

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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**Bismarck, March 17, 1997**

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

The prayer was offered by Father Dale H. Kinzler, Nativity Church, Fargo.

The roll was called and all members were present except Senators Nething, Tallackson, and Yockim.

A quorum was declared by the President Pro Tem.

**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 1033, HB 1048, HB 1069, HB 1095, HB 1119, HB 1131, HB 1134, HB 1143, HB 1152, HB 1154, HB 1172, HB 1177, HB 1178, HB 1180, HB 1181, HB 1193, HB 1196, HB 1197, HB 1225, HB 1237, HB 1255, HB 1265, HB 1299, HB 1315, HB 1349, HB 1424, HB 1466, HB 1470, HCR 3030, HCR 3032, HCR 3033, HCR 3037.

**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 1064, HB 1122, HB 1202, HB 1214, HB 1242, HB 1246, HB 1249, HB 1275, HB 1292, 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 SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1042, HB 1045, HB 1160, HB 1169, HB 1260, HB 1286, HB 1294, HB 1343, HB 1345, HB 1405, HB 1428, HB 1471, HCR 3001, HCR 3018, HCR 3020, HCR 3029, HCR 3035, HCR 3039, HCR 3044, HCR 3052.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1044, HB 1132, HB 1188, HB 1353, HB 1401, HB 1463.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1076, HB 1078.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1251.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1089, HB 1147, HB 1158, HB 1159, HB 1324, HB 1337, HB 1359, HB 1478, HCR 3034, HCR 3046.

**POINT OF PERSONAL PRIVILEGE**

**SEN. NALEWAJA:** Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal, which request was granted.

**REMARKS OF SENATOR NALEWAJA**

I would like to take this opportunity to send special congratulations to the Shanley Deacon High School basketball team and their coaches for winning the Class A Basketball Championship this past Saturday night, defeating the talented Turtle Mountain Community High School Braves from Belcourt. This championship game brought together an unusual circumstance in Class A boy's basketball history as neither team had ever won a state boy's basketball championship.

Also, congratulations go to Shanley High School Coach, Tim Jacobson, for being named the Class A Boy's Basketball Coach of the Year.

Team Members: Dan Dahl, Shevy Akason, Kevin Zavoral, Jason Phillips, Chad Mastrud, Nick Jacobson, Scott Hoffer, Mark Fenstad, Austin Hauck, Paul Keller, Ryan Danielson, and Justin Evans. Coach: Tim Jacobson.

**MOTION**

**SEN. KRINGSTAD MOVED** that the Senate reconsider its action whereby Engrossed HB 1257, as amended, failed to pass, which motion prevailed on a verification vote.

**MOTION**

**SEN. GOETZ MOVED** that Engrossed HB 1257, as amended, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1103, as engrossed: SEN. O'CONNELL (Transportation Committee) MOVED** that the amendments on SJ page 761 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1141: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 761 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1330, as reengrossed: SEN. KRINGSTAD (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 762 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1362: SEN. WANZEK (Agriculture Committee) MOVED** that the amendments on SJ page 762 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HCR 3026: SEN. THANE (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 763 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1306:** A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 27-20-34 of the North Dakota Century Code, relating to transfers from juvenile to adult court.

**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 32 YEAS, 14 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1306, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1032:** A BILL for an Act to amend and reenact section 48-01.1-06 of the North Dakota Century Code, relating to the multiple prime bid requirement for public improvement contracts.

**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 43 YEAS, 3 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; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja;

Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Lips; Sand; Solberg

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HB 1032 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**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.

#### ROLL CALL

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

**YEAS:** Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Kinnoin; Klein; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Andrist; Holmberg; Kelsh; Krauter; Mathern; O'Connell; Redlin; Thompson

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HB 1081 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1086:** A BILL for an Act to amend and reenact section 61-24.5-14 of the North Dakota Century Code, relating to expenditures by the southwest water authority.

#### 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; 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.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HB 1086 passed and the title was agreed to.

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#### MOTION

**SEN. GOETZ MOVED** that Engrossed HB 1101, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1139:** A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to computation of retirement benefits for the highway patrolmen's retirement system.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HB 1139 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1140:** A BILL for an Act to amend and reenact subsection 3 of section 39-03.1-10.1, section 39-03.1-30, subsection 5 of section 54-52-17.4, sections 54-52-17.8, 54-52-26, 54-52-27, and 54-52.2-03 of the North Dakota Century Code, relating to purchase of service credit for veterans and purchase of sick leave under the highway patrolmen's retirement system, purchase of service credit, benefit limitations, confidentiality of records, conversion of sick leave under the public employees retirement system, and administration of the deferred compensation program; and to provide for retroactive application.

**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; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HB 1140 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to create and enact a new section to chapter 61-01 of the North Dakota Century Code, relating to drains.

**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 11 YEAS, 35 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Freborg; Kinnoin; Klein; O'Connell; Solberg; Stenehjem, W.; Tomac; Wanzek; Wogsland

**NAYS:** Andrist; Berg; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Thane; Thompson; Traynor; Urlacher; Watne

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1151 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1176:** A BILL for an Act to provide for damages for defamation of agricultural products and management practices; and to provide a penalty.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 11 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Berg; Heitkamp; LaFountain; Lee; Mathern; Mutch; Mutzenberger; Naaden; Redlin; Stenehjem, W.

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1176 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1194:** A BILL for an Act to amend and reenact subdivision i of subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to oil and gas production reports.

**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; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1194 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1203:** A BILL for an Act to amend and reenact section 57-43.1-12 of the North Dakota Century Code, relating to assignment of motor vehicle fuel tax refund claims.

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

**YEAS:** O'Connell; Tomac

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

**ABSENT AND NOT VOTING:** Goetz; Kringstad; Nething; Tallackson; Yockim

HB 1203 lost.

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**SECOND READING OF HOUSE BILL**

**HB 1287:** A BILL for an Act to create and enact a new section to title 26.1 of the North Dakota Century Code, relating to the definition of limited benefit policy and the circumstances under which statutes affect those types of policies.

**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 43 YEAS, 1 NAY, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

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

**NAYS:** DeMers

**ABSENT AND NOT VOTING:** Nething; Schobinger; Stenehjem, B.; Tallackson; Yockim

HB 1287 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1320:** A BILL for an Act to create and enact a new subsection to section 10-15-05, sections 10-15-08.1, 10-15-08.2, and a new subsection to section 10-15-12.1 of the North Dakota Century Code, relating to the articles of association of a cooperative and cooperative names; and to amend and reenact sections 10-15-07, 10-15-36, and 10-15-54 of the North Dakota Century Code, relating to cooperative existence, annual reports, and fees.

**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; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1320 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1381:** A BILL for an Act to authorize the state board of higher education to convey certain land in Grand Forks, North Dakota; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Berg; 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1381 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF HOUSE BILL**

**HB 1389:** A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05 of the North Dakota Century Code, relating to limitations on the authority of a home rule county to supersede certain laws relating to special assessments.

**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 30 YEAS, 15 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Kringstad; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Traynor; Urlacher; Wanzek

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Krauter; Krebsbach; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; Redlin; Tomac; Watne; Wogsland

**ABSENT AND NOT VOTING:** Lee; Nething; Tallackson; Yockim

HB 1389 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1397:** A BILL for an Act to provide for access to federal lands located in this state.

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

**YEAS:** O'Connell

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

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

Engrossed HB 1397 lost.

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**MOTION**

**SEN. GOETZ MOVED** that HCR 3019, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3027:** A concurrent resolution urging Congress and state and local government leaders to seek an end to bidding wars among states and local governments for economic develop projects.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS.

Engrossed HCR 3027 was declared lost on a voice vote.

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**MOTION**

**SEN. GOETZ MOVED** that Engrossed HCR 3016 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3016:** A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to the creation of a permanent trust fund.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 5 YEAS, 41 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Kinnoin; Mutzenberger; Stenehjem, B.; Wogsland

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

**ABSENT AND NOT VOTING:** Nething; Tallackson; Yockim

HCR 3016 was declared lost.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**SCR 4058:** A concurrent resolution expressing the consensus of the Legislative Assembly and urging the United States Army Corps of Engineers to design and construct the emergency outlet for Devils Lake.

The question being on the final adoption of the resolution, which has been read.

SCR 4058 was declared adopted on a voice vote, and the title was agreed to.

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**MOTION**

**SEN. GOETZ MOVED** the rules be suspended and SCR 4058 be messaged to the House immediately, which motion prevailed.

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4058.

**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 1:00 p.m., Tuesday, March 18, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4057: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4057 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1058, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1058 was placed on the Sixth order on the calendar.

Page 3, line 28, after the underscored comma insert "one of whom must be a representative of the fluid and gas fuels industry,"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1071, 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 1071 was placed on the Sixth order on the calendar.

Page 1, line 10, after "resource" insert "and conservation"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1074, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1074 was placed on the Sixth order on the calendar.

Page 2, line 23, after "highways" insert "and paved two-lane highways without speed limit signs"

Page 2, line 27, after the first "highways" insert "signed for that speed"

Page 3, line 10, replace "Seventy" with "Seventy-five" and replace "112.65" with "120.70 kilometers"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1084: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1084 was placed on the Sixth order on the calendar.

Page 1, line 11, after the period insert "If the state toxicologist, the director of the forensic sciences division of the state department of health, or any employee of either, is subpoenaed to testify by a defendant who is not indigent and the defendant does not call the witness to establish relevant evidence, the court shall order the defendant to pay costs to the witness as provided in section 31-01-16."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1109: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1109 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1135, as engrossed: Political Subdivisions Committee (Sen. Andrist, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1135 was placed on the Sixth order on the calendar.

Page 4, line 31, remove "a physician assistant, or a fluoroscopy technologist," and overstrike "the state medical association"

Page 5, line 1, overstrike "and its components" and insert immediately thereafter "a physician assistant, or a fluoroscopy technologist"

Page 5, line 12, after "licensee" insert "the commission shall", overstrike the second comma, and after "may" insert an underscored comma

Page 5, line 25, after the underscored period insert "An agency or health care institution that violates this section is guilty of a class B misdemeanor. A physician, physician assistant, or radiology technologist who violates this section is subject to administrative action by the North Dakota state board of medical examiners as specified by law or by administrative rule."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1137: 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). HB 1137 was placed on the Sixth order on the calendar.

Page 2, line 22, overstrike "this chapter" and insert immediately thereafter "subdivision a of subsection 4 of section 54-52-17"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1138: 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). HB 1138 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "paragraph to subdivision b of subsection 4 of" with "section to chapter 54-52"

Page 1, line 2, remove "section 54-52-17"

Page 1, line 5, replace "paragraph to subdivision b of subsection 4 of section 54-52-17" with "section to chapter 54-52"

Page 1, line 6, remove "the 1995 Supplement to"

Page 1, replace lines 7 through 14 with:

**"Judges postretirement adjustments.** A supreme or district court judge who, on December 31, 1997, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 1998. A supreme or district court judge who, on December 31, 1998, is receiving retirement benefits under subdivision b of subsection 4 of section 54-52-17 is entitled to receive an increase in benefits equal to two percent of the individual's present benefits with the increase payable beginning January 1, 1999."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1182, as engrossed: 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). Engrossed HB 1182 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "to amend and reenact section 36-01-08.2 of the North Dakota Century Code, relating"

Page 1, line 4, remove "to certain animals held in captivity;"

Page 1, line 8, remove the underscore under "**Ownership of**", remove "**wolves, wolf hybrids,**", remove the underscore under "**skunks**", remove the third underscored comma, and remove the underscore under "**and raccoons prohibited - Exception**"

Page 1, line 9, remove the underscore under "**- Rules - Penalty. No person may keep a**", remove "**wolf, wolf hybrid,**", remove the underscore under "**skunk**", remove the third underscored comma, and remove the underscore under "**or raccoon in captivity. This**"

Page 1, remove the underscore under lines 10 and 11

Page 1, line 12, remove the underscore under "**agriculture.**" and remove "**A person keeping a wolf, wolf hybrid, skunk, or raccoon in captivity on August 1,**"

Page 1, line 13, remove "**1997, may continue to keep that animal if it is neutered.**" and remove the underscore under "**The state veterinarian shall confiscate**"

Page 1, remove the underscore under line 14

Page 1, line 15, remove the underscore under "**governing the keeping of**", replace "**primates**" with "a primate, wolf, or wolf hybrid", and remove the underscore under "**in captivity and to implement this section. As used in this**"

Page 1, remove the underscore under lines 16 through 18

Page 1, remove lines 19 through 24

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1189: 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 1189 was placed on the Sixth order on the calendar.

Page 1, line 13, remove "has confined oneself to"

Page 1, line 14, remove "prevent apprehension, an individual", overstrike "is being unlawfully confined", remove the second underscored comma, overstrike "or", and remove "an individual"

Page 1, line 15, overstrike "has been taken hostage"

Page 1, line 17, after the overstruck comma insert "could suffer injury or death as a result of the incident"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1210, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1210 was placed on the Sixth order on the calendar.

Page 3, line 7, after the underscored period insert "Rules for accreditation of continuing education must allow accreditation for a variety of types of continuing education forums, including live presentations and correspondence education."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1215, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1215 was placed on the Sixth order on the calendar.

Page 3, line 18, remove "licensed to own or operate an"

Page 3, line 19, remove "anhydrous ammonia storage facility"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1222, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1222 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "born in North Dakota"

Page 1, line 11, replace "nonresident was born in" with "nonresident's parents were residents of" and after "state" insert "at the time the nonresident was born"

Page 1, line 13, replace "prove birth in this state" with "show that that person's parents were residents of this state at the time that person was born"

Page 1, remove line 14

Page 1, line 15, remove "person was born in this state or" and remove "other"

Page 1, line 20, replace "must" with "may", replace the first "the" with "a", after "license" insert "authorizing four 4-day hunting periods", and after "from" insert "only"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1243: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1243 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "39-05-17.2" insert "and 39-05-20.2"

Page 1, line 2, after "disclosure" insert "and salvage certificate of title"

Page 1, line 15, replace "four" with "nine"

Page 1, line 16, replace "five" with "ten"

Page 1, line 23, replace "fifty" with "the greater of five thousand dollars or forty"

Page 2, line 4, after the underscored period insert "A person repairing, replacing parts, or performing body work on a motor vehicle that is less than ten years old shall provide a statement to the owner of the motor vehicle when the motor vehicle has sustained motor vehicle damage requiring disclosure under this section. The owner shall disclose this damage when ownership of the motor vehicle is transferred. When a vehicle is damaged in excess of seventy-five percent of its retail value, the person repairing, replacing parts, or performing body work on the motor vehicle that is less than ten years old shall also advise the owner of the motor vehicle that the owner of the vehicle must comply with section 39-05-20.2.

5. The amount of damage to a motor vehicle is determined by adding the retail value of all labor, parts, and material used in repairing the damage. When the retail value of labor has not been determined by a purchase in the ordinary course of business, for example when the labor is performed by the owner of the vehicle, the retail value of the labor is presumed to be the product of the repair time, as provided in a generally accepted autobody repair flat rate manual, multiplied by thirty-five dollars.

6."

Page 2, after line 5, insert:

**"SECTION 2. AMENDMENT.** Section 39-05-20.2 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-05-20.2. Issuance of salvage certificate of title.** ~~Any person or organization who completely destroys or completely dismantles a vehicle so as to cause that vehicle to lose its identity~~ The owner of a vehicle that is damaged in excess of seventy-five percent of its retail value shall forward the title for that vehicle to the department within ten days and the department shall issue a salvage certificate of title.

If a vehicle for which a salvage certificate of title has been issued is reconstructed, a regular certificate of title may be obtained by completing an application for the certificate. The applicant shall include with the application a certificate of inspection in the form required by the department, the salvage certificate of title, and a five dollar fee. The department shall place on the regular certificate of title and on all subsequent certificates of title issued for the vehicle, a notation that damage disclosure information is available from the department. The department may not issue a new certificate unless the vehicle identification number of the vehicle has been inspected and found to conform to the description given in the application, or unless other proof of the identity of the vehicle has been provided to the satisfaction of the department."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1263, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1263 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1264, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1264 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1266, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1266 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1267, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1267 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "that is the"

Page 1, remove line 12

Page 1, line 13, remove "applicant"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1314, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1314 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1340, as engrossed and amended: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1340, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1350: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1350 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1445, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1445 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "a licensed architect or registered professional engineer as"

Page 2, line 15, remove "**licensed architect or registered professional engineer as**"

Page 2, line 16, remove "a licensed architect or registered professional engineer as"

Page 2, line 17, replace "licensed architect or registered" with "construction manager"

Page 2, line 18, remove "professional engineer" and remove "In selecting a construction manager, the"

Page 2, remove line 19

Page 2, line 20, remove "chapter."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1482, as engrossed: 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). Engrossed HB 1482 was placed on the Sixth order on the calendar.

Page 1, line 23, replace "provisions" with "plans" and after "for" insert "the future construction of"

Page 2, line 22, replace "of one to four" with "most beneficial to the state"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HCR 3040: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3040 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3047: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3047 was placed on the Tenth order on the calendar.

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

**William C. Parker, Secretary**