

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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**Bismarck, March 13, 1997**

The Senate convened at 1:00 p.m., with President Pro Tem Holmberg presiding.

The prayer was offered by Reverend Darrel J. Aleson, Chaplain, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Senators Nething and Redlin.

A quorum was declared by the President Pro Tem.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1064, HB 1122, HB 1202, HB 1214, HB 1242, HB 1246, HB 1249, HB 1275, HB 1292, HB 1294, HB 1305, HB 1310, HB 1334, HB 1335, HB 1380, HB 1395, HB 1402, HB 1434, HB 1436, HB 1437, HCR 3017, HCR 3028.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has failed to pass: HB 1145.

**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 1186, HB 1224.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1190, HB 1274, HB 1302, HB 1412.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HCR 3036.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HCR 3036.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has passed unchanged: SB 2034, SB 2053, SB 2081, SB 2100, SB 2102, SB 2196, SB 2236, SB 2310, SB 2328, SB 2355, SB 2371, SB 2393, SCR 4043.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has failed to pass: SB 2271.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2061.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2037, SB 2239, SB 2370, SCR 4007.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2037**

Page 1, line 1, after "32-03" insert "and a new section to chapter 49-10.1"

Page 1, line 3, after "operator" insert "and the determination of train speeds"

Page 4, after line 10, insert:

**"SECTION 6.** A new section to chapter 49-10.1 of the North Dakota Century Code is created and enacted as follows:

**Determination of train speeds.** If the governing body of a city proposes to establish a speed limit on trains passing through its corporate limits and an agreement cannot be reached with the railway company operating the railroad, the governing body of the city may file, with the commission, a petition that sets forth the facts and which

requests the commission to make a determination regarding reasonable train speeds within the city. The commission, after giving reasonable notice, shall conduct a hearing and issue an order that establishes reasonable train speeds through the city."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2239**

Page 1, line 12, replace "At least two of the" with "The"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2370**

Page 1, line 2, after "commissioners" insert "; and to provide an effective date"

Page 1, after line 15, insert:

**"SECTION 2. EFFECTIVE DATE.** This Act is effective for any full term of office of a county commissioner beginning after July 31, 1997."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE CONCURRENT RESOLUTION NO. 4007**

Page 1, line 1, after "urging" insert "the North Dakota Game and Fish Department to make a request of"

Page 1, line 7, after the comma insert "waterfowl historically have caused" and remove "was"

Page 1, line 8, remove "caused by waterfowl in 1995 and 1996"

Page 1, line 9, remove "and"

Page 1, remove lines 10 and 11

Page 1, line 14, after "urges" insert "the North Dakota Game and Fish Department to make a request of"

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2057, SB 2361.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2057**

Page 1, line 2, after "volunteers" insert "; and to declare an emergency"

Page 1, after line 16, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2361**

Page 1, line 2, after "facility" insert "; and to declare an emergency"

Page 1, after line 8, insert:

**"SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2052, SB 2136, SB 2200, SB 2351.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2052**

Page 1, line 1, after the first comma insert "4-10.2-05, 4-10.3-05,"

Page 1, line 2, replace "sections" with "section" and after the second comma insert "the new section as provided by section 5 of Senate Bill No. 2124, sections 12-59-02, 15-10-08,"

Page 1, line 4, after the first comma insert "subsection 13 of the new section to chapter 50-01.2 as created by section 2 of House Bill No. 1041,"

Page 1, line 5, after the first comma insert "the new section as provided by section 4 of Senate Bill No. 2298," after the second comma insert "54-24.4-02 as created by section 19 of House Bill No. 1035," and after the fourth comma insert "the new section as provided by section 4 of Senate Bill No. 2271,"

Page 1, line 6, remove "and" and after "61-24.5-04" insert ", the new section as provided by section 3 of Senate Bill No. 2239, and the new section to chapter 65-02 as created by section 4 of House Bill No. 1440,"

Page 1, after line 24, insert:

**"SECTION 2. AMENDMENT.** Section 4-10.2-05 of the North Dakota Century Code as amended by section 2 of House Bill No. 1199, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**4-10.2-05. Meetings - Quorum - Compensation and expenses of council.** A majority of the voting members of the council constitutes a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council must be called by the chairman except special meetings which must be called by the chairman on the petition of two council members within seven days of receiving such a petition. Each member of the council is entitled to receive ~~the same per diem~~ as compensation ~~as provided for members of the legislative council under section 54-35-10, sixty-two dollars and fifty cents per day~~ and to reimbursement of expenses as provided by law for state officers, while attending meetings or performing duties directed by the council. No compensation may be paid under this section to any member who receives compensation or salary as a regular state employee or official.

**SECTION 3. AMENDMENT.** Section 4-10.3-05 of the North Dakota Century Code as amended by section 8 of House Bill No. 1339, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**4-10.3-05. Meetings - Quorum - Compensation and expenses of council.** A majority of the voting members of the council constitutes a quorum for the transaction of all business in carrying out the duties of the council. The chairman shall call meetings of the council. The chairman shall call all special meetings on the petition of three council members within seven days of receiving the petition. Each member of the council; is entitled to receive ~~the same per diem~~ as compensation ~~as provided for members of the legislative council under section 54-35-10, sixty-two dollars and fifty cents per day~~ and to reimbursement of expenses as provided by law for state officers, while attending meetings or performing duties directed by the council. No compensation may be paid under this section to any member who receives compensation or salary as a regular state employee or official."

Page 3, after line 26, insert:

**"SECTION 9. AMENDMENT.** The new section as provided by section 5 of Senate Bill No. 2124, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**Meetings - Quorum - Compensation of council members.** A majority of the voting members of the council ~~constitute~~ constitutes a quorum for the transaction of all business in carrying out the duties of the council. All meetings of the council must be called by the chairman except special meetings which must be called by the chairman on the petition of three council members within seven days of receiving the petition. Each member of the council is entitled to receive ~~the same per diem~~ as compensation ~~as provided for members of the legislative council under section 54-35-10, sixty-two dollars and fifty cents per day~~ and to reimbursement of expenses as provided by law for state officers, while attending meetings or performing duties directed by the council, except that no compensation under this section may be paid to any member who receives compensation or salary as a regular state employee or official.

**SECTION 10. AMENDMENT.** Section 12-59-02 of the North Dakota Century Code as amended by section 1 of Senate Bill No. 2128, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**12-59-02. Meetings - Compensation.** The board shall organize by selecting a chairman. Meetings of the board must be held as often as required to properly conduct the business of the board, but in any event not less than six times per year. The parole board may only take action upon the concurrence of at least two members. Members are entitled to be compensated at the same rate provided for members of the legislative council under section 54-35-10 of sixty-two dollars and fifty cents per day for each day actually and necessarily spent in the performance of their duties as board members plus the same mileage and expenses as are authorized for state officials and employees. The director of the division of parole and probation, or the director's designee, shall be the clerk for the parole board.

**SECTION 11. AMENDMENT.** Section 15-10-08 of the North Dakota Century Code as amended by section 1 of House Bill No. 1312, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**15-10-08. Compensation of board members - Expenses - Legislative appropriations.** Each member of the state board of higher education, except the student member, is entitled to receive as compensation sixty-two dollars and fifty cents per day in the same amount provided for members of the legislative council for each calendar day actually spent devoted to the duties of office, and necessary expenses in the same manner and amounts as other state officials for attending meetings and performing other functions of office. The legislative assembly shall provide adequate funds to carry out the functions and duties of the board."

Page 9, after line 25, insert:

**"SECTION 22. AMENDMENT.** Subsection 13 of the new section to chapter 50-01.2 of the North Dakota Century Code as created by section 2 of House Bill No. 1041, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

13. Members of a peer review committee are entitled to receive compensation by the department in the same amounts as members of the legislative council amount of sixty-two dollars and fifty cents per day. The county requesting the review shall reimburse the department for one-half of that cost."

Page 10, after line 22, insert:

**"SECTION 25. AMENDMENT.** The new section as provided by section 4 of Senate Bill No. 2298, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**Board of directors - Officers - Meetings - Compensation.** The board of directors consists of nine members. Except as provided in section 6, each director must reside within the area of the director's county comprising the Devils Lake basin water board. The board of directors shall elect from the directors a chairman, vice chairman, and secretary. The chairman shall designate the time and place for the board of directors to meet; however, the board of directors shall meet if three directors call for a meeting. The secretary shall notify, by mail, each director of meetings. The board of directors must meet at least once each quarter. A director is entitled to receive as compensation in the amount not to exceed the amount provided for members of the legislative council by section 54-35-10 sixty-two dollars and fifty cents per day and is entitled to be reimbursed for mileage and expenses in the amount provided for state officials by sections 44-08-04 and 54-06-09."

Page 11, after line 8, insert:

**"SECTION 27. AMENDMENT.** Section 54-24.4-02 of the North Dakota Century Code as created by section 19 of House Bill No. 1035, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**54-24.4-02. North Dakota library coordinating council - Compensation and expense reimbursement.** Each member of the North Dakota library coordinating council is entitled to receive the same per day as compensation as provided for members of the legislative council under section 54-35-10 sixty-two dollars and fifty cents per day, together with expenses as provided in sections 44-08-04 and 54-06-09, while attending meetings or performing duties directed by the council. No

compensation may be paid under this section to any council member who receives compensation as a regular state official or employee."

Page 12, after line 2, insert:

**"SECTION 30. AMENDMENT.** The new section as provided by section 4 of Senate Bill No. 2271, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**Board of directors - Officers - Meetings - Compensation.** The board of directors of a regional water resource district consists of one member from each of the existing water resource districts within the regional district. Each director must be a member of a water resource district board. The regional water resource district board shall elect from the members a chairman, vice chairman, and secretary. The chairman shall designate the time and place for the board to meet; however, the board shall meet if three directors call for a meeting. The secretary shall notify, by mail, each member of meetings. A member is entitled to receive as compensation sixty-two dollars and fifty cents per day from the water resource district the member represents on the regional board ~~in the amount not to exceed the amount provided for members of the legislative council by section 54-35-10~~ and is entitled to be reimbursed for mileage and expenses in the amount provided for state officials by sections 44-08-04 and 54-06-09."

Page 13, after line 28, insert:

**"SECTION 36. AMENDMENT.** The new section as provided by section 3 of Senate Bill No. 2239, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**Compensation and expenses.** Each member appointed by the governor is entitled to receive ~~the same as~~ compensation sixty-two dollars and fifty cents per day and must be reimbursed for expenses, while attending meetings of the committee, ~~in the same amounts as provided for in section 54-35-10 for members of the legislative council.~~

**SECTION 37. AMENDMENT.** The new section to chapter 65-02 of the North Dakota Century Code as created by section 4 of House Bill No. 1440, as approved by the fifty-fifth legislative assembly, is amended and reenacted as follows:

**Compensation of board members.** A board member is entitled to receive as compensation in the same amount and manner as provided for legislative council committee members under section 54-35-10 sixty-two dollars and fifty cents per day. A board member is entitled to reimbursement for mileage and expenses as provided for state officers, but the mileage allowance must equal the federal internal revenue service mileage allowance."

ReNUMBER accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2136

Page 1, line 1, replace "twelve" with "eleven"

Page 1, line 3, remove "civil penalties for the unauthorized practice of funeral service,"

Page 6, line 13, remove the overstrike over "~~a sum of not more than one hundred dollars,~~"

Page 6, line 14, remove the overstrike over "as" and remove "the application fee"

Page 7, line 4, remove the overstrike over "~~The amount of the fee may not exceed one hundred dollars.~~"

Page 7, line 30, replace "the required fee" with "a fee not to exceed fifty dollars"

Page 9, remove lines 26 through 31

Page 10, remove lines 1 through 4

ReNUMBER accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2200

Page 1, line 21, after "**zoning**" insert "**or subdivision regulation**"

Page 2, line 24, replace "this chapter" with "sections 40-51.2-08, 40-51.2-09, 40-51.2-10, 40-51.2-11, 40-51.2-12, 40-51.2-13, 40-51.2-14, 40-51.2-15, 40-51.2-16, and 40-51.2-17"

Page 4, line 22, after "the" insert "involved" and remove "involved"

Page 8, line 8, after the first "its" insert "a decision, including" and after "thereon" insert "of law"

Page 8, line 9, remove the first "the", overstrike "decision", after "and" insert "an order", replace "order" with "decision", and replace "that are the basis for the" with "upon which the decision is based"

Page 8, line 10, remove "decision"

Page 8, line 11, replace "order" with "decision"

Page 9, line 1, after "~~corporation~~" insert "city" and remove the overstrike over "~~of a sum determined by~~"

Page 9, line 2, remove the overstrike over "the", after "~~commission~~" insert "administrative law judge", remove the overstrike over "~~payable~~", and remove "city"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2351

Page 1, line 14, overstrike "and productivity"

Renumber accordingly

#### COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 11, 1997, I signed the following: SB 2038, SB 2039, SB 2103, SB 2107, SB 2111, SB 2123, SB 2126, SB 2245, and SB 2337.

Also, on March 13, 1997, I signed the following: SB 2212, SB 2073, SB 2110, SB 2125, and SB 2143.

#### MOTION

**SEN. GOETZ MOVED** that Engrossed HB 1103, which is on the Sixth order, be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1103 was rereferred.

#### CONSIDERATION OF AMENDMENTS

**HB 1089, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 728 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1158, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ pages 728-729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1159, as engrossed: SEN. MUTZENBERGER (Judiciary Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1257, as engrossed: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1344: SEN. ANDRIST (Judiciary Committee) MOVED** that the amendments on SJ page 729 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1359: SEN. BERG (Judiciary Committee) MOVED** that the amendments on SJ page 730 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3034: SEN. B. STENEHJEM (Human Services Committee) MOVED** that the amendments on SJ page 730 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that Engrossed HB 1068, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1076:** A BILL for an Act to provide for a portion of a paved four-lane highway for United States highway 2.

**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 25 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thompson; Tomac; Watne; Wogsland; Yockim

**NAYS:** Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Kringstad; LaFountain; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Stenehjem, B.; Thane; Traynor; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1076 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1405:** A BILL for an Act to amend and reenact sections 20.1-12-05, 20.1-12-06, and 20.1-12-07 of the North Dakota Century Code, relating to the operation of private shooting preserves; and to repeal section 20.1-12-06.1 of the North Dakota Century Code, relating to harvest of game birds on private shooting preserves.

**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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; Cook; LaFountain; Lee; Lips; Mutzenberger

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1405 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1471:** A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an individual or trust income tax credit for expenses of caring for certain family members; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1471 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1476:** A BILL for an Act relating to the Myrdal fund for technology in curriculum and staff development; and to provide an expiration date.

### ROLL CALL

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

**YEAS:** Kinnoin; Krebsbach; O'Connell; Tallackson; Thane; Watne

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

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1476 lost.

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### SECOND READING OF HOUSE BILL

**HB 1040:** A BILL for an Act to amend and reenact subsection 5 of section 50-24.4-10 of the North Dakota Century Code, relating to operating cost limits for nursing homes; and to provide an expiration date.

### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1040 passed and the title was agreed to.

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### MOTION

**SEN. GOETZ MOVED** that Engrossed HB 1040 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1040 was rereferred.

### SECOND READING OF HOUSE BILL

**HB 1042:** A BILL for an Act to amend and reenact subsection 8 of section 28-32-01 of the North Dakota Century Code, relating to the definition of a party to an administrative proceeding.

**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; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1042 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1045:** A BILL for an Act to create and enact a new subsection to section 27-20-34 of the North Dakota Century Code, relating to district court jurisdiction over certain adults who committed an offense as a child.

**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; Berg; Bowman; 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.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** O'Connell; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1045 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that HB 1251, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1260:** A BILL for an Act to amend and reenact subsection 26 of section 65-01-02 of the North Dakota Century Code, relating to the definition of permanent impairment for workers' compensation purposes.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1260 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1343:** A BILL for an Act to amend and reenact section 33-06-04 of the North Dakota Century Code, relating to eviction actions.

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

**ABSENT AND NOT VOTING:** LaFountain; Nething; Redlin

Engrossed HB 1343 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that, for purposes of continuity, HB 1344, as amended, be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1344:** A BILL for an Act to amend and reenact section 47-16-30.1 of the North Dakota Century Code, relating to a lessor's rights in abandoned property.

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

**YEAS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin; Wogsland

HB 1344, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1345:** A BILL for an Act to amend and reenact section 33-06-02 of the North Dakota Century Code, relating to service of process in eviction actions.

**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; Bowman; 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.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1345 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1358:** A BILL for an Act to amend and reenact section 14-09-06.3 of the North Dakota Century Code, relating to the costs of custody investigations and reports.

**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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Schobinger

**NAYS:** Andrist; Berg; Bowman; 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.; O'Connell; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1358 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to the issuance of high school diplomas to home school students; and to repeal section 15-34.1-11 of the North Dakota Century Code, relating to the issuance of high school diplomas by the superintendent of public instruction.

**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 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Kinnoin; Klein; Lee; Mutch; Mutzenberger; Naaden; Schobinger; Solberg; Stenehjem, B.; Wanzek; Watne

**NAYS:** Andrist; Berg; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mathern; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

Engrossed HB 1456 lost.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3039:** A concurrent resolution directing the Legislative Council to study the relationship between state general fund revenue gains from economic growth and losses from providing income tax incentives for investment in value-added agricultural processing.

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

HCR 3039 was declared adopted on a voice vote, and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3052:** A concurrent resolution directing the Legislative Council to study the property tax exemption for charitable organizations.

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

HCR 3052 was declared adopted on a voice vote, and the title was agreed to.

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

**HCR 3001:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of funding the office of the clerk of district court through the unified judicial system.

**HCR 3018:** A concurrent resolution urging Congress to provide funds to widen and provide an attached walkway to the bridge over the Burlington Northern tracks on United States Highway 85 north of Bowman, North Dakota.

**HCR 3020:** A concurrent resolution directing the Legislative Council to study airline service in this state.

**HCR 3029:** A concurrent resolution acknowledging the service and sacrifice of the brave Americans, including North Dakotans, who contributed to the historic victory of freedom and democracy over tyranny and oppression.

**HCR 3035:** A concurrent resolution directing the Legislative Council to study the criteria and the manner in which the criteria is applied by the Education Standards and Practices Board in certifying teachers, in approving teacher preparation programs, and in developing a professional code of ethics, conduct, and performance.

**HCR 3044:** A concurrent resolution directing the Legislative Council to study the impact of tax-exempt property on school districts.

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

HCR 3001, HCR 3018, HCR 3020, HCR 3029, Engrossed HCR 3035, and HCR 3044 were declared adopted on a voice vote, and the titles were agreed to.

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**MOTION**

**SEN. B. STENEHJEM MOVED** that the Senate reconsider its action whereby HB 1286 failed to pass, which motion prevailed on a verification vote.

**SECOND READING OF HOUSE BILL**

**HB 1286:** A BILL for an Act to amend and reenact section 57-43.1-03.1 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refunds; to repeal section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refunds; 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, the roll was called and there were 34 YEAS, 13 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Berg; Christmann; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; O'Connell; Robinson; Tomac; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Nething; Redlin

HB 1286 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. G. NELSON MOVED** that Engrossed SB 2316 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto and that SB 2316 be placed on the Eleventh order of business on the calendar, which motion prevailed on a verification vote.

**RECONSIDERATION OF VETOED MEASURE**

**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 bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; Bowman; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Watne; Wogsland; Yockim

**NAYS:** Andrist; Christmann; Cook; Klein; Kringstad; Lips; Mutch; Sand; Traynor; Urlacher; Wanzek

**ABSENT AND NOT VOTING:** Nething; Redlin

The Senate overrode the Governor's veto on Engrossed SB 2316, and the emergency clause carried.

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**MOTION**

**SEN. GOETZ MOVED** that Engrossed HB 1314 and Engrossed HB 1403 be returned to the Senate floor from the **Government and Veterans Affairs Committee** and be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1314 and Engrossed HB 1403 were 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 and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 14, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1036, as engrossed: Human Services Committee (Sen. Thane, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1036 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "medicaid-eligible"

Page 1, line 11, overstrike "Before" and insert immediately thereafter "If" and overstrike "may be" and insert immediately thereafter "is"

Page 1, line 12, overstrike "that" and insert immediately thereafter "as to whether"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1044: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1078, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1078 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1115: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1115 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1132, as reengrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1132 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1147, as engrossed: 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). Engrossed HB 1147 was placed on the Sixth order on the calendar.

Page 1, line 1, after "15-47" insert "and a new section to chapter 27-20"

Page 1, line 9, replace "or" with "and"

Page 2, line 4, replace "may" with "shall"

Page 2, after line 17, insert:

**"SECTION 3.** A new section to chapter 27-20 of the North Dakota Century Code is created and enacted as follows:

**Notification of school officials.** If a juvenile is alleged to have committed an offense specified in subsection 1 of section 1 of this Act, and the court determines the juvenile did not commit the offense, the court shall notify the juvenile's principal and school administrator of that determination."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1188: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1188 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1306, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1306 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "11.02 pounds" with "one pound"

Page 1, line 16, replace "5" with ".45"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1324, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1324 was placed on the Sixth order on the calendar.

Page 1, line 12, after the underscored comma insert "the approximate age of the judgment debtor," and after the second "debtor" insert "if known"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1337, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Sixth order on the calendar.

Page 1, line 6, after "degree" insert "in counseling"

Page 1, line 7, replace "regionally or nationally accredited institution of higher education in" with "state-approved" and replace ". A person" with "program, with coursework and an internship in school counseling, as required for all counselors by the superintendent of public instruction, provided the person has a valid North Dakota teaching certificate or

will obtain one within five years from the date of first employment under the provisions of this section."

Page 1, remove lines 8 through 15

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1342, as reengrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1342 was placed on the Sixth order on the calendar.

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, after "38-08.1-04.1" insert ", and a new section to chapter 38-08.1"

Page 1, line 3, replace "and to" with a comma

Page 1, line 4, after "permitholders" insert ", and authority of the industrial commission to adopt rules governing geophysical exploration"

Page 1, line 6, replace the first "and" with a comma and after "3" insert ", and 5"

Page 2, line 10, after "drilling" insert "or plugging"

Page 2, line 28, overstrike "bond must remain on file with the" and overstrike "commission so long as the"

Page 2, line 29, overstrike "exploration", remove "or plugging operations", overstrike "covered by the bond", remove "are", and overstrike "carried on or"

Page 2, overstrike line 30

Page 3, line 1, overstrike "however, that the" and after "surety" insert "on the bond"

Page 3, line 3, overstrike "A bond filed pursuant to this section is the sole bond required of persons engaging"

Page 3, line 4, overstrike "in geophysical exploration", remove "and plugging operations", overstrike "within", remove "this", and overstrike "state"

Page 3, line 6, overstrike ". Upon compliance with" and overstrike "sections 38-08.1-01 through"

Page 3, line 7, overstrike "38-08.1-05, any bond", remove "that", and overstrike "may previously have been filed in any county"

Page 3, line 8, remove "must" and overstrike "be released; provided, however, that the surety of any such bond"

Page 3, line 9, overstrike "remains liable under its contract for all actions of its principal", remove "before", and overstrike "the"

Page 3, overstrike line 10

Page 3, line 11, overstrike "4."

Page 3, line 20, replace "5" with "4"

Page 4, line 12, replace "security" with "anniversary"

Page 5, overstrike lines 11 and 12

Page 5, line 13, overstrike "land described in the application."

Page 6, line 3, remove the overstrike over "county or" and overstrike the third "or"

Page 6, line 4, overstrike "respective surface owner"

Page 6, remove lines 28 and 29

Page 6, line 30, remove "forty-eight hours, a permit for operations within the county" and overstrike ". However, the permit suspension"

Page 6, line 31, overstrike "time period may not be included in the one-year permit period" and insert immediately thereafter "other physical features. For these same reasons, a board of county commissioners, upon notice to the permitholder and the commission, also may suspend, for not longer than forty-eight hours, a permit for operations within the county"

Page 7, line 3, overstrike "- Request to file"

Page 7, line 4, overstrike "location of worksite"

Page 7, line 20, replace "and" with a comma and after "3" insert ", and 5"

Page 8, after line 8, insert:

"5. The surface around each seismic shot hole must be restored to its original condition insofar as restoration is practicable and all stakes, markers, cables, ropes, wires, primacord, cement or mud stacks, and any other debris or material not native to the area must be removed from the drill site and ~~deposited in a sanitary landfill~~ lawfully disposed of."

Page 9, after line 20, insert:

"**SECTION 11.** A new section to chapter 38-08.1 of the North Dakota Century Code is created and enacted as follows:

**Commission to adopt rules.** The commission may adopt and enforce rules to implement this chapter."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1353, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1353 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1401, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1401 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1463: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1463 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1478: 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). HB 1478 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subdivision b of subsection 1 of"

Page 1, line 2, replace "expectant mothers" with "pregnant women"

Page 1, line 4, replace "Subdivision b of subsection 1 of section" with "Section"

Page 1, after line 5, insert:

#### "14-02.1-02.1. Printed information.

1. The state department of health shall ~~cause to be published~~ publish in English, and in every other language that the department determines is the primary language of a significant number of state residents, ~~within one~~

~~hundred eighty days after July 1, 1994~~, the following easily comprehensible printed materials:

- a. Geographically indexed materials designed to inform the woman of public and private agencies and services available to assist a woman through pregnancy, upon childbirth, and while the child is dependent, including adoption agencies. The materials must include a comprehensive list of the agencies available, a description of the services ~~they~~ the agencies offer and a description of the manner, including telephone numbers, in which ~~they might~~ the agencies may be contacted, or, at the option of the department, printed materials including a toll-free, twenty-four hour a day telephone number that may be called to obtain, orally, ~~such~~ a list and description of agencies in the locality of the caller and of the services ~~they~~ the agencies offer."

Page 1, line 7, overstrike "unborn child" and insert immediately thereafter "fetus" and overstrike "two-week" and insert immediately thereafter "four-week"

Page 1, line 9, overstrike "unborn child's"

Page 1, line 10, after "survival" insert "of the fetus", remove "or drawings", and replace "unborn" with "a fetus"

Page 1, line 11, remove "children", replace "two-week" with "four-week", and remove "or drawings"

Page 1, line 15, overstrike "unborn child" and insert immediately thereafter "fetus"

Page 1, after line 15, insert:

- "2. The materials required under this section must be available at ~~no~~ cost from the state department of health upon request and in appropriate number to any person, facility, or hospital."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HCR 3016: Judiciary Committee (Sen. W. Stenehjerm, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3016 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HCR 3046: 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). HCR 3046 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "barriers to" with "availability of"

Page 1, line 9, remove "which is over 14 percent"

Page 1, line 10, replace "many" with "some"

Page 1, remove lines 15 and 16

Page 1, line 21, replace "barriers to" with "availability of"

Renumber accordingly

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

**William C. Parker, Secretary**