

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 18, 1999

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

The prayer was offered by Father Steve Zastoupil, Corpus Christi Catholic Church, Bismarck.

The roll was called and all members were present except Senators Bercier, Mutch, and Tomac.

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 17, 1999, I have signed the following: SB 2196, SB 2215, SB 2305, SB 2306, SB 2314, and SB 2420.

**MOTION**

**SEN. ST. AUBYN MOVED** that HB 1415 be returned to the Senate floor from the **Appropriations Committee** and SCR 4056 be returned to the floor from the **Judiciary Committee** and that they be placed on the Fourteenth order, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that HB 1149, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1043, as reengrossed: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 740 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1158, as engrossed: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ page 741 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1295, as engrossed: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ pages 741-742 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1467, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 742-743 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1286, as engrossed: SEN. FLAKOLL (Political Subdivisions Committee) MOVED** that the amendments on SJ page 741 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3005: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 743 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1175:** A BILL for an Act to create and enact a new section to chapter 26.1-01 and sections 26.1-05-02.1, 26.1-12-11.1, and 26.1-26-11.1 of the North Dakota Century Code, relating to electronic filings, domestic insurance companies, incorporated mutual insurance companies, and authorized lines of business; to amend and reenact sections 26.1-05-02, 26.1-12-01, 26.1-12-06, 26.1-12-11, 26.1-26-01, 26.1-26-11, 26.1-26-25, and 26.1-26-31.1 of the North Dakota Century Code, relating to domestic insurance companies, mutual insurance companies, insurance agents, authorized lines of business, and exceptions from examination requirements; to repeal section 26.1-05-03

of the North Dakota Century Code, relating to organization of a domestic mutual life insurance company; and to provide an effective date.

#### ROLL CALL

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

**YEAS:** Andrist; 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.; 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:** Bercier; Mutch

Engrossed HB 1175, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1237:** A BILL for an Act to amend and reenact section 29-17-11 of the North Dakota Century Code, relating to forming a jury; and to repeal section 29-17-09 of the North Dakota Century Code, relating to completing a jury panel.

#### 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; 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.; 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:** Bercier; Mutch

HB 1237 passed and the title was agreed to.

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#### MOTION

**SEN. ST. AUBYN MOVED** that HB 1255, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**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.

#### 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; 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.; 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:** Bercier; Mutch

Engrossed HB 1370 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1433:** A BILL for an Act to create and enact a new section to chapter 39-06.2 of the North Dakota Century Code, relating to commercial drivers' licenses.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heitkamp; Krauter; Mathern, T.; O'Connell; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nothing; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Mutch

HB 1433 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1452:** A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to required insurance coverage for dental anesthesia and hospitalization.

**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; 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.; Mutzenberger; Naaden; Nelson, C.; 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:** Bercier; Mutch

Engrossed HB 1452 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**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.

**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, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Kelsh; Krauter; Mathern, D.; Mathern, T.; Thompson

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; DeMers; Mutch

Engrossed HB 1468 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3047:** A concurrent resolution expressing the support for the privately funded construction and operation of the North American wildlife enforcement memorial museum and educational center at the International Peace Garden.

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

HCR 3047 was declared adopted on a voice vote and the title was agreed to.

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**MOTION**

**SEN. ST. AUBYN MOVED** that HCR 3067, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3073:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adjustments to income tax deductions for military and other federal retirees.

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

HCR 3073 was declared adopted on a verification vote and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3068:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of an equitable sharing, between the state and counties, of the costs of providing facilities for the delivery of state-funded judicial and clerk of court services.

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

Engrossed HCR 3068 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3013:** A concurrent resolution directing the Legislative Council to study basinwide water management of the Red River Basin.

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

HCR 3013, as amended, was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1128:** A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to the central vehicle management system.

**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; 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.; 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:** Bercier; Mutch

Engrossed HB 1128 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1157:** A BILL for an Act to amend and reenact sections 23-34-03, 43-17-03, 43-17.1-01, 43-17.1-02, 43-17.1-04, 43-17.1-05, 43-17.1-05.1, 43-17.1-06, 43-17.1-08, and 43-17.1-09 of the North Dakota Century Code, relating to the commission on medical competency; and to repeal section 43-17.1-03 of the North Dakota Century Code, relating to compensation of members of the commission on medical competency.

#### 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; 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.; 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:** Bercier; Mutch

Engrossed HB 1157 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1242:** A BILL for an Act to provide automated external defibrillator site requirements and civil liability immunity for the use of an automated external defibrillator.

#### 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; 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.; 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:** Bercier; Mutch

Engrossed HB 1242 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**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.

#### 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; 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.; 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:** Bercier; Mutch

Engrossed HB 1454 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. FREBORG MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1151, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed HB 1151: Sens. Wanzek, Flakoll, Kelsh.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**SEN. TRAYNOR MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1166, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HB 1166: Sens. Traynor, Fischer, Redlin.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do not concur in the House amendments to SB 2098 as printed on SJ page 671 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on SB 2098: Sens. Sand, Mutch, Heitkamp.

#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. B. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2212 as printed on SJ page 697 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

#### **APPOINTMENT OF CONFERENCE COMMITTEE**

**THE PRESIDENT APPOINTED** as a Conference Committee on Engrossed SB 2212: Sens. B. Stenehjem, Cook, O'Connell.

#### **SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR**

**HCR 3004:** A concurrent resolution directing the Legislative Council to study the swing-bed process.

**HCR 3007:** A concurrent resolution directing the Legislative Council to continue its study of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.

**HCR 3016:** A concurrent resolution directing the Legislative Council to study the qualifications, standards, and the monitoring requirements for guardianship services for incapacitated persons.

**HCR 3019:** A concurrent resolution directing the Legislative Council to study the composition of the Oilseed Council and the impact, at the state and federal level, of any changes in membership of the council.

**HCR 3038:** A concurrent resolution urging Congress to acknowledge the difference between the marijuana plant and the agricultural crop known as industrial hemp; to acknowledge that allowing and encouraging farmers to produce industrial hemp will improve the balance of trade by promoting domestic sources of industrial hemp; and to assist United States producers by clearly authorizing the commercial production of industrial hemp and by being the leading advocate for the industrial hemp industry.

**HCR 3045:** A concurrent resolution directing the Legislative Council to study grain credit-sale contracts to determine the need to provide protection for farmers against grain warehouse and grain buyer insolvency.

**HCR 3049:** A concurrent resolution directing the Legislative Council to study taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace and to identify federal and international impediments to development of the lignite industry and potential state actions to address such impediments.

**HCR 3050:** A concurrent resolution directing the Legislative Council to study methods of identifying and providing appropriate services to gifted students.

**HCR 3053:** A concurrent resolution directing the Legislative Council to study the feasibility and impact of mental health and substance abuse parity in the state of North Dakota.

**HCR 3054:** A concurrent resolution directing the Legislative Council to study accreditation standards for elementary and secondary schools, including optional accreditation standards, the fiscal impact of accreditation standards, and the waiver of accreditation standards based on student performance.

**HCR 3061:** A concurrent resolution directing the Legislative Council to study taxes imposed by state and local governments and the tax structure and balance among the various tax systems in North Dakota to provide a more equitable distribution of tax burdens.

**HCR 3064:** A concurrent resolution directing the Legislative Council to study enhanced funding for school districts for quality education and methods of reducing reliance on property taxes for school district funding.

**HCR 3072:** A concurrent resolution directing the Legislative Council to study the state of the law in this state and other states dealing with the administration of discipline in public schools.

**HCR 3077:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing and funding alternative high schools in rural areas.

**HCR 3078:** A concurrent resolution directing the Legislative Council to study the equitable delivery of education services to students in this state and methods of accurately calculating and disbursing state funding for education.

**HCR 3080:** A concurrent resolution directing the Legislative Council to study the provision of air service and Amtrak service in this state.

The question being on the final adoption of the resolutions, which have been read.

HCR 3004, HCR 3007, HCR 3016, HCR 3019, Engrossed HCR 3038, HCR 3045, HCR 3049, HCR 3050, HCR 3053, HCR 3054, HCR 3061, Engrossed HCR 3064, HCR 3072, HCR 3077, HCR 3078, and HCR 3080, as amended, were declared adopted on a voice vote, and the titles were agreed to.

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#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 8:59 a.m., March 18, 1999: SB 2029, SB 2264, SB 2298, SB 2347, SB 2358, SB 2369, SB 2382, SB 2405, SB 2426.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 8:59 a.m., March 18, 1999: SB 2054, SB 2119, SB 2132, SB 2136, SB 2177, SB 2213, SB 2240, SB 2255, SB 2326.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 8:59 a.m., March 18, 1999: SB 2087, SB 2257, SB 2270, SB 2271, SB 2407.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 8:59 a.m., March 18, 1999: SB 2039, SB 2040, SB 2084, SB 2116, SB 2121, SB 2134, SB 2204, SB 2223, SB 2312, SB 2435, SB 2438.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:59 a.m., March 18, 1999: SCR 4014, SCR 4024, SCR 4030, SCR 4043, SCR 4047, SCR 4049, SCR 4050, SCR 4053.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1391.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1136, HB 1141, HB 1259, HB 1331.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1446.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause failed: HB 1257.

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

**MR. SPEAKER:** The Senate has amended, subsequently passed, and the emergency clause carried: HB 1079.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2098 and SB 2212 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2098:** Sens. Sand; Mutch; Heitkamp

**SB 2212:** Sens. B. Stenehjem; Cook; O'Connell

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

**MR. SPEAKER:** The President has appointed as a conference committee to act with a like committee from the House on:

**HB 1151:** Sens. Wanzek; Flakoll; Kelsh

**HB 1166:** Sens. Traynor; Fischer; Redlin

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2434, SCR 4035.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2005, SB 2007, SB 2045, SB 2403, SCR 4016, SCR 4037.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2410.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2410**

Page 1, line 2, after "education" insert "teaching"

Page 1, line 6, after "education" insert "teaching"

Page 1, line 7, after "education" insert "teaching" and after the period insert "The optional early childhood education teaching certificate may be used in nonparental settings such as early childhood programs, preschool programs, and head start programs."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SCR 4023.

**HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4023**

Page 1, line 4, replace "allow" with "require" and replace the second "the" with "a specific"

Page 1, line 15, replace "may" with "shall"

Page 1, line 17, after the period insert "The procedure must provide that the district executive committee of the political party of the member whose position becomes vacant select a person to fill the vacancy until the next general election, at which time the office must be filled by election for the remainder of the term. If the former member was elected as an



independent candidate or if the executive committee does not make an appointment within ten days after receiving the notice of the vacancy from the secretary of state, the governor shall appoint a resident of the district to serve until the next general election, at which time the office must be filled by election for the remainder of the term."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently failed to pass: HCR 3022.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1071, HB 1211, HB 1223, HB 1284, HB 1357, HB 1362.

**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, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 19, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1006, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1006 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1008, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1008 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1010, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1025: 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). HB 1025 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma and after "28-32-02.4" insert ", and 40-08-06"

Page 1, line 3, after "circumstances" insert "and to the terms of office of city council members"

Page 2, after line 5, insert:

**"SECTION 3. AMENDMENT.** Section 40-08-06 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**40-08-06. Term of office of council members - Staggered terms provided for in cities where other than ten council members elected.** Council members shall hold office for four years and until their successors are elected and qualified. Terms of council members must be arranged so that ~~only~~ one-half of the council members in any city, as nearly as is practicable, are elected in any one election. When a city first adopts the council form of government or changes the number of council members, or when a city that has adopted the commission system of government returns to the city council form of government as provided by section 40-04-08, the alternation of the terms of the council members must be perfected as follows: of the council members elected in each ward, the one receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one receiving the lesser number of votes shall serve until the fourth Tuesday in June following the biennial election succeeding the council member's election; if the city is not divided into wards, the one-half of the council members elected in the entire city receiving the greater number of votes shall serve until the fourth Tuesday in June following the second succeeding biennial election and the one-half of the council members elected in

the entire city receiving the lesser number of votes shall serve until the fourth Tuesday in June following the biennial election succeeding their election. ~~Whenever, for any cause, more than one half of the total number of council members in any ward, or more than one half of the total number of council members in the city, if the city is not divided into wards, are to be elected in any one election, the length of the terms of the council members elected at the election must be determined as provided in this section.~~

Page 2, line 6, replace "This" with "Sections 1 and 2 of this" and replace "is" with "are"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1063, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1063 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1066, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1066 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1070: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1082, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1082 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1144, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1144 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1152, as engrossed: 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). Engrossed HB 1152 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on pages 700 and 701 of the Senate Journal, Engrossed House Bill No. 1152 is amended as follows:

Page 1, line 1, remove "create and enact two new sections to chapter 43-32 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to registration of psychological associates; and to"

Page 1, line 3, remove "43-32-01, 43-32-08.1, 43-32-08.2, 43-32-09, 43-32-12," and replace ", 43-32-14, 43-32-16," with "and"

Page 1, remove line 4

Page 1, line 5, remove ", and 43-32-32", replace "registration" with "the practice of psychology and the authority"

Page 1, line 6, remove "psychological associates by" and after "examiners" insert "to deny renewal of a license"

Page 1, remove lines 8 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 20

Page 3, line 23, remove "or registration"

Page 3, line 24, remove "and registered psychological associate"

Page 3, line 25, remove "or registration"

Page 3, line 27, remove "or registration" and remove "or registered"

Page 3, line 28, remove "or registration"

Page 3, line 29, remove "or registered psychological associate" and remove "or registration"

Page 3, line 30, remove "or registration"

Page 4, line 1, remove "and"

Page 4, line 2, remove "registered psychological associates"

Page 4, remove lines 3 through 30

Page 5, remove lines 1 through 31

Page 6, remove lines 1 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 29

Page 9, line 2, remove the overstrike over "~~Any person in the employ of any federal, state, county or municipal agency, or~~"

Page 9, remove the overstrike over lines 3 through 6

Page 9, line 7, remove the overstrike over "~~after July 1,~~", after "1999" insert "2001", and remove the overstrike over "~~. However, the exemption period may be extended by the board~~"

Page 9, remove the overstrike over lines 8 through 15

Page 9, line 16, remove the overstrike over "~~2.~~"

Page 9, line 20, remove the overstrike over "~~3.~~" and remove "2."

Page 9, line 23, remove the overstrike over "~~4.~~" and remove "3."

Page 9, line 27, remove the overstrike over "~~5.~~" and remove "4."

Page 10, line 3, remove the overstrike over "~~6.~~" and remove "5."

Page 10, line 7, remove the overstrike over "~~7.~~" and remove "6."

Page 10, line 12, remove the overstrike over "~~8.~~" and remove "7."

Page 10, line 13, remove "until July 1, 2000."

Page 10, line 16, remove the overstrike over "~~9.~~", remove "8.", remove the overstrike over "~~psychologist~~", and remove "psychology"

Page 10, remove lines 18 through 31

Page 11, remove lines 1 through 11

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1170, as engrossed: Appropriations Committee (Sen. Nething, Chairman)**  
recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).  
Engrossed HB 1170 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1307, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)**  
recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1307 was placed on the Sixth order on the calendar.

In lieu of the amendments printed on page 663 of the Senate Journal, Engrossed House Bill No. 1307 is amended as follows:

Page 1, line 9, remove "or"

Page 1, line 11, replace "except that the Grand Forks housing authority is deemed" with ". On or before September first of each year, the state housing finance agency shall conduct an election by mail among housing authorities of the state and certify to the tax commissioner which housing authority received the greatest number of votes and is capable of compliance with the duties of a claimant agency under section 57-38.3-05. During the ensuing calendar year, the housing authority certified as selected under this subsection shall act as"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1341: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). HB 1341 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1382, as engrossed: 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). Engrossed HB 1382 was placed on the Sixth order on the calendar.

Page 1, line 2, after "property" insert "; to amend and reenact subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, relating to options for state funding of clerk of district court services; and to amend and reenact section 29-22-31 of the North Dakota Century Code, relating to refund of bail money"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** If House Bill No. 1275 becomes effective, subsections 3 and 4 of section 27-05.2-02 of the North Dakota Century Code, as created by section 50 of House Bill No. 1275, as approved by the fifty-sixth legislative assembly, are amended and reenacted as follows:

3. In a county in which the supreme court determines that at least ~~two~~ five full-time employees are necessary to provide adequate clerk of district court services, the elected clerk of district court and clerk of court staff designated by the supreme court shall become employees of the state judicial system if the board of county commissioners consents to the transition after consultation with the elected clerk. This subsection applies upon receipt by the supreme court of a resolution adopted by the board of county commissioners indicating its consent. Any equipment, including ~~technology-related~~ technology-related equipment, and furnishings in the control and custody of the clerk of district court on the date the clerk becomes a state employee must remain in the control and custody of the clerk until the state court administrator determines the items are no longer needed. The clerk, upon becoming a state employee, shall receive a salary in an amount not less than the salary received as a county employee and shall remain an employee of the state judicial system until the clerk retires, resigns, or the term for which the clerk was initially elected expires, whichever occurs earlier. Thereafter, the clerk of district court must be appointed in the manner provided by supreme court rule. The bond for the clerk of district court must be set by the supreme court. If the board of county commissioners does not consent to the clerk and designated staff becoming employees of the state judicial system, the county must provide clerk of district court services at its own expense in accordance with subsection 2.
4. In a county in which the supreme court determines that one or more, but less than ~~two~~ five, full-time employees are necessary to provide clerk of district court services, the elected clerk of district court and clerk of court staff designated by the supreme court shall become employees of the state judicial system in the manner described in subsection 3. If the board of county commissioners does not consent to the clerk and designated staff becoming employees of the state judicial system, the county may provide clerk of district court services at its own expenses under

subsection 2 or the supreme court may provide funding for clerk of district court services in accordance with an agreement under subsection 6."

Page 1, line 6, underscore "**Bail - Defendant's property.**", replace "Moneys" with "Except as otherwise provided in this section, moneys", and underscore "deposited as bail are the property of the"

Page 1, line 7, underscore "defendant, whether deposited by the defendant or by a third person on the defendant's behalf." and insert immediately thereafter "If bail moneys are deposited by a third person, the person must be notified at the time of deposit that the moneys may be paid to the defendant upon final disposition of the case or applied to any fine, cost, or restitution imposed on the defendant. The person may direct, subject to further order of the judge, that the deposited moneys be released to that person upon final disposition of the case."

Page 1, underscore lines 8 through 10

Page 1, line 11, underscore "be paid to the defendant or pursuant to the defendant's written direction" and insert immediately thereafter "or, unless otherwise ordered by the judge, as directed by a person who deposited moneys on behalf of the defendant" and underscore ". In the case of a"

Page 1, underscore lines 12 through 15

Page 1, after line 15, insert:

**"SECTION 3. AMENDMENT.** Section 29-22-31 of the North Dakota Century Code is amended and reenacted as follows:

**29-22-31. Verdict of guilty - Procedure.** If a general verdict is rendered against the defendant, or a special verdict is given, ~~he the defendant~~ must be remanded, if in custody, or, if ~~he the defendant~~ is at large on bail, ~~he~~ may be committed to the proper officer of the county to await the judgment of the court upon the verdict. When committed, ~~his the defendant's~~ bail is exonerated, or if money is deposited instead of bail, it must be refunded ~~to the defendant~~ in accordance with section 2 of this Act."

Renumber accordingly

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

**WILLIAM C. PARKER, Secretary**