

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 6, 1995

The Senate convened at 1:00 p.m., with President Pro Tempore Streibel presiding.

The prayer was offered by Sen. Jens Tennefos.

The roll was called and all members were present except Senators Tomac and Wogsland.

A quorum was declared by the President.

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 4049, SCR 4058.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1069, HB 1094.

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 2040, SB 2086, SB 2116, SB 2128, SB 2151, SCR 4003, SCR 4016, SCR 4020, SCR 4022.

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

MR. SPEAKER: The President has signed: HB 1070, HB 1102, HB 1105, HB 1106, HB 1126, HB 1127, HB 1128, HB 1188, HB 1219, HB 1285.

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

MR. PRESIDENT: The House has passed unchanged: SB 2158, SB 2163, SB 2210, SB 2240, SB 2244, SB 2250, SB 2258, SB 2261, SB 2262, SB 2265, SB 2284, SB 2285.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2132, SB 2489.

HOUSE AMENDMENTS TO SENATE BILL NO. 2132

Page 2, line 2, after the period insert "The question of the adoption of the excise tax may be submitted to electors at a general, primary, or special election or at a school district election if the boundaries of the school district are coterminous with the boundaries of the governing body adopting the resolution proposing the adoption of the excise tax."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2489

Page 1, line 8, remove the comma and after "chapter" insert a comma

Renumber accordingly

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

MR. PRESIDENT: The Speaker has signed: SB 2214, SB 2217, SB 2253, SB 2257, SB 2260, SB 2293.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the

hour of 1:22 p.m., March 6, 1995: SB 2107, SB 2108, SB 2117, SB 2138, SB 2139, SB 2145, SB 2148, SB 2156, SB 2157, SB 2167, SB 2175, SB 2178, SB 2196, SB 2205, SB 2208, SB 2214, SB 2217, SB 2253, SB 2257, SB 2260, SB 2293.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 1:22 p.m., March 6, 1995: SCR 4008.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 6, 1995, I signed the following: SB 2124.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 6, 1995, I signed the following: SB 2078, SB 2092, SB 2129, SB 2144, SB 2162, SB 2197, SB 2266, and SB 2299.

CONSIDERATION OF AMENDMENTS

HB 1183: SEN. MATHERN (Human Services Committee) MOVED that the amendments on SJ pages 829-830 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to amend and reenact subsection 5 of section 21-04-01 of the North Dakota Century Code, relating to excluding funds deposited in a student financial institution from the definition of public funds.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1189, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1199: A BILL for an Act to provide for the regulation of prize notices; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1199, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1216: A BILL for an Act to amend and reenact section 15-60-10 of the North Dakota Century Code, relating to school construction loans; 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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Streibel; Tomac

Engrossed HB 1216, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

ANNOUNCEMENT

PRESIDENT STREIBEL ANNOUNCED that the Journal would reflect that he intended to vote YEA on Engrossed HB 1216.

SECOND READING OF HOUSE BILL

HB 1023: A BILL for an Act to amend and reenact section 54-35-02.6 of the North Dakota Century Code, relating to the duties of the administrative rules committee.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1023 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1057: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to designation of the state department of health and consolidated laboratories as the primary state environmental agency.

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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; O'Connell

ABSENT AND NOT VOTING: Mutch; Tomac

Reengrossed HB 1057 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact section 55-08-05 of the North Dakota Century Code, relating to charges for special technical assistance services by the parks and recreation department.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1080 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1092: A BILL for an Act to amend and reenact subsection 1 of section 39-06-14, section 39-06-27, subsection 4 of section 39-06-32, subsection 2 of section 39-06-33, sections 39-06.1-14, 39-16-03, 39-16-03.1, subsection 1 of section 39-16-05, section 39-16.1-07, subsection 1 of section 39-16.1-19, and subsection 2 of section 39-20-04 of the North Dakota Century Code, relating to photographs on motor vehicle operator's licenses, proof of driving offenses in other jurisdictions, refusal to submit to an implied consent chemical test in another state, rules for hearings on suspension or revocation, delivery of suspension orders, fees for copies of operating records, entries on driver record abstracts, time for filing proof of financial responsibility before suspension, proof of financial responsibility, and curing a refusal to take a chemical test.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Schobinger

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1092 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1108: A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to acting as a guide or outfitter without a license; 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Langley

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1108 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1115: A BILL for an Act to amend and reenact section 61-05-03 of the North Dakota Century Code, relating to votes of electors of irrigation districts.

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; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Redlin; Tomac

Engrossed HB 1115 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1119: A BILL for an Act to amend and reenact section 46-04-19 of the North Dakota Century Code, relating to disposition of laws by the secretary of state.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1119 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1120 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to amend and reenact subsection 2 of section 52-09-06 and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the investment of funds and the calculation of primary insurance benefits under the old-age and survivor insurance 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1125 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to resident fishing license fees; to repeal section 20.1-03-10.1 of the North Dakota Century Code, relating to trout and salmon license stamps; and to provide an effective date.

MOTION

SEN. YOCKIM MOVED that HB 1139 be amended as follows:

Page 1, line 2, replace "resident fishing" with "trout and salmon" and replace "fees" with "stamps"

Page 2, line 2, remove the overstrike over "~~nine~~" and remove "ten"

Page 2, line 8, remove the overstrike over "~~thirteen~~" and remove "fourteen"

Renumber accordingly

REQUEST

SEN. TRAYNOR REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1139, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1139, the roll was called and there were 12 YEAS, 36 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Kelsh; Krauter; LaFountain; Mathern; Mushik; O'Connell; Scherber; Stenehjem, B.; Stenehjem, W.; Wanzek; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Watne; Wogsland

ABSENT AND NOT VOTING: Tomac

The proposed amendments to HB 1139 failed.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; DeMers; O'Connell; Schobinger

ABSENT AND NOT VOTING: Tomac

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1147: A BILL for an Act to amend and reenact section 19-18-04 of the North Dakota Century Code, relating to pesticide product registration schedules.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik;

Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1147 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to amend and reenact sections 19-20.1-02, 19-20.1-03, 19-20.1-03.4, 19-20.1-06, and 19-20.1-13 of the North Dakota Century Code, relating to definitions applicable to the registration and licensing of fertilizers, fertilizer registration schedules, guaranteed analysis of fertilizer, fertilizer inspection fees and tonnage reports, and phosphates; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed HB 1148 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to amend and reenact section 38-12.1-08 of the North Dakota Century Code, relating to the penalty for improper coal exploration activities; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; Tomac

HB 1157 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1181: A BILL for an Act to amend and reenact section 20.1-01-31 of the

North Dakota Century Code, relating to interference with rights of trappers.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; Nething; Tomac

Engrossed HB 1181 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1203: A BILL for an Act to amend and reenact section 54-03-23 of the North Dakota Century Code, relating to return of legislators' copies of the North Dakota Century Code after termination of service.

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; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Krauter; Tomac

Engrossed HB 1203 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1232: A BILL for an Act to amend and reenact subsection 1 of section 39-06-03.1 of the North Dakota Century Code, relating to nondriver photo identification cards.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1232 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1233: A BILL for an Act to create and enact two new subsections to section 5-04-01 and a new section to chapter 5-04 of the North Dakota Century Code, relating to definitions applicable to beer wholesalers and brewers brand extensions.

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; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson; Tomac

HB 1233 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1272: A BILL for an Act to amend and reenact subsection 3 of section 32-40.1-02 of the North Dakota Century Code, relating to visual inspections of lender-owner property for environmental damage.

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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

HB 1272 passed and the title was agreed to.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 7, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1054, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so

amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING).
Engrossed HB 1054 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "nonreal estate" with "leased" and after "asset" insert ", excluding real estate,"

Page 1, line 16, after "of" insert "leased"

Page 1, line 19, after "include" insert "leased"

Page 1, line 20, after "anticipated" insert "leased"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1058, as engrossed: **Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1058 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "North Dakota" with "state"

Page 1, line 5, replace "North Dakota" with "state"

Page 1, line 9, remove the overstrike over "~~State~~" and remove "North Dakota"

Page 1, line 17, remove the overstrike over "~~state~~" and remove "North"

Page 1, line 18, remove "Dakota"

Page 2, line 2, remove the overstrike over "~~state~~" and remove "North Dakota"

Page 2, line 4, after "TO" insert "STATE" and remove "AND"

Page 2, line 5, remove "ENVIRONMENT"

Page 3, line 17, replace "NORTH DAKOTA" with "STATE"

Page 3, line 25, replace "North Dakota" with "state"

Page 3, line 28, replace "North Dakota" with "state"

Page 4, line 2, replace "North Dakota" with "state"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1215: **Political Subdivisions Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1215 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1224, as engrossed: **Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1224 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1238: **Political Subdivisions Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1238 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1239: **Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS,

1 NAY, 0 ABSENT AND NOT VOTING). HB 1239 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "fleet of ten or more trailers", remove "that", and overstrike "are" and insert immediately thereafter "trailer that is"

Page 1, line 11, remove "the" and overstrike "trailers" and insert immediately thereafter "the trailer"

Page 1, line 12, overstrike "fees" and insert immediately thereafter "fee"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1245, as reengrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1245 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

HB 1251: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1251 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1300, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1300 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "may" with "shall" and replace "a" with "the interested"

Page 1, line 15, replace "director" with "directors", remove "a", and replace "home" with "homes"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1302: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1302 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1346: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1346 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "his" and insert immediately thereafter "the auditor's"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1368, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1368 was placed on the Sixth order on the calendar.

Page 1, line 10, remove ", notwithstanding section 39-06.1-06,"

Page 1, line 14, after the underscored period insert "However, if a greater fee would be applicable under section 39-06.1-06, then that fee is required for the noncriminal disposition."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1377: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1377 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1448: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1448 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILL

HB 1875: A BILL for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to the terms of office of school board members.

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

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

William C. Parker, Secretary