

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, March 19, 1997

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

The prayer was offered by Burnie Kunz, Chaplain, Medcenter One, Bismarck.

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

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 8:00 a.m., March 19, 1997: SCR 4003, SCR 4021.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:55 a.m., March 19, 1997: SCR 4036, SCR 4043.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 8:55 a.m., March 19, 1997: SB 2033, SB 2034, SB 2036, SB 2053, SB 2066, SB 2074, SB 2080, SB 2081, SB 2084, SB 2086, SB 2087, SB 2100, SB 2102, SB 2104, SB 2120, SB 2121, SB 2144, SB 2172, SB 2195, SB 2196, SB 2199, SB 2236, SB 2288, SB 2310, SB 2328, SB 2355, SB 2356, SB 2370, SB 2371, SB 2393.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2037, SB 2213, and SB 2351 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2037: Sens. B. Stenehjem; Mutch; Wogsland

SB 2213: Sens. W. Stenehjem; Thane; C. Nelson

SB 2351: Sens. Freborg; Fischer; Thompson

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

MR. SPEAKER: The President has signed: 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 HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: 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 President has signed and your signature is respectfully requested on: SB 2006, SB 2008, SB 2031, SB 2062, SB 2108, SB 2124, SB 2131, SB 2181, SB 2187, SB 2265, SB 2336, SB 2365, SCR 4002, SCR 4025, SCR 4030, SCR 4037, SCR 4038, SCR 4052, SCR 4054.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2051, SB 2094, SB 2141, SB 2182, SB 2184, SB 2230.

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

MR. SPEAKER: The President has signed: 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 passed and your favorable consideration is requested on: SCR 4057.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2114, SB 2138, SB 2150, SB 2217, SB 2225, SB 2248, SB 2250, SB 2261, SB 2262, SB 2264, SB 2266, SB 2295, SB 2302, SB 2327, SB 2352, SB 2357, SB 2394, SCR 4014, SCR 4019, SCR 4020, SCR 4024, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4035, SCR 4044, SCR 4050, SCR 4055.

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

MADAM PRESIDENT: The House has failed to pass: SB 2259, SCR 4039, SCR 4056.

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

MADAM PRESIDENT: The House has amended and failed to pass: SB 2096, SB 2206.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2023, SB 2071, SB 2083, SB 2088, SB 2128, SB 2147, SB 2175, SB 2323, SB 2379.

HOUSE AMENDMENTS TO SENATE BILL NO. 2023

Page 1, line 4, after "sections" insert "52-02.1-05," and after "54-14-01.1" insert a comma

Page 1, line 5, after the first comma insert "and" and remove ", and section 5 of"

Page 1, line 6, remove "chapter 493 of the 1993 Sessions Laws"

Page 3, line 5, after the first comma insert "section 52-02.1-05 of the 1995 Supplement to the North Dakota Century Code," and after the second comma insert "and"

Page 3, line 6, remove ", and section 5 of chapter 493 of the 1993 Session Laws"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

HOUSE - This amendment removes a reference to the 1993 Session Laws and replaces it with a reference to the North Dakota Century Code, to correctly reflect the section of law relating to reports to the Budget Section on the new jobs training program.

HOUSE AMENDMENTS TO SENATE BILL NO. 2071

Page 1, line 1, after "enact" insert "a new section to chapter 1-08 and"

Page 1, line 2, after "verifying" insert "documents and"

Page 1, line 3, after the semicolon insert "and", after the second comma insert "subsection 3 of section", and after the third comma insert "sections"

Page 1, after line 7, insert:

"SECTION 1. A new section to chapter 1-08 of the North Dakota Century Code is created and enacted as follows:

Alternative methods of signing, subscribing, or verifying documents filed by electronic means. A state agency, as defined in section 32-12.1-02, charged by law with the duty of receiving signed, subscribed, or verified documents may accept such documents filed by electronic means, including telecommunications. The secretary of state shall adopt rules in the manner provided in chapter 28-32 to govern methods for signing, subscribing, or verifying documents filed by electronic means, except documents filed with the tax commissioner. A signature on a document filed by electronic means which is accepted by the state agency and complies with the rules of the secretary of state has the same validity and consequence as the actual signature and written declaration for a paper document."

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2083

Page 1, line 7, remove the second "state"

Page 1, line 8, remove "engineer, state geologist,"

Page 1, line 9, remove "administrative officer of the state soil conservation committee,"

Page 1, line 10, after the comma insert "and"

Page 1, line 11, remove "and one member of the legislative assembly,"

Page 2, line 10, remove "member of the legislative assembly who is a member of the advisory"

Page 2, remove line 11

Page 2, line 12, remove "provided for in section 54-35-10 and the other"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

HOUSE - This amendment removes the State Engineer, the State Geologist, the Soil Conservation Committee officer, and the legislator from the advisory board for the pesticide container disposal program.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2088

Page 1, line 11, replace "There is hereby" with "Funds in"

Page 1, line 12, remove "appropriated from" and replace "nine hundred fifty thousand" with "are hereby appropriated on a continuing basis and may be spent by"

Page 1, line 13, remove "dollars or so much of the amount as may be necessary, per biennium, to"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

HOUSE - This amendment removes the provision limiting expenditures relating to the continuing appropriation from the state purchasing fund to \$950,000 per biennium and, as a result, provides an open-ended appropriation from this fund.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2128

Page 2, line 15, replace "The parole board may not" with "Applications for parole must be reviewed in accordance with the rules adopted by the parole board."

Page 2, remove lines 16 and 17

Page 5, line 8, replace "may" with "must"

Page 5, line 9, remove "not", replace "the parole" with "a disinterested hearing", and after "officer" insert "not"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2147

Page 1, line 1, replace "two" with "a" and replace "sections" with "section"

Page 3, line 1, replace "if the home" with an underscored period

Page 3, remove lines 2 and 3

Page 3, after line 6, insert:

"8. An agency that takes fingerprints as provided under this section may charge a reasonable fee to offset the costs of the fingerprinting."

Page 3, remove lines 7 through 18

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2175

Page 5, line 21, overstrike "forty" and insert immediately thereafter "sixty"

Re-number accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2323

Page 1, line 8, replace the first "a" with "one" and replace "can" with "must"

Page 1, line 9, replace "also be entered in" with "gain protection under"

Page 1, line 24, after "e." insert:

"The social security number, if available, or, in the case of a debtor doing business other than as an individual, the internal revenue service taxpayer identification number, if available, of the person for whom the labor was performed or to whom the materials were furnished.

f. The name and address of the person claiming the lien.

g."

Page 2, after line 4, insert:

"3. A lienholder may file an amendment to add or correct the social security number or internal revenue service taxpayer identification number of the debtor, to correct the spelling of the debtor's or lienholder's name, or to correct or change the address of the lienholder. The secretary of state shall prescribe a form that may be used to amend the repairman's lien that has been filed pursuant to this section. The amendment of the lien does not affect the priority of the lien."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2379

Page 1, line 1, remove "43-19.1-28,"

Page 2, remove lines 8 through 17

Re-number accordingly

CONSIDERATION OF AMENDMENTS

HB 1135, as engrossed: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 773 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1215, which is on the Sixth order, be rereferred to the **Agriculture Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, Engrossed HB 1215 was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1063, as engrossed: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 788 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1333, as engrossed: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 789 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1351, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 789-790 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1364, as engrossed: SEN. SCHOBINGER (Finance and Taxation Committee) MOVED that the amendments on SJ page 790 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1467, as engrossed: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 790-793 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. Christmann's motion, Engrossed HB 1467, as amended, was rereferred.

CONSIDERATION OF AMENDMENTS

HB 1468: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 793 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1058: A BILL for an Act to amend and reenact sections 20.1-13-05, 61-28-02, 61-28-03, 61-28-05, and 61-28-07 of the North Dakota Century Code, relating to the powers, procedures, and composition of the state water pollution control board.

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Robinson; Schobinger; St. Aubyn; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Bowman; Kinnoin; Nalewaja; O'Connell; Sand; Solberg; Stenehjem, B.; Yockim

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

Engrossed HB 1058, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1084: A BILL for an Act to amend and reenact subsection 9 of section 39-20-07 of the North Dakota Century Code, relating to testimony on testing for driving while intoxicated.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

HB 1084, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1137: A BILL for an Act to amend and reenact subdivision a of subsection 3 and subdivisions a and e of subsection 4 of section 54-52-17, sections 54-52-17.5, and 54-52-17.10 of the North Dakota Century Code, relating to normal retirement date, computation of benefits, disability retirement benefits, postretirement adjustments, and prior service retiree adjustments under the public employees retirement 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

HB 1137, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to postretirement adjustments for supreme and district court judges under the public employees retirement 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

HB 1138, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to create and enact a new section to chapter 36-01 of the North Dakota Century Code, relating to the private ownership of primates, wolves, wolf hybrids, skunks, and raccoons; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

Engrossed HB 1182, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1189: A BILL for an Act to amend and reenact section 8-10-11 of the North Dakota Century Code, relating to the interruption of telecommunications in certain emergencies; and to provide a penalty.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

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

SECOND READING OF HOUSE BILL

HB 1210: A BILL for an Act to create and enact a new section to chapter 43-04 of the North Dakota Century Code, relating to continuing education of barbers; and to amend and reenact sections 43-04-07 and 43-04-42 of the North Dakota Century Code, relating to the state board of barber examiners and fees.

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 24 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Kelsh; Klein; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Sand; Thompson; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Heitkamp; Holmberg; Kinnoin; Krauter; Lindaas; Mutch; Naaden; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

Engrossed HB 1210, as amended, lost for lack of a Constitutional majority.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents.

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 7 YEAS, 39 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Kinnoin; Nalewaja; O'Connell; Solberg; Stenehjem, B.; Thompson

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

Engrossed HB 1222, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to amend and reenact sections 39-05-17.2 and 39-05-20.2 of the North Dakota Century Code, relating to motor vehicle body damage disclosure and salvage certificate of title; and to provide a penalty.

ROLL CALL

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

HB 1243, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1267: A BILL for an Act to amend and reenact section 39-06-13 of the North Dakota Century Code, relating to motor vehicle operator's license examinations.

MOTION

SEN. COOK MOVED that Engrossed HB 1126 be amended as follows:

Page 1, line 11, replace "must" with "may"

REQUEST

SEN. WOGSLAND REQUESTED that the bill and proposed floor amendment be moved to the bottom of the calendar.

MOTION

SEN. GOETZ MOVED that Engrossed HB 1267, as amended on the Sixth order, along with the proposed floor amendment, be moved to the bottom of the calendar, which motion prevailed.

REQUEST

SEN. DEMERS REQUESTED that the amendments be put in proper form and passed out to the members of the assembly before the bill is considered.

STATEMENT BY MAJORITY LEADER

SEN. G. NELSON STATED that, while most floor amendments are presented in proper form, this particular amendment is so simple as to fall well within the practices of the Senate.

Engrossed HB 1267, as amended, was placed at the foot of the calendar.

SECOND READING OF HOUSE BILL

HB 1445: A BILL for an Act to create and enact a new section to chapter 48-01.1 of the North Dakota Century Code, relating to the use of a construction manager for public improvement projects; and to amend and reenact section 48-01.1-01 of the North Dakota Century Code, relating to definitions regarding public improvement contracts.

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 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Berg; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Nelson, C.; O'Connell; Thompson; Tomac

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

Engrossed HB 1445, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1482: A BILL for an Act to provide for the issuance of bonds to finance construction of an outlet to Devils Lake and to finance a statewide water development program; to provide an appropriation; and to declare an emergency.

MOTION

SEN. G. NELSON MOVED that Engrossed HB 1482, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, Engrossed HB 1482, as amended, was rereferred.

SECOND READING OF HOUSE BILL

HB 1109: A BILL for an Act to amend and reenact subsection 3 of section 12.1-32-08 and subsection 2 of section 29-07-01.1 of the North Dakota Century Code, relating to reimbursement of indigent defense costs and expenses.

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

ABSENT AND NOT VOTING: Nething; Redlin; Tallackson

HB 1109 passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2112 as printed on SJ page 657 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2112: Sens. Traynor, W. Stenehjem, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2116 as printed on SJ page 712 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2116: Sens. Sand, Klein, Thompson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do not concur in the House amendments to Engrossed SB 2136 as printed on SJ page 735 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2136: Sens. Klein, Mutch, LaFountain.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. B. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2159 as printed on SJ page 780 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2159: Sens. B. Stenehjem, Cook, O'Connell.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1141.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1068, HB 1103, HB 1330, HB 1340, HB 1362, HCR 3026.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1040.

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

MR. SPEAKER: The Senate has failed to pass: HB 1101.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2112, SB 2116, SB 2136, and SB 2159 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2112: Sens. Traynor; W. Stenehjem; C. Nelson

SB 2116: Sens. Sand; Klein; Thompson

SB 2136: Sens. Klein; Mutch; LaFountain

SB 2159: Sens. B. Stenehjem; Cook; O'Connell

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., Thursday, March 20, 1997, the first day of Spring, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1112, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1112 was placed on the Sixth order on the calendar.

Page 2, line 14, replace the underscored colon with "the"

Page 2, line 15, remove "a. The"

Page 2, line 22, replace "; or" with an underscored period

Page 2, remove lines 23 through 30

Page 3, line 6, after "property" insert "is in excess of one thousand dollars but"

Page 3, line 10, replace "made" with ":

a. Managed the disabled adult's or vulnerable elderly adult's funds, assets, or property in a manner that clearly gives primacy to the needs and welfare of that person and is consistent with any written authorization; or

b. Made"

Page 3, line 12, remove ", but through no fault of the person has been"

Page 3, line 13, remove "unable to provide the assistance"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1116, 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 1116 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "five" with "six"

Page 3, line 11, after the third underscored comma insert "allowance"

Page 3, line 13, remove "accrue and"

Page 3, line 14, after the underscored period insert "If the director of the department of corrections and rehabilitation and the bureau determine that an inmate who suffers a compensable injury under this chapter is in need of vocational rehabilitation services while the inmate is incarcerated, the penitentiary and the bureau may provide vocational rehabilitation services to the inmate."

Page 4, line 13, after the underscored period insert "This modified workers' compensation coverage is not effective unless coverage or reinsurance is in place."

Page 4, after line 24, insert:

"SECTION 8. A new section to chapter 65-06.2 of the North Dakota Century Code is created and enacted as follows:

Safety and performance audit. The bureau shall perform a safety audit of the roughrider industries work programs covered under this chapter and a performance audit of the program of modified workers' compensation coverage. The bureau shall submit a report with recommendations based on the safety and performance audit to an interim committee designated by the legislative council no later than thirty days before the commencement of each regular session of the legislative assembly."

Page 4, line 25, replace "1999" with "2003"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1142, 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 1142 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "section 15-39.1-07 and"

Page 1, line 4, remove "vacancies on and"

Page 1, line 8, replace "Two" with "A" and replace "sections" with "section"

Page 1, line 9, replace "are" with "is"

Page 1, line 19, replace "school administrators" with "educational leaders"

Page 2, after line 13, insert:

"SECTION 2. A new section to chapter 15-39.1 of the North Dakota Century Code is created and enacted as follows:"

Page 3, remove lines 18 through 24

Page 3, line 28, after "~~15-39.1-05~~" insert "section 1 of this Act" and remove the overstrike over the comma

Page 4, line 14, remove the overstrike over "~~The board of trustees for the teachers' fund for retirement.~~"

Page 4, line 15, remove the overstrike over "l."

Page 4, line 16, remove the overstrike over "m." and remove "l."

Page 4, line 17, remove the overstrike over "n." and remove "m."

Page 4, line 18, remove the overstrike over "o." and remove "n."

Page 4, line 19, remove the overstrike over "p." and remove "o."

Page 4, line 20, remove the overstrike over "q." and remove "p."

Page 4, line 21, remove the overstrike over "r:" and remove "q."

Page 4, line 22, remove the overstrike over "s:" and remove "r."

Page 4, line 23, remove the overstrike over "t:" and remove "s."

Page 4, line 24, remove the overstrike over "u:" and remove "t."

Page 4, line 25, remove the overstrike over "v:" and remove "u."

Page 4, line 26, remove the overstrike over "w:" and remove "v."

Page 4, line 27, remove the overstrike over "x:" and remove "w."

Page 4, line 28, remove the overstrike over "y:" and remove "x."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1162, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1162 was placed on the Sixth order on the calendar.

Page 6, line 9, replace "ten" with "five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1183: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (3 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). HB 1183 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1213: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1213 was placed on the Fourteenth order on the calendar.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 19, 1997, I signed the following: SB 2010, SB 2067, SB 2095, SB 2129, SB 2135, SB 2142, SB 2148, SB 2168, SB 2169, SB 2179, SB 2191, SB 2280, SB 2307, SB 2373, SB 2033, SB 2034, SB 2036, SB 2053, SB 2066, SB 2074, SB 2081, SB 2086, SB 2087, SB 2100, SB 2104, SB 2120, SB 2172, SB 2199, SB 2288, SB 2328, SB 2370, and SB 2371.

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

William C. Parker, Secretary