

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, February 10, 1997

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

The prayer was offered by Pastor Joel Brosten, First Lutheran Church, Rugby.

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

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 1031, HB 1033, HB 1110, HB 1144, HB 1154, HB 1179, HB 1190, HB 1196, HB 1210, HB 1213, HB 1214, HB 1235, HB 1240, HB 1247, HB 1250, HB 1272, HB 1276, HB 1280, HB 1286, HB 1288, HB 1292, HB 1297, HB 1341, HB 1418.

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 2009, SB 2045, SB 2088, SB 2108, SB 2236, SB 2370, SCR 4019.

POINT OF PERSONAL PRIVILEGE

SEN. G. NELSON: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I rise to note the passing of the former Speaker of the House, Clarence Martin. As you know, Representative Martin passed away yesterday while at home with his family. Of course, Clarence will be remembered as a kind and gentle man, but I would like to highlight Clarence's love of the Legislature.

He came to the House with the 1974 election, and returned every session with eagerness to represent his district. During the 1995 session, he presided over the House with pride. Becoming speaker was a longstanding goal for Clarence, and we are fortunate he was able to attain that goal.

Our thoughts and condolences are with his wife, his family, and his friends. Arrangements are still pending for his funeral. We will let the Senate know and will try to schedule things to let people attend the ceremonies.

POINT OF PERSONAL PRIVILEGE

SEN. MATHERN: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Madam President and members of the Senate: We mourn the loss of Representative Martin. We also celebrate his life which expressed the essence of leadership. That essence is service. Representative Martin served his family, his church, his community, many associations, and he served this state as a legislator. Representative Martin taught us that leadership is service. Thank you.

CONSIDERATION OF AMENDMENTS

SB 2005: SEN. NAADEN (Appropriations Committee) MOVED that the amendments on SJ pages 278-279 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2005, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2005, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Lee; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand;

Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Urlacher; Wanzek; Watne; Wogsland

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

ABSENT AND NOT VOTING: Bowman; Traynor

The motion to adopt the amendments to SB 2005 passed. Engrossed SB 2005 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2113: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 280-283 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2148: SEN. YOCKIM (Human Services Committee) MOVED that the amendments on SJ page 283 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2161: SEN. THOMPSON (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 283 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2197: SEN. FISCHER (Human Services Committee) MOVED that the amendments on SJ pages 283-284 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2263: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ page 284 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2286: SEN. B. STENEHJEM (Human Services Committee) MOVED that the amendments on SJ pages 284-289 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that the rules be suspended and that SB 2286, as amended, be placed on the eleventh order for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2286: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to assistive technology device warranties; 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 45 YEAS, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Sand

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2286 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2294: SEN. THOMPSON (Natural Resources Committee) MOVED that the amendments on SJ page 289 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2393: SEN. URLACHER (Agriculture Committee) MOVED that the amendments on SJ page 290 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4011: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 290 be adopted and then be placed on the Eleventh order with **DO NOT PASS**.

REQUEST

SEN. CHRISTMANN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SCR 4011, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SCR 4011, the roll was called and there were 23 YEAS, 23 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

The motion to adopt the amendments to SCR 4011 failed to pass for lack of a majority. SCR 4011 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SCR 4016: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 290-291 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that Engrossed SB 2015, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. TOMAC MOVED that the Senate reconsider its action whereby SB 2357 failed to pass for want of a Constitutional majority.

REQUEST

SEN. HEITKAMP REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2357 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2357 failed to pass, the roll was called and there were 30 YEAS, 16 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Cook; DeMers; Fischer; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Schobinger; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Wanzek; Wogsland; Yockim

NAYS: Christmann; Goetz; Grindberg; Krebsbach; Kringstad; Lee; Mutch; Nalewaja; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjem, W.; Urlacher; Watne

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

So the motion to reconsider the action whereby SB 2357 failed to pass prevailed.

MOTION

SEN. GOETZ MOVED that SB 2357 be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2357 was rereferred.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to amend and reenact subdivision d of subsection 17 of section 4-22-26, sections 11-14-10, 11-14-16, and 40-40-13 of the North Dakota Century Code, relating to distribution of tax revenues to political subdivisions; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; O'Connell; Tomac

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2204 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2207: 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 required coverages in health plans.

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; Christmann; Cook; DeMers; Fischer; Freborg; 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2207 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to amend and reenact subsection 6 of section 6-01-07.1 of the North Dakota Century Code, relating to access to records held by the department of banking and financial institutions; and to repeal section 6-01-20 of the North Dakota Century Code, relating to access by the Bank of North Dakota to bank, savings and loan, and credit union records.

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; Christmann; Cook; DeMers; Fischer; Freborg; 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2287 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that Engrossed SB 2343, which is on the Eleventh order, be rereferred to the **Industry, Business and Labor Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed SB 2343 was rereferred.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to create and enact a new chapter to title 30 of the North Dakota Century Code, relating to investment in community development corporations by banks.

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; Christmann; Cook; DeMers; Fischer; Freborg; 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.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2373 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2398: A BILL for an Act to create and enact six new sections to chapter 54-17 of the North Dakota Century Code, relating to the tax-exempt financing of farmland, livestock, and farm equipment through the industrial commission; and to amend and reenact subdivision l of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the definition of an administrative agency.

ROLL CALL

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

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

NAYS: Sand

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

Engrossed SB 2398 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that due to the absence of the carrier, SB 2309 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2119: A BILL for an Act to create and enact section 15-29-08.5 of the North Dakota Century Code, relating to cooperative agreements between school districts to provide services to students in particular grade levels at one location; to amend and reenact section 15-27.1-01, subsection 4 of section 15-29-02, subsection 2 of section

15-34.2-16, sections 15-40.1-07.4, 15-47-40.1, and subsection 5 of section 40-01.1-04 of the North Dakota Century Code, relating to cooperative agreements between school districts; and to repeal chapter 15-27.7 of the North Dakota Century Code, relating to school district cooperative arrangements.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2119 lost.

SECOND READING OF SENATE BILL

SB 2243: A BILL for an Act to allow counties to impose a fee for each residential unit and business in the county for support of the sheriff's department.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kelsh; Kinnoin; Lindaas; Nalewaja; Tallackson; Thane; Wogsland

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2243 lost.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act relating to the enforcement of real estate covenants prohibiting the running-at-large of dangerous animals.

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, 1 NAY, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Schobinger

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2255 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2304: A BILL for an Act to amend and reenact section 43-12.1-02 of the North Dakota Century Code, relating to educational requirements for nurses.

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 8 YEAS, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Freborg; Heitkamp; Kinnoin; LaFountain; Mutch; Naaden; O'Connell; Wogsland

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2304 lost.

SECOND READING OF SENATE BILL

SB 2314: A BILL for an Act to amend and reenact section 15-20.2-04 of the North Dakota Century Code, relating to the membership of area vocational and technology center boards.

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, 44 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Thane

NAYS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; 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.; Tallackson; Thompson; Tomac; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Lips; Traynor; Watne

SB 2314 lost.

SECOND READING OF SENATE BILL

SB 2326: A BILL for an Act to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of moneys in the oil extraction tax development fund to the highways 2 and 85 project account; to provide a continuing appropriation; to provide an effective date; 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 17 YEAS, 29 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; DeMers; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Nelson, C.; O'Connell; Redlin; Schobinger; Tallackson; Tomac; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2326 lost.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to amend and reenact section 57-06-17.1 of the North Dakota Century Code, relating to the property tax exemption for carbon dioxide pipelines.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Bowman; Lips; Traynor

SB 2339 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2361: A BILL for an Act to amend and reenact subsection 1 of section 23-09.1-01 of the North Dakota Century Code, relating to the definition of bed and breakfast facility.

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, 0 NAYS, 0 EXCUSED, 4 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; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Lips; Nalewaja; Traynor

SB 2361 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2372: A BILL for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 7 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Kinnoin; Schobinger; Solberg; Stenehjem, B.; Thane; Wanzek

ABSENT AND NOT VOTING: Bowman; Lips; Nalewaja; Traynor

SB 2372 passed and the title was agreed to.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 11, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2152: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "11-08-05, 11-08-07, 11-08-08, 11-08-09, 11-08-10, 11-08-13, 11-08-15, 11-09-18,", after the first comma insert "subsection 3 of section 11-09.1-05, section", and remove the second "and"

Page 1, line 2, after "11-10.2-01" insert ", and section 11-15-01.1" and replace "combination, separation," with "election of sheriffs and state's attorneys."

Page 1, remove lines 3 through 5

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 11-08-05 of the North Dakota Century Code is amended and reenacted as follows:

11-08-05. Vote required - Effective date - Procedure for discontinuance. If a majority of the votes cast on the question of the adoption of the county consolidated form of government are in favor of that form, it becomes effective on the first day of January next succeeding the election. All elected officers whose offices become appointive under this chapter shall continue in office until their successors are appointed pursuant to the provisions of this chapter. The question of the discontinuance of the county consolidated office form of government may be submitted to the electors at the next primary election through the same procedures set forth in this chapter for adopting that form of government. On the first day of January following a vote to discontinue, the county reverts to the form of government of the county immediately preceding adoption of the consolidated office form of government, with all offices made appointive under this chapter subject to election at the last preceding general election, or to another optional form of county government adopted by the electors as provided by law.

SECTION 2. AMENDMENT. Section 11-08-07 of the North Dakota Century Code is amended and reenacted as follows:

11-08-07. Appointive officers - County commissioners, sheriff, and state's attorney elected - Terms of office - How vacancy filled. The board of county commissioners shall appoint each county officer mentioned in section 11-08-06, except the members of the board of county commissioners, who must be elected in the manner provided in section 11-11-02, and the sheriff and the state's attorney, who must be elected as provided in section 11-10-02. Each county officer shall hold office for a term of four years, except as otherwise provided in this chapter, and until the officer's successor is duly appointed and qualified. The board of county commissioners shall fill any vacancy resulting from any cause.

SECTION 3. AMENDMENT. Section 11-08-08 of the North Dakota Century Code is amended and reenacted as follows:

11-08-08. When appointment of officers made - Qualification. The county officers to be appointed must be appointed by the board of county commissioners at the following times in the year in which the county consolidated office form of government goes into effect:

1. On or before the fifteenth day of January, the ~~sheriff, state's attorney, and coroner~~ must be appointed; and ~~such officers shall~~ must qualify within ten days thereafter.
2. Not less than ten days prior to April first, the county auditor must be appointed, and the appointee qualify within ten days thereafter.

3. Not less than ten days prior to May first, the county treasurer must be appointed, and the appointee shall qualify within ten days thereafter.

Thereafter, the appointments must be made within ten days prior to the expiration of the terms of office of the officers. The failure of the board of county commissioners to make any appointment within the time prescribed does not impair its power to make the appointment subsequently for the remainder of the term of office of the officer so appointed.

SECTION 4. AMENDMENT. Section 11-08-09 of the North Dakota Century Code is amended and reenacted as follows:

11-08-09. Compensation of officers. Each member of the board of county commissioners and each other county officer appointed by such board or elected shall receive as compensation for services the salary prescribed by law for such officer, except that the county auditor shall receive a salary not exceeding three thousand dollars per annum and the county treasurer shall receive a salary not exceeding the amount provided by law for the office of county treasurer, to be fixed by the board of county commissioners.

SECTION 5. AMENDMENT. Section 11-08-10 of the North Dakota Century Code is amended and reenacted as follows:

11-08-10. ~~Board may appoint officers~~ Sheriff or state's attorney of adjoining county may run for election - Term of office - Compensation. ~~The board of county commissioners may appoint the sheriff or the state's attorney, or both, of an adjoining county to act as the sheriff or state's attorney of its county may run for election in a county that has adopted the county consolidated office form of government. Any such officer of an adjoining county so appointed elected shall serve for a term of two~~ four years and until that officer's successor is ~~appointed~~ elected and qualified. An officer ~~appointed~~ elected under this section is eligible to serve in such dual capacity and shall receive, in addition to the salary as an officer of the county of residence, a sum not exceeding one-half of such salary, to be fixed by the board of county commissioners. The additional salary shall be paid by the county in the same manner as other county officers are paid.

SECTION 6. AMENDMENT. Section 11-08-13 of the North Dakota Century Code is amended and reenacted as follows:

11-08-13. Powers and duties of other officers. The sheriff, state's attorney, and coroner elected or appointed under this chapter shall perform the duties and exercise the powers conferred by law upon them.

SECTION 7. AMENDMENT. Section 11-08-15 of the North Dakota Century Code is amended and reenacted as follows:

11-08-15. Removal of officers. Any county officer appointed by the board of county commissioners or elected under the provisions of this chapter may be suspended or removed by the governor or by judicial proceedings in the manner provided by law.

SECTION 8. AMENDMENT. Section 11-09-18 of the North Dakota Century Code is amended and reenacted as follows:

11-09-18. State's attorney to be elected - ~~Appointment~~ Powers - Duties. ~~The county manager state's attorney of a county adopting any form of county managership, with the approval of the board of county commissioners, may appoint a~~ must be elected. ~~The state's attorney to shall serve as legal adviser to the board of county commissioners and to the county manager, to act as counsel for the county in any suit instituted by or against it, and to perform such other duties as may be prescribed by the board of county commissioners or which are imposed on state's attorneys by general statute. In a county adopting a short form of county managership, the county manager, with the approval of the board of county commissioners, from time to time or on an annual basis, may appoint the~~ The state's attorney of an adjoining county to perform such duties as are required of a state's attorney may run for election in a county which has adopted a short form of county managership. The compensation of the state's attorney of an adjoining county shall be that agreed upon by the person so appointed elected, the county manager, and the boards of county commissioners of the two counties affected."

Page 1, replace lines 9 through 19 with:

"11-09-19. Sheriff - Election —Appointment - Duties - Powers. The sheriff of a county adopting a any form of county manager form of government shall managership must be elected in the manner prescribed by general statutes and shall perform the duties and be subject to the restrictions contained in the general statutes. ~~In a county adopting a short form of county managership, the county manager shall, with the approval of the board of county commissioners, appoint one or more police officers who shall perform all police duties imposed on the sheriff by general statutes. All other duties imposed on the sheriff shall be performed by or under the direction of the county manager. The county manager, from time to time or on an annual basis, may contract with an adjoining county and its sheriff to obtain the services of such sheriff, and the of an adjoining county may run for election in a county which has adopted a short form of county managership. The compensation of such officer shall be such as shall be the sheriff of an adjoining county is that~~ agreed upon by the sheriff, the county manager, and the boards of county commissioners of the counties affected."

Page 1, after line 19, insert:

"SECTION 10. AMENDMENT. Subsection 3 of section 11-09.1-05 of the North Dakota Century Code is amended and reenacted as follows:

3. Provide for county elected and appointed officers and employees, their selection, powers, duties, qualifications, and compensation, and the terms of county appointed officers and employees. However, after adoption of a home rule charter a county elected office may not be eliminated or combined with another office except upon approval of a majority of the electors of the county voting upon the question at a primary or general election or pursuant to the county officer combination, separation, or redesignation procedures of chapter 11-10.2. A home rule charter may not diminish the term of office for which a current county officer was elected, redesignate that elected office during that term as appointed, or reduce the salary of the office for that term. This subsection does not authorize a county to redesignate the elected offices of sheriff and state's attorney as appointive offices."

Page 2, remove line 14

Page 2, line 15, remove "section 11-08-10"

Page 3, after line 9, insert:

"SECTION 13. AMENDMENT. Section 11-15-01.1 of the North Dakota Century Code is amended and reenacted as follows:

11-15-01.1. Sheriff must be qualified elector and shall receive required training - Exception. Except as otherwise specifically provided by state law, the sheriff must be a qualified elector in the county in which the sheriff is elected ~~or appointed~~. Within one year after taking office, the sheriff shall attend the sheriffs' school on civil process for one week, and unless already licensed under sections 12-63-01 through 12-63-14, shall begin the training necessary to become so licensed. Within two years after taking office, the sheriff shall complete the procedures required to be licensed under sections 12-63-01 through 12-63-14."

Page 3, remove lines 10 and 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2213: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide a continuing appropriation"

Page 1, line 10, remove "personal" and after "use" insert "that is not in violation of section 16.1-10-02"

Page 1, line 11, remove "Any funds received by the legislative council under"

Page 1, remove lines 12 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2232 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "requesting relief entirely within" with "to collect a debt not exceeding"

Page 1, line 21, replace "requesting relief entirely within" with "to collect a debt not exceeding"

Page 2, line 3, replace "requesting relief entirely within" with "to collect a debt not exceeding"

Page 2, line 5, after "dollars" insert ", ten dollars of which must be paid by the clerk of court to the state treasurer for deposit in the civil services fund"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2242: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2242 was placed on the Sixth order on the calendar.

Page 1, line 3, after "beverages" insert "; and to provide an effective date"

Page 1, line 14, remove the overstrike over "~~Notwithstanding any other provision of law, there is imposed a tax~~"

Page 1, line 15, remove the overstrike over "~~of seven percent on the gross receipts of retailers from all sales at retail of alcoholic beverages~~" and insert immediately thereafter "for consumption off the premises where purchased" and remove the overstrike over the overstruck comma and insert immediately thereafter "and six percent on the gross receipts of retailers from sales at retail of alcoholic beverages for consumption on the premises where purchased,"

Page 1, remove the overstrike over line 16

Page 2, line 2, remove the overstrike over "~~Notwithstanding any other provision of law, there is imposed a tax of seven percent on~~"

Page 2, line 3, remove the overstrike over "~~the storage, use, or consumption in this state of alcoholic beverages,~~" and insert immediately thereafter "originally purchased for consumption off the premises where purchased and six percent on the storage, use, or consumption in this state of alcoholic beverages originally purchased for consumption on the premises where purchased," and remove the overstrike over "~~which is in lieu of and not~~"

Page 2, remove the overstrike over line 4

Page 2, after line 4, insert:

"SECTION 3. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 1998."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2274: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2274 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2293: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS**

(4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Sixth order on the calendar.

Page 2, line 26, remove "confidentially"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2337: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 1, line 24, replace "plate" with "plates"

Page 2, line 1, remove "a" and replace "plate" with "plates"

Page 2, line 2, replace "plate" with "plates"

Page 2, line 3, remove the first "a" and replace "plate" with "plates"

Page 2, line 4, replace "A number plate" with "Number plates"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2355: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2355 was placed on the Sixth order on the calendar.

Page 4, line 27, remove "of registration" and overstrike "or permit" and insert immediately thereafter "of registration"

Page 4, line 29, overstrike ", surgery,", overstrike "dentistry, or any department", and remove "of veterinary"

Page 4, line 30, remove "medicine, surgery, or dentistry"

Page 14, line 14, after "and" insert "providing"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2365: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4017: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4017 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1032: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1032 was placed on the Sixth order on the calendar.

Page 1, line 8, after "dollars" insert ", except the governing body may allow the submission of single prime bids for a project in excess of one million dollars if the electrical and mechanical contractors are named in the bid and the governing body pays the general, electrical, and mechanical contractors directly upon approval of the pay request by the general contractor or project manager designated by the governing body"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1119, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1119 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to amend and reenact section 46-02-19 of the North Dakota Century Code,"

Page 1, line 2, remove "relating to the type size used to print public officials' names on public documents; and"

Page 1, line 3, replace "section" with "sections" and after "46-02-14" insert "and 46-02-19"

Page 1, line 4, after "bills" insert "and to the type size used to print public officials' names on public documents"

Page 1, remove lines 6 through 16

Page 1, line 16, after "Section" insert "46-02-19 of the North Dakota Century Code and section"

Page 1, line 18, replace "is" with "are"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1125, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1125 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1155: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1155 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1256: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1256 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3006: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3008, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3008 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary