15-34.1-03, subsection 2 of section 15-34.1-06, sections 15-34.1-07, 15-34.1-08, 15-34.1-09, subdivision c of subsection 3 of section 15-34.1-12, subsection 1 of section 15-34.1-12.1, sections 15-36-01, 15-36-01.1, 15-36-08, 15-36-11, 15-36-12, 15-36-14.1, 15-36-15, 15-36-16, 15-36-17, 15-36-18, 15-37-01, 15-38-16, 15-38-17, 15-38-18, 15-38-18.2, subsection 6 of section 15-38.1-02, subsection 11 of section 15-39.1-04, subsection 5 of section 15-40.1-07, section 15-40.1-08, subdivision b of subsection 2 of section 15-40.2-08, section 15-41-25, subsections 2 and 3 of section 15-41-27, subsection 1 of section 15-45-02, subsection 1 of section 15-47-27.2, sections 15-47-28 and 15-47-30, subsection 12 of section 15-47-38.2, sections 15-47-42 and 15-47-46, subsection 14 of section 54-44.3-20, and subsection 4 of section 54-52-01 of the North Dakota Century Code, or in the alternative to amend and reenact sections 15.1-01-02, 15.1-02-01, 15.1-06-07, and 15.1-11-01 of the North Dakota Century Code, relating to joint meetings involving the education standards and practices board and changing references from teachers' certificates to teachers' licenses.

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

**HB 1202:** A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to property and casualty insurance treatment of domestic violence.

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

**HB 1283:** A BILL for an Act to amend and reenact sections 65-05-17, 65-05-20.1, 65-05-26, and 65-05.2-02 of the North Dakota Century Code, relating to increasing workers' compensation death benefits; and to provide an effective date.

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

**HB 1304:** A BILL for an Act to amend and reenact sections 12-44.1-09, 12-44.1-18.2, and subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to inmate placement and programs.

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

**HB 1331:** A BILL for an Act to create and enact a new section to chapter 65-01 of the North Dakota Century Code, relating to civil liability for intentional work-related injuries; to amend and reenact sections 65-01-05, 65-02-23, 65-04-14, 65-09-01, and 65-09-02 of the North Dakota Century Code, relating to employer and provider fraud and to the liability of a noncomplying employer for work-related injuries; to provide a penalty; and to provide a continuing appropriation.

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

**HB 1342:** A BILL for an Act to amend and reenact subdivision g of subsection 1 of section 57-23-04 of the North Dakota Century Code, relating to the abatement of ad valorem taxes when property is destroyed or damaged by a natural disaster; and to provide an effective date.

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

**HB 1351:** A BILL for an Act to amend and reenact subsection 37 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for adult day care centers; and to provide an effective date.

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

**HB 1363:** A BILL for an Act to amend and reenact paragraph 3 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to inclusion of depreciation expenses from farming activities in net income for purposes of the farm buildings property tax exemption; and to provide an effective date.

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

**HB 1375:** A BILL for an Act to create and enact section 39-18-03.2 of the North Dakota Century Code, relating to park model trailer fees; to amend and reenact subsection 2 of section 57-40.3-01 and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to park model trailers; and to provide an effective date.

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**