

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 25, 1999

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

The prayer was offered by Pastor Lester Wolfgram, Shepherd of the Valley Lutheran, Bismarck.

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

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Thirty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 458, line 49, replace "Oaks" with "Oakes"

Page 458, line 57, replace "Oaks" with "Oakes"

SEN. SAND MOVED that the report be adopted, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that HB 1070, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1070 was rereferred.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution directing the Legislative Council to study the management responsibilities of the Industrial Commission, the mission and location of each entity within and under the direction of the Industrial Commission, the membership of the Industrial Commission, and the voting structure of the Industrial Commission.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 31 YEAS, 17 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nothing; Sand; Schobinger; Solberg; St. Aubyn; Stenehjelm, B.; Stenehjelm, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

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

ABSENT AND NOT VOTING: Nelson, C.

Engrossed SCR 4030 was declared adopted and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4026: A concurrent resolution urging Congress to enact the Dakota Water Resources Act.

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

SCR 4026 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4028: A concurrent resolution urging United States Army Corps of Engineers to include provisions for the protection of recreation, municipal, industrial, irrigation, and other interests on the Missouri River in North Dakota in developing a revised master manual for the future operation of the Pick-Sloan Project.

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

SCR 4028 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4031: A concurrent resolution directing the Legislative Council to study the method by which the state funds special education services.

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

SCR 4031 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution directing the Legislative Council to study the family law process in North Dakota with a focus on a review of existing statutes, the coordination of procedures, and the further implementation of alternative dispute resolution methods.

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

SCR 4032 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4033: A concurrent resolution directing the Legislative Council to study outmigration of North Dakota residents.

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

SCR 4033 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4034: A concurrent resolution directing the Legislative Council to study the farm cooperative business structure to determine how it may be used to expand dairy and livestock production to enhance rural economic development.

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

SCR 4034 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4037: A concurrent resolution directing the Legislative Council to study the maintenance and funding of basic student health services at institutions of higher education under the control of the State Board of Higher Education.

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

SCR 4037 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4038: A concurrent resolution directing the Legislative Council to study options for the use of endowment funds for school districts and the feasibility and desirability of providing state matching funds.

REQUEST

SEN. FLAKOLL REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; Bercier; Kelsh; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; O'Connell; Redlin; Tallackson; Thompson

ABSENT AND NOT VOTING: Nelson, C.

SCR 4038 was declared adopted and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution directing the Legislative Council to study methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs.

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

SCR 4039 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4042: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing and implementing statewide academic standards for and assessments of elementary and high school students and a system of accountability at the school and school district level.

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

SCR 4042 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4044: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating under the School for the Blind all programs and services provided to children and adults who are blind or visually impaired.

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

SCR 4044 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1042: A BILL for an Act to amend and reenact sections 11-17-04, 11-26-04, 26.1-02-19, 28-20.1-05, 30.1-21-08, 30.1-32-02, 35-18-04, 35-21-05, 43-01-19, and 57-22-32 of the North Dakota Century Code, relating to filing fees charged by the clerk of district court; 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 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, G.; Nething; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Christmann; DeMers; Heitkamp; Krauter; Kroeplin; Lindaas; Naaden; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Thompson; Tomac

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1042 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to amend and reenact section 57-02-14 of the North Dakota Century Code, relating to assessment of real property that is exempt from property taxation; 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 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, G.; Nething; O'Connell; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.; Sand

HB 1055 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1059: A BILL for an Act to amend and reenact section 15-38.1-04 of the North Dakota Century Code, relating to compensation for members of the education factfinding commission.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; 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: Nelson, C.

HB 1059 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to amend and reenact section 15-08-26 of the North Dakota Century Code, relating to depreciation of school trust land surface improvement costs.

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 45 YEAS, 3 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, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Solberg; Stenehjem, B.; Tomac

ABSENT AND NOT VOTING: Nelson, C.

HB 1084 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact subdivision f of subsection 3 of section 38-14.1-30 of the North Dakota Century Code, relating to persons presiding at surface coal mining permit application conferences.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; 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: Nelson, C.

HB 1086 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1097: A BILL for an Act to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to employment of minors and compulsory school attendance.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; 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: Nelson, C.

HB 1097 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1112: A BILL for an Act to amend and reenact subsection 9 of section 57-38-60 of the North Dakota Century Code, relating to bond requirements for income tax withholding purposes.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; 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: Nelson, C.

HB 1112 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1195: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the muzzleloading deer hunting season.

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, 2 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, G.; Nothing; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Redlin; Stenehjem, B.

ABSENT AND NOT VOTING: Nelson, C.

HB 1195 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact section 57-51-16 of the North Dakota Century Code, relating to the allocation of revenue from oil and gas gross production taxes from unidentified sources; 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 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, G.; Nothing; 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: Nelson, C.

HB 1203 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that HB 1076 be moved to the bottom of the calendar, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that HB 1081, which is on the Fourteenth order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, HB 1081 was rereferred.

SECOND READING OF HOUSE BILL

HB 1090: A BILL for an Act to amend and reenact subsection 1 of section 52-06-30 of the North Dakota Century Code, relating to assignment of unemployment compensation benefits.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; 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: Nelson, C.

HB 1090 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1094: A BILL for an Act to amend and reenact subsection 4 of section 34-01-20 of the North Dakota Century Code, relating to the time within which to file retaliation complaints with the department of labor.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; 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: Nelson, C.

HB 1094 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1096: A BILL for an Act to amend and reenact section 34-01-15 of the North Dakota Century Code, relating to employer payment for required drug tests.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand;

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

ABSENT AND NOT VOTING: Nelson, C.

HB 1096 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1100: A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the authority of the state banking board to take corrective action concerning undercapitalized state banks.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

Engrossed HB 1100 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1103: A BILL for an Act to create and enact a new section to chapter 6-05 of the North Dakota Century Code, relating to trust company officer and employee fidelity bonds.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

HB 1103 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact a new subsection to section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts; and to amend and reenact subsections 5 and 13 of section 10-04-02 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 8 and 15 of section 10-04-02 of the North Dakota Century Code, relating to viatical settlement contracts and foreign currency contracts.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch;

Mutzenberger; Naaden; Nelson, G.; Nothing; 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: Nelson, C.

HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1164: A BILL for an Act to amend and reenact section 43-23-14.1 of the North Dakota Century Code, relating to handling of funds by real estate brokers.

ROLL CALL

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

YEAS: Andrist; 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, G.; Nothing; 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: Nelson, C.; Tallackson

Engrossed HB 1164 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

ROLL CALL

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

YEAS: Andrist; 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, G.; Nothing; 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: Nelson, C.; Tallackson

Engrossed HB 1202 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand;

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

ABSENT AND NOT VOTING: Nelson, C.

HB 1342 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

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.

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; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Nelson, C.

HB 1375 passed and the title was agreed to.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2065, SB 2090, SCR 4004.

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

MADAM PRESIDENT: The House has failed to pass: SB 2364.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2028, SB 2033, SB 2034, SB 2049, SB 2062, SB 2072, SB 2078, SB 2083, SB 2109, SB 2117, SB 2118, SB 2137, SB 2169, SB 2174, SB 2176, SB 2211, SB 2265, SCR 4006.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2108.

HOUSE AMENDMENTS TO SENATE BILL NO. 2108

Page 1, line 2, after "prepayment" insert "and direct billing"

Page 1, line 7, after "**Prepayment**" insert "**and direct billing**"

Page 1, line 17, after "expense" insert "or to have the lodging expense directly billed to the agency"

Renumber accordingly

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4015, SCR 4016, SCR 4017, SCR 4018, SCR 4019, SCR 4020, SCR 4021, SCR 4023, SCR 4024, SCR 4025, SCR 4029, SCR 4036.

MOTION

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

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 12:30 p.m., Friday, February 26, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4040: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4040 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4041: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4043: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4043 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4045: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4045 was placed on the Sixth order on the calendar.

Page 1, after line 10, insert:

"**WHEREAS**, requirements resulting from the ARC lawsuit may still exist which may no longer be necessary to provide appropriate services; and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4046: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4046 was placed on the Sixth order on the calendar.

Page 1, line 2, after "the" insert "laws on charitable gaming, including the"

Page 1, after line 2, insert:

"**WHEREAS**, the charitable gaming industry has experienced a decline of activity and there has been increased competition; and"

Page 1, line 11, after "of" insert "the laws on charitable gaming, including"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4047: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4047 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4048: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4048 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma

Page 1, line 3, after "offenders" insert ", and sexual offender commitment treatment"

Page 1, line 13, replace "and" with a comma

Page 1, line 14, after "offenders" insert ", and sexual offender commitment treatment"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4049: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4050: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4050 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1050, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1053, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1053 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1078: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1078 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1085, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1085 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1098: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1098 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1113, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1113 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1114 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1149, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1181, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1181 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1201, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1201 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1208: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1208 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1271, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1271 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1318: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1318 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

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

REPORT OF STANDING COMMITTEE

HB 1351: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1351 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3010, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3010 was placed on the Fourteenth order on the calendar.

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

WILLIAM C. PARKER, Secretary