

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 14, 1997

The Senate convened at 12:30 p.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Father Al Bitz, St. Leo's, Casselton, and St. Thomas, Buffalo.

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

A quorum was declared by the President Pro Tem.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2347.

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 2020, SB 2034, SB 2127, SB 2202, SB 2261, SB 2262, SB 2337, SB 2355, SB 2356.

CONSIDERATION OF AMENDMENTS

SB 2343, as engrossed: SEN. SAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 351 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2028, as engrossed: SEN. THANE (Appropriations Committee) MOVED that the amendments on SJ page 330 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2028, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2028, the roll was called and there were 28 YEAS, 18 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Tallackson; Thompson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Sand; Traynor

The motion to adopt the amendments to SB 2028 passed. Reengrossed SB 2028 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2021: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 342-343 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the rules be suspended and after action taken on the Sixth order, that SB 2139, as amended, and SB 2338, as amended, be placed on the Eleventh order for second reading and final passage, rather than be rereferred to the **Appropriations Committee**, as the bills do not meet the criteria for rereferral. The motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2139: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 343 be adopted with **DO PASS**, which motion prevailed. Pursuant to Sen. G. Nelson's prior motion, Engrossed SB 2139 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2167: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 343 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2181: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 344 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2191: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ pages 344-347 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1256: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 353-354 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2210: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 348 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2220: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 348-349 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2221: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ page 349 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2325: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 349 be adopted and then be placed on the Eleventh order **WITHOUT RECOMMENDATION**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2338: SEN. FREBORG (Education Committee) MOVED that the amendments on SJ pages 349-350 be adopted with **DO PASS**.

REQUEST

SEN. YOCKIM REQUESTED that the Senate divide the amendments to SB 2338, which request was granted.

DIVISION A: That part of the proposed amendments which amends page three.

DIVISION B: The remainder of the proposed amendments.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on Division A of the proposed amendments to SB 2338, which request was granted.

ROLL CALL

The question being on the motion to adopt Division A of the proposed amendments to SB 2338, the roll was called and there were 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nothing; O'Connell; Sand; Schobinger;

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

NAYS: Berg; DeMers; LaFountain; Lips; Nelson, C.; Redlin; Robinson; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Division A of the proposed amendments to SB 2338 was adopted.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2338, which request was granted.

ROLL CALL

The question being on the motion to adopt Division B of the proposed amendments to SB 2338, the roll was called and there were 45 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Redlin; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Division B of the proposed amendments to SB 2338 was adopted.

Divisions A and B of the proposed amendments were adopted on recorded roll call votes. The motion to adopt the proposed amendments on SJ pages 349-350 prevailed on a voice vote.

Pursuant to Sen. G. Nelson's prior motion, Engrossed SB 2338 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2344: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 351 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2359: SEN. MUTZENBERGER (Judiciary Committee) MOVED that the amendments on SJ pages 351-352 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2383: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 352 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2390: SEN. ANDRIST (Judiciary Committee) MOVED that the amendments on SJ pages 352-353 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the use of state telephones by state appointed and elected officials and state employees; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.;

Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2187 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact sections 57-39.2-03.2 and 57-40.2-03.2 of the North Dakota Century Code, relating to the rate of sales and use taxes on sales, storage, use, or consumption of alcoholic beverages; 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 23 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Fischer; Grindberg; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Lips; Mathern; Mutch; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Tallackson; Thane; Tomac; Watne; Wogsland; Yockim

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Holmberg; Klein; Krauter; Lee; Lindaas; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Redlin; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thompson; Urlacher; Wanzek

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2242 lost.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to prohibit health plans from interfering with health care provider communications with patients and to prohibit certain provisions in contracts with a health care provider; 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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Cook; Grindberg; Holmberg; Klein; Nalewaja; Sand; Schobinger; Solberg

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2278 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to provide for the expiration of certain rules adopted by the superintendent of public instruction; and to amend and reenact sections 15-21-04.1, 15-21-07, 15-21-07.1, 15-21-07.2, 15-21.1-03, 15-21.1-04, 15-45-03, and subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to rulemaking by the superintendent of public instruction.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2336 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to payments for students having limited English language skills.

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 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Kinnoin; Sand; Stenehjem, B.; Tomac; Wogsland

ABSENT AND NOT VOTING: Bowman; Traynor

Reengrossed SB 2029 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 54-10-14 and 54-40.1-05 of the North Dakota Century Code, relating to audits of regional planning councils and the submission of regional planning council audit reports to the legislative audit and fiscal review committee.

ROLL CALL

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

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Bowman; Thane; Traynor

Engrossed SB 2047 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to the convening of a special session of the legislative assembly to consider vetoed legislation; and to declare an emergency.

ROLL CALL

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

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

NAYS: Sand

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2316 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4029: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to dedication and distribution of a portion of sales, use, and motor vehicle excise tax revenues to political subdivisions for state revenue sharing and personal property tax replacement; and to provide an effective date.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Redlin; Schobinger; Stenehjem, W.

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SCR 4029 was declared adopted and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2124: A BILL for an Act to provide for the creation of the dry pea and lentil council; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Naaden; Traynor

SB 2124 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2209: A BILL for an Act to amend and reenact subsections 7 and 8 of section 12.1-35-01, sections 12.1-35-03, 27-20-52, and 39-08-10.1 of the North Dakota Century Code, relating to the release of the identity of children and records regarding children and the release of the identity of persons seriously injured or deceased.

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2209 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 23-09.2 of the North Dakota Century Code, relating to food preparation by nonprofit public-spirited organizations; to amend and reenact section 23-09.2-01 of the North Dakota Century Code, relating to definitions; and to repeal section 1 of chapter 316 of the 1989 Session Laws, relating to food preparation by nonprofit public-spirited organizations.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2273 lost.

SECOND READING OF SENATE BILL

SB 2277: A BILL for an Act to amend and reenact section 19-10-19 of the North Dakota Century Code, relating to inspection fees for petroleum products.

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2277 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2317: 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 school-to-work program exemptions.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 27 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Wanzek; Watne

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2317 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to licensing of interpreters for deaf individuals; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; St. Aubyn; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland

NAYS: Andrist; Cook; Kinnoin; O'Connell; Schobinger; Solberg; Stenehjerm, B.; Yockim

ABSENT AND NOT VOTING: Bowman; Sand; Traynor

REQUEST

SEN. SAND REQUESTED the record reflect that he intended to vote YEA on SB 2320, but his light failed to function, which request was granted.

Therefore, the final vote on SB 2320 was 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

SB 2320 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2342: A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, relating to the development and the delivery of elementary and secondary school core curriculum; to amend and reenact subsection 4 of section 15-29-08 of the North Dakota Century Code, relating to the duties of school boards in determining disciplines and requiring specific courses; and to provide for a legislative council study.

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: Christmann; Mutch; Naaden; Solberg; Wanzek

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

ABSENT AND NOT VOTING: Bowman; Nalewaja; Traynor

SB 2342 lost.

SECOND READING OF SENATE BILL

SB 2382: A BILL for an Act to amend and reenact section 28-26-01 of the North Dakota Century Code, relating to the awarding of attorney's fees.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Christmann; Cook; Kinnoin; Klein; Mutch; Naaden; Nalewaja; Nelson, G.; Schobinger; Solberg; Stenehjem, B.; Wanzek

NAYS: Andrist; Berg; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Freborg; Traynor

SB 2382 lost.

SECOND READING OF SENATE BILL

SB 2147: A BILL for an Act to create and enact two new sections to chapter 50-11 of the North Dakota Century Code, relating to fingerprinting of individuals housed or employed by foster care providers; and to amend and reenact section 50-11-02 of the North Dakota Century Code, relating to terms and conditions for licensing foster care facilities.

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 42 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Mutch; O'Connell; Stenehjem, B.; Stenehjem, W.; Wanzek

ABSENT AND NOT VOTING: Bowman; Traynor

Engrossed SB 2147 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to amend and reenact sections 6-09.10-03 and 6-09.10-10 of the North Dakota Century Code, relating to extension of the expiration date of the agricultural mediation service; to repeal sections 6-09.10-08.1, 6-09.10-08.2, 6-09.10-08.3, 6-09.10-08.4, 6-09.10-08.5, and 6-09.10-08.6 of the North Dakota Century Code, relating to legal and tax assistance for farmers and small businesses; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Bowman; Tallackson; Traynor

SB 2182 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2196: A BILL for an Act to amend and reenact subsection 7 of section 57-60-01 of the North Dakota Century Code, relating to the definition of gross receipts under the privilege tax on coal conversion facilities; to provide for retroactive application; to provide an effective date; to provide an expiration 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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2196 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2203: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the distribution of collected child support; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Traynor

SB 2203 lost.

SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to the state minimum wage rate.

REQUEST

SEN. DEMERS REQUESTED that the Senate divide SB 2227, which request was granted.

DIVISION A

Page 1, lines 1 through 9 and line 10 "per hour."

DIVISION B

Page 1, lines 1 through 6 and line 10 "By May 1, 1998, and every twenty-four months thereafter, the" and lines 11 through 17

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on Divisions A and B of SB 2227, which request was granted.

ROLL CALL

The question being on the passage of Division A of SB 2227, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Traynor; Urlacher

Division A of SB 2227 lost.

ROLL CALL

The question being on the passage of Division B of SB 2227, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Traynor

Division B of SB 2227 lost.

Divisions A and B of SB 2227 failed. Therefore, pursuant to Senate Rule 319(4), there being no divisions approved, SB 2227 lost.

SECOND READING OF SENATE BILL

SB 2267: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to a limitation on the annual change in agricultural property assessments on a statewide basis; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 37 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Holmberg; Kelsh; LaFountain; O'Connell; Tomac; Wogsland

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Lindaas; Redlin; Traynor; Yockim

SB 2267 lost.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act relating to school district bond ratings, assistance to school districts unable to make principal or interest payments on certain debt obligations, and a special levy to repay any assistance received.

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 26 YEAS, 19 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krauter; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, G.; Nething; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Urlacher; Wanzek; Wogsland

NAYS: Berg; Christmann; Cook; Fischer; Freborg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Lips; Naaden; Nelson, C.; O'Connell; Sand; Stenehjem, B.; Thompson; Tomac; Watne

ABSENT AND NOT VOTING: Bowman; Redlin; Traynor; Yockim

Engrossed SB 2275 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2345, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to amend and reenact section 65-01-08 of the North Dakota Century Code, relating to employees opting out of workers' compensation coverage.

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 12 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Tallackson; Thompson

NAYS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Redlin; Traynor; Wogsland; Yockim

SB 2381 lost.

SECOND READING OF SENATE BILL

SB 2386: A BILL for an Act to amend and reenact subsection 2 of section 26.1-40-15.1, section 26.1-40-15.6, and subsection 3 of section 26.1-41-13 of the North Dakota Century Code, relating to the payment of uninsured and underinsured motor vehicle coverages.

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 3 YEAS, 42 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Kelsh; Mathern; O'Connell

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

ABSENT AND NOT VOTING: Bowman; Redlin; Traynor; Yockim

SB 2386 lost.

MOTION

SEN. GOETZ MOVED that SB 2392 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to repeal section 34-03-01 of the North Dakota Century Code, relating to termination of employment at will.

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 15 YEAS, 29 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Redlin; Thompson; Traynor; Yockim

SB 2392 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

SCR 4017: A concurrent resolution directing the Legislative Council to study legislative employee compensation.

SCR 4021: A concurrent resolution directing the Legislative Council to study participation in the teachers' fund for retirement by retired persons who have resumed teaching.

SCR 4023: A concurrent resolution directing the Legislative Council to study the process of privatization and contracting for public sector services.

SCR 4035: A concurrent resolution congratulating the North American Indigenous Games TEAM North Dakota, an indigenous sports organization comprised of members from the Spirit Lake Nation; Standing Rock Sioux; Three Affiliated Tribes; and Turtle Mountain Band of Chippewa, for successfully securing the bid to host the 1999 North American Indigenous Games in Fargo, North Dakota, to be held July 28 through August 27, 1999.

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

SCR 4017, SCR 4021, SCR 4023, and SCR 4035 were declared adopted on a voice vote, and the titles were agreed to.

MOTION

SEN. GOETZ MOVED that SB 2369 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2369 was rereferred.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 17, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2022: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 1, after the semicolon insert "and"

Page 1, line 2, remove "; and to provide an expiration date"

Page 1, line 8, remove "- EXPIRATION DATE" and remove "the"

Page 1, line 9, remove "first two" and remove ", and is thereafter ineffective"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2206: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2206 was placed on the Sixth order on the calendar.

Page 2, line 1, remove "**Board approval** -", after "**education**" insert "**- Public hearing**", and after the period insert "If a sex education course or program is to be initiated in any school in a district, the school board shall first conduct at least one public hearing with opportunity for public comment."

Page 2, remove lines 2 through 17

Page 3, remove lines 3 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2211: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2211 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2223: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2223 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2234: 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). SB 2234 was placed on the Sixth order on the calendar.

Page 1, line 6, remove the overstrike over "The"

Page 1, line 7, remove the overstrike over "~~term includes~~", after "application" insert "intravenous administration", and remove the overstrike over "~~of a drug for the purpose of teaching utilization~~"

Page 1, line 8, remove the overstrike over "~~and~~" and insert immediately thereafter "the maintenance of the intravenous therapy of a patient only in an emergency when nursing service is not available. The term" and remove the overstrike over "~~excludes the regular ongoing delivery to the patient in a health care~~"

Page 1, line 9, remove the overstrike over "~~setting and~~" and insert immediately thereafter "other" and remove the overstrike over "~~parenteral administration of a drug.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2244: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2244 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2283: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2296: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2296 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2301: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2301 was placed on the Sixth order on the calendar.

Page 2, after line 29, insert:

"Peer review committee - Mandatory reports. A peer review committee shall report to the commission on medical competency any information that indicates a probable violation of subsections 4, 5, 16, or 17 of section 43-17-31. A health care organization is guilty of a class B misdemeanor if its peer review committee fails to make any report required by this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2305: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2305 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2308: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "seventy-two-hour" with "thirty-day"

Page 3, line 4, replace "has violated" with "is in violation of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2319: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2340: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2340 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2341: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2341 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2363: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2363 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2379: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "twenty-five" and insert immediately thereafter "one hundred"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SCR 4025: 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 4025 was placed on the Sixth order on the calendar.

Page 1, line 2, after the second comma insert "the use and effectiveness of the mandatory reporting law,"

Page 1, line 6, after "of" insert "those parents as" and replace "have been" with "were"

Page 1, line 13, replace "had occurred" with "was indicated"

Page 1, after line 17, insert:

"WHEREAS, North Dakota state law provides for mandatory reporting of suspected abuse; and"

Page 2, line 9, after the first comma insert "the use and effectiveness of the mandatory reporting law,"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SCR 4027: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4027 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4032: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4038: 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 4038 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "the" insert "effectiveness of and methods to improve advocacy programs administered by the Department of Human Services and the"

Page 1, line 2, after "merging" insert "those" and remove "administered by the Department of Human Services"

Page 1, line 22, replace "result in improved" with "be one method to improve the"

Page 1, line 23, after the semi-colon insert "and"

WHEREAS, shared resources may be a method to improve the effectiveness and the efficiency of the programs;"

Page 2, line 1, after the second "the" insert "effectiveness of and methods to improve advocacy programs administered by the Department of Human Services and the" and after "merging" insert "those"

Page 2, line 2, remove "administered by the Department of Human Services"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1175: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1175 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1211: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1211 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1230: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1230 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1274, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1274 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Kelsh, O'Connell and Rep. Brandenburg introduced:

SCR 4044: A concurrent resolution directing the Legislative Council to study ways of improving the filing of agricultural liens so losses resulting from incomplete or inaccurate information can be reduced.

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

Sen. W. Stenehjem and Rep. Kretschmar introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study state funding of the office of clerk of district court, the issues and problems associated with the continued implementation of court unification, and the effective provision of judicial services to the citizens of this state.

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

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

William C. Parker, Secretary