

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, January 31, 1997

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Carell J. Foss, Tri-County Ministry, Cooperstown.

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

A quorum was declared by the President.

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

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1081, HB 1230, HB 1234, HB 1248, HB 1251, HB 1284.

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1128.

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

**MR. SPEAKER:** The President has signed: HB 1128.

**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 2018, SB 2032, SB 2084, SB 2194, SB 2250, SB 2280, SB 2281, SCR 4010.

**CONSIDERATION OF AMENDMENTS**

**SB 2042: SEN. B. STENEHJEM (Human Services Committee) MOVED** that the amendments on SJ page 196 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. B. Stenehjem's motion, Engrossed SB 2042 was rereferred.

**MOTION**

**SEN. GOETZ MOVED** that the rules be suspended and that after action taken on the Sixth order on today's calendar, the bills be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2091: SEN. MUTCH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 196 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2091:** A BILL for an Act to amend and reenact section 44-04-18.5 of the North Dakota Century Code, relating to open records exemptions for computer software programs developed by a state agency and authorizing agreements for licensing of computer software programs; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Nothing; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** O'Connell; Tomac

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2091 passed, the title was agreed to, and the emergency clause was declared carried.

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#### CONSIDERATION OF AMENDMENTS

**SB 2115: SEN. YOCKIM (Human Services Committee) MOVED** that the amendments on SJ page 197 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2115:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to insurance coverage for prostate-specific antigen tests.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Mutch; Stenehjem, B.

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2115 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2118: SEN. KLEIN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 196-197 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2118:** A BILL for an Act to create and enact a new subsection to section 6-03-27 of the North Dakota Century Code, relating to filing a list of bank holding company stockholders; and to amend and reenact subsection 6 of section 6-01-04.1, sections 6-01-07, 6-01-20, subsection 1 of section 6-03-02, and section 6-03-15.1 of the North Dakota Century Code, relating to removal of a financial corporation's or institution's employees, confidentiality of bank and credit union reports of examination, Bank of North Dakota access to examination and other information, a banking association's period of existence, and temporary relocating of a bank office.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2118 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2135: SEN. LINDAAS (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 197 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2135:** A BILL for an Act to create and enact a new section to chapter 13-05 of the North Dakota Century Code, relating to removal from office of collection agency officers or employees by the department of banking and financial institutions.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Watne; Wogsland; Yockim

**NAYS:** Andrist; Christmann; Cook; Mutch; Naaden; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Traynor; Wanzek

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2135 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2149: SEN. YOCKIM (Human Services Committee) MOVED** that the amendments on SJ pages 197-198 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2149:** A BILL for an Act to amend and reenact sections 25-01-03 and 25-02-04 of the North Dakota Century Code, relating to the qualifications and appointment of an administrator for the state hospital.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2149 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2208: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ page 198 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2208:** A BILL for an Act to create and enact two new sections to chapter 23-07.1 of the North Dakota Century Code, relating to the control of tuberculosis; to amend and reenact sections 23-07.1-01, 23-07.1-04, 23-07.1-05, 23-07.1-06, 23-07.1-07, 23-07.1-08, 23-07.1-09, 23-07.1-10, 23-07.1-12, 23-07.1-13, and 23-07.1-14 of the North Dakota Century Code, relating to the control and eradication of tuberculosis; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2208 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2068:** A BILL for an Act to amend and reenact subsection 3 of section 27-08.1-01, sections 27-08.1-02, 27-08.1-04, and 27-08.1-05 of the North Dakota Century Code, relating to small claims judgments and the commencement and removal of small claims actions; and to repeal section 27-08.1-06 of the North Dakota Century Code, relating to docketing and execution of small claims judgments.

#### 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2068 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2102:** A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the old-age and survivor insurance system.

#### 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Reengrossed SB 2102 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2151:** A BILL for an Act to amend and reenact sections 16.1-07-01, 16.1-07-05, 16.1-07-06, and 16.1-07-08 of the North Dakota Century Code, relating to an elector's eligibility to vote by absentee ballot; and to repeal section 16.1-07-02 of the North Dakota Century Code, relating to voting by absentee ballot.

#### 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2151 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2175:** A BILL for an Act to amend and reenact sections 16.1-06-06, 16.1-07-09, 16.1-09-02, 16.1-11-13, 16.1-11-19, 16.1-15-17, 16.1-15-22, and 44-08-21 of the North Dakota Century Code, relating to general election ballots for persons authorized to vote for presidential electors only, canvassing late absentee ballots, presidential candidates personal disclosure statements, filing of certificates with the secretary of state showing the names and addresses of persons nominated in the county by county auditors, filling vacancies existing on the no-party ballot, time when county canvassing boards are required to meet, recall elections, and deadlines for candidates to file in recall elections.

#### 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2175 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2183:** A BILL for an Act to amend and reenact section 57-15-26.1 of the North Dakota Century Code, relating to the mill levy limitation for recreation service districts; 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 NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Freborg; Lips

**NAYS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2183 lost.

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#### SECOND READING OF SENATE BILL

**SB 2237:** A BILL for an Act to create and enact two new sections to chapter 54-44.5 of the North Dakota Century Code, relating to community action agencies; and to amend and

reenact section 54-44.5-01 of the North Dakota Century Code, relating to the office of intergovernmental assistance.

**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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2237 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2303:** A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for property tax assessment purposes; and to provide an effective date.

**ROLL CALL**

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

**YEAS:** Andrist; 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; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

Engrossed SB 2303 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2235:** A BILL for an Act to amend and reenact subsections 3 and 5 of section 14-05-22 and subdivision j of subsection 1 of section 14-09-06.2 of the North Dakota Century Code, relating to the effect of domestic violence on visitation rights and child custody proceedings.

**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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Tallackson

SB 2235 passed and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** that SB 2248, SB 2283, SB 2310, SB 2323, SB 2327, SB 2328, SB 2379, SB 2382, SB 2395, and SB 2396 be returned to the Senate floor from the **Industry, Business and Labor Committee**, for the purpose of rereferral, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** that SB 2248, SB 2310, and SB 2323 be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2248, SB 2310, and SB 2323 were rereferred.

**MOTION**

**SEN. GOETZ MOVED** that SB 2382 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2382 was rereferred.

**MOTION**

**SEN. GOETZ MOVED** that SB 2283 and SB 2327 be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2283 and SB 2327 were rereferred.

**MOTION**

**SEN. GOETZ MOVED** that SB 2328, SB 2379, and SB 2395 be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2328, SB 2379, and SB 2395 were rereferred.

**MOTION**

**SEN. GOETZ MOVED** that SB 2396 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2396 was rereferred.

**REQUEST**

**SEN. G. NELSON REQUESTED** the Journal show that the Senate majority and minority leaders will be in Washington, D. C., on Monday, February 3, 1997, which request was granted.

**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 Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 3, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2007: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2007 was placed on the Sixth order on the calendar.

Page 1, line 2, after "affairs" insert "; and to provide legislative intent regarding veterans' home management, budgeting, and accounting practices and related budget section reports"

Page 2, after line 9, insert:

**"SECTION 3. VETERANS' HOME MANAGEMENT, BUDGETING, AND ACCOUNTING PRACTICES - BUDGET SECTION REPORTING.** The commandant of the veterans' home shall improve the veterans' home's management, budget, and accounting functions including those identified in the veterans' home audit report for the fiscal year ending June 30, 1996, and by the legislative audit and fiscal review committee, including budgeting procedures that reduce frequent line item transfers and requests for additional funding authority approvals by the emergency commission, a physical inventory of fixed assets, appropriate bidding for improvement projects, and proper accounting for items not included in the statewide accounting management information system. The commandant shall develop a corrective plan of action to address the improvements and periodically report to the budget section regarding the development of the corrective plan of action and its implementation."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 313 - NORTH DAKOTA VETERANS' HOME

SENATE - This amendment provides a section of legislative intent regarding Veterans' Home management, budgeting, and accounting practices and related reports to the Budget Section.

**REPORT OF STANDING COMMITTEE**

**SB 2011: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "to provide for a comprehensive public communication plan;"

Page 1, line 10, replace "2,227,042" with "1,977,042"

Page 1, line 11, replace "20,402,330" with "20,763,330"

Page 1, line 12, replace "875,853" with "889,853"

Page 1, after line 12, insert:

"Comprehensive public communications plan 250,000"

Page 1, line 13, replace "23,505,225" with "23,880,225"

Page 1, line 14, replace "23,255,225" with "23,630,225"

Page 2, remove lines 10 through 12

Page 2, line 15, replace "comprehensive" with "mobile data"

Page 2, line 16, replace "public communication" with "communications" and remove "provided for in section 5 of this Act"

Page 2, replace lines 17 through 21 with:

**"SECTION 6. APPROPRIATION.** There is hereby appropriated from special funds, derived from federal funds, the sum of \$109,000, or so much of the sum as may be necessary, to the highway patrol for the purpose of motor carrier research and overtime speed enforcement for the period beginning with the effective date of this Act and ending June 30, 1997."

Page 2, line 22, replace "Section 5" with "The comprehensive public communications line item in section 1 of this Act and section 6" and replace "is" with "are"

Re-number accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment makes the following object code changes:

	1997-99 EXECUTIVE RECOMMENDATION	ADDITIONAL FEDERAL FUNDS	SENATE VERSION
Salaries and wages	\$17,897,294	\$28,000	\$17,925,294
Operating expenses	4,720,931	22,000	4,742,931
Equipment	755,000		755,000
Capital improvements	32,000		32,000
Grants	<u>100,000</u>	<u>325,000</u>	<u>425,000</u>
Total	\$23,505,225	\$375,000 <sup>1</sup>	\$23,880,225
General fund	\$250,000		\$250,000
Special funds	<u>23,255,225</u>	<u>\$375,000</u>	<u>23,630,225</u>
Total	\$23,505,225	\$375,000	\$23,880,225
FTE	200.00	0.00	200.00

<sup>1</sup> Additional federal funds are provided for grants of \$325,000 for motor carrier research to be conducted by the Transportation Institute, \$36,000 for overtime speed enforcement in the field operations program, and \$14,000 for law enforcement training at the Law Enforcement Training Academy.

A new section is added providing an appropriation of \$109,000 of federal funds for the remainder of the 1995-97 biennium to provide grants of \$89,000 to the Transportation Institute for motor carrier research and \$20,000 for overtime speed enforcement in the field operations program of the Highway Patrol.

Section 6 of the bill is changed to provide that the \$585,000 provided for purchasing mobile data terminals may not be spent prior to completion of the mobile data communications plan rather than the comprehensive public communication plan.

Section 7 of the bill providing object code line item information is removed because the object code information is being shown in this purpose of amendment.

Funding for the comprehensive public communication plan is provided as a separate line item rather than within the administration line item because it is identified as an emergency measure which will allow the funds to begin to be spent prior to July 1, 1997. As a result, section 5 is removed because it is not necessary.

The funding provided for each Highway Patrol program is as follows:

	1997-99 EXECUTIVE RECOMMENDATION	SENATE CHANGES	SENATE VERSION
Administration	\$2,227,042		\$2,227,042
Field operations	20,402,330	\$361,000	20,763,330
Law enforcement training academy	<u>875,853</u>	<u>14,000</u>	<u>889,853</u>
Total	\$23,505,225	\$375,000	\$23,880,225

#### REPORT OF STANDING COMMITTEE

**SB 2047: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2047 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 54-10-14 and" with "section"

Page 1, line 2, remove "audits of regional planning councils and"

Page 1, remove lines 5 through 24

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 16

Page 3, line 20, overstrike "sixty" and insert immediately thereafter "one hundred twenty"

Page 3, line 24, remove "state auditor shall prepare an annual", replace "on each" with "of a", and after "regional" insert "planning"

Page 3, line 25, replace ". The state auditor shall submit copies of the annual audit report of each regional" with "must be presented, upon request."

Page 3, remove line 26

Page 3, line 27, remove "designee," and replace ". and to members of the legislative" with an underscored period

Page 3, remove line 28

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2065: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2065 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "11:00 p.m." with "midnight"

Page 1, line 9, replace "capable of" with "that is" and replace "to assist" with "of a quality that would be useful in assisting"

Page 1, line 17, after "which" insert "accurately"

Page 1, line 19, after "sign" insert "and display"

Page 1, line 20, remove the second "and"

Page 1, line 22, replace "11:00 p.m." with "midnight" and after "a.m." insert "; and"

Page 1, after line 22, insert:

"h. Provide training to each employee who works between the hours of midnight and 5:00 a.m. regarding security measures that may be taken in an emergency situation, including a robbery or theft, to maintain the safety of the employee and any customer present during the emergency situation."

Page 2, line 1, replace "11:00 p.m." with "midnight"

Page 2, line 2, replace "11:00 p.m." with "midnight"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2074: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2074 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide a continuing appropriation"

Page 1, line 4, replace "- **Continuing appropriation.** A committee selected" with ". The state auditor"

Page 1, line 5, remove "by the executive director"

Page 1, line 7, remove the third "the"

Page 1, line 8, after "bureau" insert ", as determined necessary by the state auditor,"

Page 1, line 9, after "for" insert "departmental" and after "improvement" insert "or an explanation of why no recommendations are being made"

Page 1, line 10, after "bureau" insert "and the auditor"

Page 1, line 11, remove the comma, after "committee" insert "and to the house and senate industry, business and labor standing committees during the next regular session of the legislative assembly following the audit", and replace "There is hereby" with "The executive director also shall provide a copy of the audit report to the state auditor."

Page 1, remove lines 12 and 13

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

SENATE - This amendment removes the continuing appropriation. The amendment also changes responsibility for the oversight of the performance audit from the executive director of the bureau to the State Auditor.

**REPORT OF STANDING COMMITTEE**

**SB 2116: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

Page 3, line 13, after "deficit" insert "and the policyholders experience a premium rate increase", after "higher" insert "education", and after "or" insert "an institution of"

Page 3, line 15, replace "fifty" with "one hundred"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2124: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2124 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2133: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Sixth order on the calendar.

Page 2, line 1, remove the overstrike over "~~(a) — Except as provided in subparagraph b, a~~" and remove "A"

Page 2, line 4, after "coverage" insert "either" and after "in" insert "calculating the group size upon which the minimum participation requirement is based or in"

Page 2, line 5, overstrike "applicable percentage of" and insert immediately thereafter "small employer has met the minimum" and overstrike "is"

Page 2, line 6, overstrike "met" and insert immediately thereafter "requirements"

Page 2, remove the overstrike over lines 7 through 10

Page 2, line 11, remove the overstrike over "~~participation requirements.~~" and insert immediately thereafter "However, if the carrier chooses to consider those employees or dependents, the small employer carrier shall consider them in calculating the group size upon which the minimum participation requirement is based and in determining whether the small employer has met the minimum participation requirements."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2136: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2136 was placed on the Sixth order on the calendar.

Page 1, line 20, remove "and feet"

Page 2, line 8, after "transportation" insert "to a point of final disposition"

Page 2, remove lines 20 through 23

Page 7, line 30, replace "**Embalmer intern**" with "**Intern embalmer**"

Page 7, line 31, remove "embalmer" and after "intern" insert "embalmer"

Page 8, line 11, remove "embalmer" and after "intern" insert "embalmer"

Page 10, line 11, overstrike the first "A" and insert immediately thereafter "Except for on tribal land, a"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2177: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2177 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2190: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2192: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2192 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2212: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2218: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2218 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2219: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2238: 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). SB 2238 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "or" with "other than a motion picture or other audiovisual work or part of a motion picture or other audiovisual work, which is"

Page 1, line 7, remove "similar work"

Page 1, line 22, after "the" insert "license"

Page 1, line 23, remove "or other similar"

Page 3, line 10, after the period insert "This Act does not apply to investigations by law enforcement officers or other persons concerning a suspected violation of section 47-21.1-03."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2239: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2239 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "one" with "two"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2245: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2256: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2258: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2258 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2266: 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). SB 2266 was placed on the Sixth order on the calendar.

Page 1, line 3, after "14-07.1-02" insert ", subsection 2 of section 14-07.1-03,"

Page 2, after line 7, insert:

"g. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides."

Page 2, after line 9, insert:

**"SECTION 2. AMENDMENT.** Subsection 2 of section 14-07.1-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. An ex parte temporary protection order may include:
  - a. Restraining any party from having contact with or committing acts of domestic violence on another person.
  - b. Excluding the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of another person, or from a domestic violence shelter care facility.
  - c. Awarding temporary custody or establishing temporary visitation rights with regard to minor children.
  - d. Requiring the respondent to surrender for safekeeping any firearm or other specified dangerous weapon, as defined in section 12.1-01-04, in the respondent's immediate possession or control or subject to the respondent's immediate control, if the court has probable cause to believe that the respondent is likely to use, display, or threaten to use the firearm or other dangerous weapon in any further acts of violence. If so ordered, the respondent shall surrender the firearm or other dangerous weapon to the sheriff, or the sheriff's designee, of the county in which the respondent resides or to the chief of police, or the chief's designee, of the city in which the respondent resides."

Page 2, line 12, after "if" insert "the officer determines there is probable cause that"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2272: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2272 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "removed" with "satisfied"

Page 1, line 14, remove "for the lienholder's first violation and one hundred dollars for each"

Page 1, line 15, remove "subsequent violation"

Page 1, line 23, replace "removed" with "satisfied" and replace "for the lienholder's first" with an underscored period

Page 1, remove line 24

Page 2, line 8, replace "removed" with "satisfied" and replace "for the lienholder's first" with an underscored period

Page 2, remove line 9

Page 2, line 15, replace "for the secured party's first" with an underscored period

Page 2, remove line 16

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2277: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was rereferred to the **Appropriations Committee**.

#### REPORT OF STANDING COMMITTEE

**SB 2284: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2299: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2299 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1059: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1059 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1108: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1108 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1126: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Fourteenth order on the calendar.

#### FIRST READING OF HOUSE BILLS

**HB 1081:** 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 election and term of office of representatives. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HB 1230:** A BILL for an Act to amend and reenact section 40-08-04 of the North Dakota Century Code, relating to election of city council members. Was read the first time and referred to the **Political Subdivisions Committee**.

**HB 1234:** A BILL for an Act to amend and reenact sections 15-47-06, 16.1-16-01, 40-21-13, and 40-21-17 of the North Dakota Century Code, relating to school district, city, and statewide election recounts. Was read the first time and referred to the **Judiciary Committee**.

**HB 1248:** A BILL for an Act to amend and reenact sections 50-22-02 and 50-22-04 of the North Dakota Century Code, relating to licensing of charitable organizations and filing of annual reports by charitable organizations. Was read the first time and referred to the **Judiciary Committee**.

**HB 1251:** 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 authority of school boards; and to amend and reenact section 15-38.1-09 of the North Dakota Century Code, relating to the scope of negotiations by teacher organizations.

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

**HB 1284:** A BILL for an Act to amend and reenact section 50-06-06.9 of the North Dakota Century Code, relating to insurance payments on behalf of a person with human immunodeficiency virus infection.

Was read the first time and referred to the **Human Services Committee**.

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

**William C. Parker, Secretary**