

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, March 20, 1997

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

The prayer was offered by Pastor James Vineyard, American Lutheran Church, Mandan.

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

A quorum was declared by the President.

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

**MADAM PRESIDENT:** The Speaker has signed: SCR 4002, SCR 4025, SCR 4030, SCR 4037, SCR 4038, SCR 4052, SCR 4054.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2006, SB 2008, SB 2031, SB 2051, SB 2062, SB 2094, SB 2108, SB 2124, SB 2131, SB 2141, SB 2181, SB 2182, SB 2184, SB 2187, SB 2230, SB 2265, SB 2336, SB 2365.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 10:30 a.m., March 20, 1997: SCR 4002, SCR 4025, SCR 4030, SCR 4037, SCR 4038, SCR 4052, SCR 4054.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2001.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2349.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2021, SB 2028, SB 2275.

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2054.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2054**

Page 1, line 3, after "committee" insert "; and to declare an emergency"

Page 1, after line 19, insert:

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

Renumber accordingly

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

**MADAM PRESIDENT:** The House has amended, subsequently passed, and the emergency clause carried: SB 2056, SB 2260, SB 2281, SB 2301.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2056**

Page 1, line 1, after "reenact" insert "section 54-03-20 and"

Page 1, line 2, after "to" insert "expense reimbursement for members of the legislative assembly and" and after "employees" insert "; to provide for retroactive application; and to declare an emergency"

Page 1, after line 3, insert:

"**SECTION 1. AMENDMENT.** Section 54-03-20 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**54-03-20. Compensation and expense reimbursement of members of the legislative assembly.** Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed ~~thirty-five cents per mile based upon air~~ one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of one hundred eighty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)]."

Page 2, after line 14, insert:

"**SECTION 3. RETROACTIVE APPLICATION.** Section 1 of this Act is retroactive in application to January 1, 1997.

**SECTION 4. EMERGENCY.** This Act is declared to be an emergency measure."

Renumber accordingly

**HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2260**

Page 1, line 17, after the underscored period insert "If the state engineer determines that an object covered by flood insurance is imminently likely to be a menace to life or property or public health or safety, the date specified in the order for action to be taken may not precede the date on which the person is eligible to receive flood insurance proceeds."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2281**

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

Page 1, after line 9, insert:

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

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2301**

Page 1, line 7, remove "to provide for retroactive application;"

Page 1, line 23, replace "all data, information, reports, documents, findings," with "proceedings and records of"

Page 1, remove line 24

Page 2, line 1, remove "acquired by, or given to"

Page 5, remove lines 7 and 8

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2145.

**HOUSE AMENDMENTS TO SENATE BILL NO. 2145**

Page 1, line 1, replace "three" with "two"

Page 1, line 2, replace the second comma with "and"

Page 1, line 3, remove ", and bond requirements for"

Page 1, line 4, remove "persons engaged in aerial spraying", after the first semicolon insert "and", and remove "; and to provide an effective date"

Page 2, remove lines 7 through 16

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2145**

In addition to the amendments to Senate Bill No. 2145 as printed on page 833 of the House Journal, Senate Bill No. 2145 is further amended as follows:

Page 1, line 10, replace "about" with "attempting" and remove "any of the"

Page 1, line 11, remove "provisions of" and replace "of the rules" with "rule"

Page 1, line 12, remove "the provisions of"

Page 1, line 24, replace "acted" with "engaged in the conduct" and replace "in the sense that the person was aware of what the" with ", knowingly, or recklessly."

Page 2, remove line 1

Page 2, line 2, remove "was being violated is not required."

Page 2, line 3, remove "the provisions of"

Renumber accordingly

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2009, SB 2070, SB 2101, SB 2132, SB 2153, SB 2208, SB 2210, SB 2238, SB 2333, SB 2368, SB 2396.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2009**

Page 1, line 10, replace "Youth premiums" with "Premiums"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## DEPARTMENT 665 - STATE FAIR

HOUSE - This amendment removes the youth premiums line item and replaces it with a premiums line item as recommended in the executive budget that may be used to pay premiums for all State Fair exhibitors rather than only youth exhibitors as included in the Senate version.

A total of \$320,000 from the general fund is provided for premiums, the same amount provided by the Senate for only youth premiums and \$39,864 more than the executive recommendation for premiums.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2070**

In lieu of the amendments to Engrossed Senate Bill No. 2070 as printed on page 777 of the House Journal, Engrossed Senate Bill No. 2070 is amended as follows:

Page 1, line 4, replace "county director of tax equalization" with "township clerk or city auditor"

Page 1, line 22, overstrike "county director of tax"

Page 2, line 1, overstrike "equalization" and insert immediately thereafter "township clerk" and replace "township clerks or city auditors" with "assessor"

Page 2, line 6, replace "county director of tax equalization" with "township clerk"

Page 2, line 11, overstrike "county director of tax"

Page 2, line 12, overstrike "equalization" and insert immediately thereafter "city auditor" and replace "township clerks or city auditors" with "assessor"

Page 2, line 17, replace "county director of tax equalization" with "city auditor"

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2101**

Page 1, line 20, after "plan" insert "established in 1961 and frozen to new entrants in 1980,"

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2132**

Page 2, line 1, replace "five" with "ten"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2153**

Page 2, line 14, after the underscored period insert "An individual convicted of violating this section must be sentenced to at least six years' imprisonment."

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2208**

Page 1, line 16, replace "so that the person does not" with "to lower the risk of"

Page 1, line 21, overstrike "prevent" and after "effectively" insert "prevent"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2210**

Page 56, line 13, replace "of" with "or"

Page 57, line 11, replace "A" with "Except as provided in subsection 2, a"

Page 57, line 22, after the underscored semicolon insert "or"

Page 57, remove lines 23 and 24

Page 57, line 25, replace "d" with "c" and replace "Subject to subsection 2, has" with "Has"

Page 57, line 28, replace the underscored comma with "or"

Page 57, line 29, remove ", or employee"

Page 57, line 31, replace the first underscored comma with "or" and remove ", or employee"

Page 69, line 7, replace "from" with "form"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2238**

Page 1, line 6, remove "nondramatic" and after "musical" insert "work"

Page 1, remove lines 10 through 12

Page 1, line 13, replace "4" with "3"

Page 1, line 15, replace "society" with "Society", replace "composers" with "Composers", replace "authors" with "Authors", replace "publishers" with "Publishers", and replace "broadcast" with "Broadcast"

Page 1, line 16, replace "music" with "Music", replace the first "incorporated" with "Incorporated", and replace the second "incorporated" with "Incorporated"

Page 1, line 17, replace "5" with "4"

Page 1, line 20, remove "nondramatic"

Page 1, line 23, replace "6" with "5"

Page 1, line 24, remove "public performance of" and after "nondramatic" insert "public performance of"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2333**

Page 1, line 9, remove "after a date as determined by that governing body"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2368**

Page 1, line 4, after the first comma insert "16.1-11-03,"

Page 7, after line 17, insert:

**"SECTION 10. AMENDMENT.** Section 16.1-11-03 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-11-03. Political parties authorized to conduct presidential preference contest.** Every political party entitled to a separate column under section 16.1-11-30 is entitled to conduct a presidential preference contest. A political party subject to ~~subsection 4~~ of section 16.1-11-30 shall meet the requirements of ~~subsection 4~~ of section 16.1-11-30 by filing the petition with the secretary of state before four p.m. of the sixtieth day before the presidential preference contest."

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2396**

Page 3, line 19, replace "26.1-05-19" with "2 of Senate Bill No. 2132, as approved by the fifty-fifth legislative assembly"

Renumber accordingly

**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 1079, HB 1093, HB 1186, HB 1195, HB 1223, HB 1224, HB 1234, HB 1302, HB 1323, HB 1332, HB 1371, HB 1384, HB 1442.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2040, SCR 4026, SCR 4042, SCR 4045, SCR 4048, SCR 4049, SCR 4053.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2041, SB 2197, SB 2207, SB 2321.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2311.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2013, SB 2032, SB 2369, SB 2384.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2013**

Page 1, line 2, replace "; and to amend and reenact section 15-03-04 of the North Dakota" with "and to provide for a coal development impact loan to Oliver County."

Page 1, remove line 3

Page 2, replace lines 4 through 16 with:

**"SECTION 5. COAL DEVELOPMENT IMPACT LOAN TO OLIVER COUNTY.**

During the 1997-99 biennium, the board of university and school lands shall make a loan, pursuant to section 57-62-03, of up to \$300,000 at an annual interest rate of two percent, to Oliver County for the purpose of providing funding for road improvements on the public road from state highway 25 to the Baukol-Noonan, Incorporated, facility."

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 226 - LAND DEPARTMENT

HOUSE - This amendment removes Section 5 of the engrossed bill, which would have prohibited the Board of University and School Lands from investing in real property without prior legislative approval.

This amendment also directs the Board of University and School Lands to provide a \$300,000 loan to Oliver County for road improvements.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2032**

Page 1, line 3, replace "section" with "sections 15-35-01.1 and"

Page 1, line 4, after "to" insert "required approval for school district construction projects and"

Page 1, after line 5, insert:

**"SECTION 1. AMENDMENT.** Section 15-35-01.1 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**15-35-01.1. Approval required for certain school district construction projects.**

1. Notwithstanding the powers and duties of school boards of public school districts otherwise provided by law, all construction, purchase, repair, improvement, renovation, or modernization of any school building or facility within a school district estimated by the school boards to cost in excess of twenty-five thousand dollars may not be commenced unless approved by the superintendent of public instruction. No such construction, purchase, repair, improvement, renovation, or modernization of any school building or facility may be approved unless the school district proposing the project demonstrates the need, the educational utility of the project, fiscal need, and the capacity to pay for the project under rules adopted by the superintendent of public instruction pursuant to chapter 28-32 after receiving input from the state board of public school education. In the event of disagreement between the superintendent of public instruction and the school board applying for approval of a construction project under this section, the school board may appeal the application to the state board of public school education and the decision of the state board approving or disapproving the application is final.

2. For purposes of this section, "facility" includes a parking lot, athletic complex, or any other improvement to real property owned by the school district.
3. This section does not apply to any construction, purchase, repair, improvement, renovation, or modernization required as part of a plan of correction approved by the state fire marshal under section 2 of this Act.

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2032

In addition to the amendments to Engrossed Senate Bill No. 2032 as printed on pages 812 and 813 of the House Journal, Engrossed Senate Bill No. 2032 is further amended as follows:

Page 1, line 17, after "designee" insert "and the local school board affected by the deficiency"

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment provides that the time allowed for correction of fire inspection deficiencies in elementary and secondary schools must be acceptable to the local school board.

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2369

Page 2, line 9, after "disposal" insert "into a nonhazardous waste landfill or the intentional and unlawful dumping into or on any land or water"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2384

Page 2, line 3, replace "bisects" with "divides"

Renumber accordingly

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has passed unchanged: HB 1109.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1222.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1058, HB 1084, HB 1137, HB 1138, HB 1182, HB 1189, HB 1243, HB 1445.

#### MOTION

**SEN. GOETZ MOVED** that Engrossed HB 1116, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1112, as engrossed: SEN. ANDRIST (Judiciary Committee) MOVED** that the amendments on SJ page 804 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1142, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 805-806 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**HB 1162, as engrossed: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 806 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### 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 1267, as amended, be further amended as follows, which motion failed on a voice vote.

In addition to the amendments to Engrossed House Bill No. 1267 as printed on page 777 of the Senate Journal, Engrossed House Bill No. 1267 is further amended as follows:

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

Renumber accordingly

**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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Christmann; Cook; Klein; Sand; Schobinger; Solberg; Watne

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

Engrossed HB 1267, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1063:** A BILL for an Act to create and enact two new sections to chapter 28-04 and a new section to chapter 29-01 of the North Dakota Century Code, relating to civil and criminal proceedings; to amend and reenact sections 28-04-02, 28-04-03, 28-04-04, 28-04-05, 29-03-07, 29-03-08, and 54-18-12 of the North Dakota Century Code, relating to the location of civil and criminal proceedings; and to repeal section 28-04-06 of the North Dakota Century Code, relating to the proper location of civil trials.

**ROLL CALL**

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

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

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

Engrossed HB 1063, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1135:** A BILL for an Act to amend and reenact sections 43-17-31, 43-17-32.1, subsection 1 of section 43-17.1-05, and section 43-17.1-05.1 of the North Dakota Century Code, relating to grounds for disciplinary action, suspensions, complaints, and reports under the board of medical examiners; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja;

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

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

Engrossed HB 1135, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1333:** A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to commencement of the elementary and secondary school year; and to provide an effective date.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 7 YEAS, 40 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Goetz; Kinnoin; Krebsbach; Kringstad; Wanzek; Watne

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

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

Engrossed HB 1333, as amended, lost.

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#### SECOND READING OF HOUSE BILL

**HB 1351:** A BILL for an Act to provide for a waiver of privilege for health care providers and informal discussions.

#### 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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Watne

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

Engrossed HB 1351, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1364:** A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to park model trailer fees; to amend and reenact subsection 2 of section 57-40.3-01 and subsection 2 of section 57-55-10 of the North Dakota Century Code, relating to the definition of motor vehicle and a mobile home tax exemption for a park model trailer; to provide an effective date; and to provide an expiration date.

#### ROLL CALL

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

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

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

Engrossed HB 1364, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1468:** A BILL for an Act to amend and reenact section 34-01-20 of the North Dakota Century Code, relating to prohibiting employer retaliation against employees for certain conduct.

#### 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; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

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

HB 1468, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1039:** A BILL for an Act to amend and reenact subsection 4 of section 50-24.4-10 of the North Dakota Century Code, relating to nursing home rates.

#### ROLL CALL

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

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

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

Engrossed HB 1039 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1092:** A BILL for an Act to create and enact eleven new sections to chapter 59-02 of the North Dakota Century Code, relating to the Uniform Prudent Investor Act; to amend and reenact section 30.1-34-02 of the North Dakota Century Code, relating to the duties of a trustee; and to repeal section 59-02-08 of the North Dakota Century Code, relating to the prudent investor rule.

#### ROLL CALL

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

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

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

Engrossed HB 1092 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1117:** A BILL for an Act to amend and reenact subsection 3 of section 37-15-14.1 of the North Dakota Century Code, relating to the fund for deposit of membership contributions to the veterans' home; and to provide for a transfer.

### 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, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; Mutch; Sand; Solberg

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

HB 1117 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1163:** A BILL for an Act to amend and reenact sections 57-43.1-02 and 57-43.2-02 of the North Dakota Century Code, relating to motor vehicle fuel and special fuel taxes; to repeal sections 57-43.1-02.1 and 57-43.2-02.1 of the North Dakota Century Code, relating to additional motor vehicle fuel and special fuel taxes; to provide an appropriation; to provide an effective date; and to provide an expiration date.

### MOTION

**SEN. B. STENEHJEM MOVED** that Engrossed HB 1163 be amended as follows:

Page 1, line 11, after "state" insert "except that the rate of tax under this section is reduced to seventeen cents per gallon [3.79 liters] if the appropriation provided for the support of the highway patrol for the 1997-99 biennium appropriates or transfers an amount exceeding eighteen million dollars from the state highway fund and any other fund in which revenues from taxes imposed under this chapter are deposited"

Page 1, line 21, overstrike the third "special" and insert immediately thereafter "the rate of tax under this section is reduced to seventeen cents per gallon [3.79 liters] if the appropriation provided for the support of the highway patrol for the 1997-99 biennium appropriates or transfers an amount exceeding eighteen million dollars from the state highway fund and any other fund in which revenues from taxes imposed under this chapter are deposited. Special"

Renumber accordingly

### REQUEST

**SEN. NALEWAJA REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1163, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to Engrossed HB 1163, the roll was called and there were 24 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; DeMers; Fischer; Heitkamp; Kinnoin; Klein; Krauter; Lee; Lindaas; Mutch; Mutzenberger; O'Connell; Robinson; Schobinger; Stenehjem, B.; Thane; Tomac; Traynor; Wanzek; Wogsland; Yockim

**NAYS:** Cook; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krebsbach; Kringstad; LaFountain; Lips; Mathern; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Solberg; St. Aubyn; Stenehjem, W.; Thompson; Urlacher; Watne

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

The proposed amendments to Engrossed HB 1163 were adopted.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Kinnoin; Klein; Krauter; Krebsbach; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Robinson; Sand; Stenehjem, B.; Tallackson; Thompson; Tomac; Traynor; Wanzek; Wogsland

**NAYS:** Cook; Goetz; Holmberg; Kelsh; Kringstad; LaFountain; Nalewaja; Nelson, G.; O'Connell; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Thane; Urlacher; Watne; Yockim

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

Engrossed HB 1163, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. THANE MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2042 as printed on SJ pages 779-780 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 Reengrossed SB 2042: Sens. Lee, Fischer, Yockim.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Engrossed SB 2068 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 2068: Sens. W. Stenehjem, Watne, Mutzenberger.

**MOTION**

**SEN. WATNE MOVED** that the Senate reconsider its action whereby Engrossed HB 1210, as amended, failed to pass for lack of a Constitutional majority, which motion prevailed on a verification vote.

**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, the roll was called and there were 26 YEAS, 20 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Berg; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Schobinger; Thompson; Tomac; Traynor; Urlacher; Watne; Yockim

**NAYS:** Andrist; Bowman; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Mutch; Mutzenberger; O'Connell; Robinson; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Wanzek; Wogsland

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

Engrossed HB 1210, as amended, passed and the title was agreed to.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2042 and SB 2068 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2042:** Sens. Lee; Fischer; Yockim

**SB 2068:** Sens. W. Stenehjem; Watne; Mutzenberger

**MOTION**

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

**MOTION**

**SEN. GOETZ MOVED** that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, March 21, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1085: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1085 was placed on the Sixth order on the calendar.

Page 1, line 10, 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."

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1215, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO 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"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1259, 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 1259 was placed on the Sixth order on the calendar.

Page 1, line 20, after "other" insert "prior"

Page 4, line 19, remove the second "and"

Page 4, line 22, after "subsidiary" insert "; and

- f. Describe the number of members of the board of directors of the mutual insurance holding company required to be policyholders"

Page 8, line 22, remove "holding"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1297: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1297 was placed on the Sixth order on the calendar.

Page 1, line 2, after "damages" insert "; and to provide for application"

Page 1, line 17, after the second underscored comma insert "that there is sufficient evidence to support a finding by the trier of fact"

Page 1, after line 21, insert:

**"SECTION 2. APPLICATION.** This Act applies only to actions commenced after the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1339, as amended: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (8 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING). HB 1339, as amended, was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1346, as engrossed: 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). Engrossed HB 1346 was placed on the Sixth order on the calendar.

Page 1, line 3, after "cemetery" insert "; and to amend and reenact section 21-10-06 of the North Dakota Century Code, relating to the state investment board"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 21-10-06 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**21-10-06. Funds under management of board - Accounts.** The board is charged with the investment of the following funds:

1. State bonding fund.
2. Teachers' fund for retirement.
3. State fire and tornado fund.
4. Workers' compensation fund.
5. Veterans' home improvement fund, in accordance with section 37-15-14.1.
6. National guard tuition trust fund.
7. Public employees retirement system.
8. Insurance regulatory trust fund.
9. State risk management fund.
10. Veterans' cemetery trust fund.

Separate accounting must be maintained for each of the above funds. When it is deemed advantageous the moneys of the individual funds may be commingled for investment purposes.

The state investment board may provide investment services to, and manage the money of, any agency, institution, or political subdivision of the state, subject to agreement with the industrial commission. The scope of services to be provided by the state investment board to the agency, institution, or political subdivision must be specified in a written contract. The state investment board ~~is authorized to~~ may charge a fee for providing investment services and any revenue collected must be deposited in the state retirement and investment fund."

Page 1, line 7, underscore "**North Dakota veterans' cemetery number plates.**" and insert immediately thereafter "1." and underscore "The director may issue distinctive"

Page 1, underscore lines 8 and 9

Page 1, line 10, replace "1." with "a." and underscore "Payment of all other fees required under this chapter for registration of a motor"

Page 1, underscore line 11

Page 1, line 12, replace "2." with "b.", underscore "Payment of an annual fee of five dollars for deposit in the highway" and insert immediately thereafter "tax distribution", and underscore "fund;" and insert immediately thereafter "and"

Page 1, line 13, replace "3." with "c.", underscore "Verification of payment of an annual surcharge of", replace "five" with "ten", underscore "dollars", replace "for deposit in" with "paid to", and underscore "the" and insert immediately thereafter "adjutant general."

Page 1, replace lines 14 through 18 with:

"2. The department shall collect the fees and surcharge under this section. The department shall report to the legislative assembly on the funds collected under this section during each legislative session. The department shall pay the funds collected under subdivision c of subsection 1 to the adjutant general monthly, who then, within ten days of receipt of the funds, shall deposit five dollars of each surcharge in the veterans' cemetery trust fund and the remaining five dollars of each surcharge in the veterans' cemetery maintenance fund in the state treasury. The state investment board shall manage the veterans' cemetery trust fund. The interest in the veterans' cemetery trust fund, subject to legislative appropriation, may be expended for salaries and maintenance of the veterans' cemetery.

3. The veterans' cemetery trust fund may accept funds from private and federal sources."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1368, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1368 was placed on the Sixth order on the calendar.

Page 4, line 16, after "problem" insert "by a multidisciplinary assessment team according to guidelines established by the superintendent of public instruction"

Page 4, line 22, remove "school district" and overstrike "a statement" and insert immediately thereafter "school district"

Page 4, line 23, overstrike "from" and remove "a state-approved school psychologist,"

Page 4, line 24, remove "clinical psychologist, state certificated special education teacher, or psychiatrist" and overstrike the comma

Page 4, overstrike lines 25 and 26

Page 4, line 27, overstrike "parent"

Page 4, line 28, remove "shall develop and submit to the local school district superintendent"

Page 4, line 29, remove the first underscored comma

Page 4, line 30, after the underscored period insert "An annual determination of reasonable academic progress conducted by the local school district superintendent must be based on the child's plan of remediation. If such a plan is not filed, the parent is deemed to be in violation of the compulsory attendance requirement of section 15-34.1-01 and the child no longer qualifies for home education."

Page 5, line 25, replace "A" with "An annual"

Page 5, line 26, after "progress" insert "conducted by the local school district superintendent"

Page 5, line 29, after "15-34.1-01" insert ", and the child no longer qualifies for home education"

Page 6, line 2, remove ". That child no longer qualifies for home"

Page 6, line 3, remove "education"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1399, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1399 was placed on the Sixth order on the calendar.

Page 1, after line 12, insert:

"6. A person who has had primary physical custody of the decedent before the wrongful act."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1410, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (9 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1410 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1453: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). HB 1453 was placed on the Sixth order on the calendar.

Page 1, line 22, remove the overstrike over the colon

Page 1, remove the overstrike over line 23

Page 2, remove the overstrike over line 1

Page 2, line 2, remove the overstrike over "~~from a telephone or mail order transaction~~"

Page 2, line 6, remove "or in the county in which the"

Page 2, line 7, remove "subject matter of the claim occurred"

Page 2, after line 10, insert:

"f. If the plaintiff is a political subdivision and the claim is for a public utility debt, in the county in which the political subdivision is located."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1456, as engrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1456 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "school" with "education"

Page 1, line 8, replace the second "school" with "education"

Page 1, line 9, after "A" insert "home education"

Page 1, line 12, remove the second "a", replace "school" with "education", and after "twenty" insert "units of credit"

Page 1, remove line 13

Page 1, line 14, replace "provided in" with "under", remove "15-38-07,", and remove the second comma

Page 1, line 17, replace "A description" with "An outline"

Page 1, line 21, after "in" insert "each subject in"

Renumber accordingly

#### **REPORT OF STANDING COMMITTEE**

**HCR 3042: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (8 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING). HCR 3042 was placed on the Fourteenth order on the calendar.

#### **REPORT OF STANDING COMMITTEE**

**HCR 3043, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3043 was placed on the Fourteenth order on the calendar.

#### **COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 20, 1997, I signed the following: SB 2098, SB 2146, SB 2286, SB 2080, SB 2236, SB 2084, SB 2102, SB 2144, SB 2195, SB 2355, SB 2356, and SB 2393.

#### **DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 4:34 p.m., March 20, 1997: SB 2105, SB 2109, SB 2134, SB 2137, SB 2151, SB 2158, SB 2165, SB 2171, SB 2220, SB 2269, SB 2287, SB 2312, SB 2317, SB 2383.

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

**William C. Parker, Secretary**