

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, March 25, 1997

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

The prayer was offered by Pastor Jim McEachran, Bethel Assembly of God, Mandan.

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

A quorum was declared by the President.

**CORRECTION AND REVISION OF THE JOURNAL**

**MADAM PRESIDENT:** Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journal of the Fifty-second Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 826, line 4, remove "HB 1098,"

**SEN. SAND MOVED** that the report be adopted, which motion prevailed.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bills were delivered to the Governor for his approval at the hour of 8:50 a.m., March 25, 1997: SB 2001, SB 2040, 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.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following resolutions were delivered to the Secretary of State for his filing at the hour of 9:15 a.m., March 25, 1997: SCR 4014, SCR 4019, SCR 4020, SCR 4024, SCR 4026, SCR 4027, SCR 4032, SCR 4033, SCR 4034, SCR 4035, SCR 4042, SCR 4044, SCR 4045, SCR 4048, SCR 4049, SCR 4050, SCR 4053, SCR 4055.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1043.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1030, HB 1083, HB 1170, HB 1185.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1085, HB 1259, HB 1346, HB 1368, HB 1399, HB 1418, HB 1456.

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

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2042:** Reps. Kliniske; Galvin; Sandvig

**SB 2112:** Reps. Nottestad; Sabby; S. Kelsh

**SB 2213:** Reps. Klein; Christopherson; Fairfield

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

**MADAM PRESIDENT:** The Speaker has appointed Rep. Sveen to replace Rep. Kretschmar on the Conference Committee on SCR 4010.

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1243, HB 1301, HB 1306, HB 1340, HB 1357, HB 1387, and HB 1412 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1243:** Reps. Skarphol; Kempenich; Thorpe

**HB 1301:** Reps. D. Johnson; Brusegaard; Kroeplin

**HB 1306:** Reps. Stenehjerm; Nottestad; Delmore

**HB 1340:** Reps. Belter; Mickelson; Warner

**HB 1357:** Reps. Sveen; Hawken; Fairfield  
**HB 1387:** Reps. Kempenich; Axtman; Mahoney  
**HB 1412:** Reps. Poolman; Axtman; Glasheim

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

**MADAM PRESIDENT:** The House does not concur in the Senate amendments to HB 1103, HB 1135, HB 1163, HB 1167, HB 1190, HB 1238, and HB 1240 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**HB 1103:** Reps. Skarphol; Sveen; Grumbo  
**HB 1135:** Reps. Maragos; C. Johnsen; Glasheim  
**HB 1163:** Reps. Belter; Brown; Guleson  
**HB 1167:** Reps. Maragos; DeKrey; Delmore  
**HB 1190:** Reps. Nottestad; Torgerson; S. Kelsh  
**HB 1238:** Reps. Carlson; Axtman; Mahoney  
**HB 1240:** Reps. Kilzer; C. Johnsen; Delmore

**CONSIDERATION OF AMENDMENTS**

**HB 1153, as engrossed: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 864-865 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1168, as engrossed: SEN. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ pages 865-866 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1435: SEN. YOCKIM (Political Subdivisions Committee) MOVED** that the amendments on SJ page 866 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. GOETZ MOVED** the rules be suspended and that after action taken on the Sixth order, Engrossed HB 1440, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1440, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 866-868 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1440:** A BILL for an Act to create and enact a new subsection to section 65-01-02 and four new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers compensation board of directors; to amend and reenact section 65-02-01 of the North Dakota Century Code, relating to the director and division directors of the workers compensation bureau; to repeal section 65-02-08.1 of the North Dakota Century Code, relating to the workers compensation state advisory council; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 3 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; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain; O'Connell; Thompson

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

Engrossed HB 1440, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1007:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner; and to amend and reenact section 34-05-01.2 of the North Dakota Century Code, relating to the salary of the labor commissioner.

**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; Kelsch; 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:** Nothing; Redlin

HB 1007, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1027:** A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

**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; Kelsch; 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:** Nothing; Redlin

Engrossed HB 1027, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1074:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to speed limits greater than fifty-five miles an hour; and to amend and reenact subsection 8 of section 39-06.1-06, paragraph 34 of subdivision a of subsection 3 of section 39-06.1-10, and subdivisions f and g of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to the speed limits and fees and demerits for violations of the speed limit.

**MOTION**

**SEN. W. STENEHJEM MOVED** that Engrossed HB 1074, as amended, be further amended as follows:

In addition to the amendments to Engrossed House Bill No. 1074 as printed on page 845 of the Senate Journal, Engrossed House Bill No. 1074 is further amended as follows:

Page 1, after "Act" insert "to provide for a court facilities fee;"

Page 1, after line 7, insert:

**"SECTION 1. Court facilities supplement fund - Fee for exceeding speed limit.**

1. On a highway on which the speed limit, at any time, is a speed higher than fifty-five miles [88.51 kilometers] an hour as posted and designated pursuant to section 39-09-02, for a violation of a speed limit on that

highway, an additional fee for a noncriminal disposition pursuant to either section 39-06.1-02 or 39-06.1-03 must be assessed as follows:

<u>Miles per hour over lawful speed limit</u>	<u>Additional fee</u>
6 - 10	\$ 10
11 - 15	\$ 45
16 - 25	\$ 50
26 - 35	\$ 75
35+	\$100

2. The fees collected under this section must be paid over to the treasurer of the county in which the action was originally instituted and must be credited to the court facilities supplement fund of the county. The court facilities supplement fund of the county may be used only for court and prosecution related costs incurred by the county."

Renumber accordingly

#### REQUEST

**SEN. W. STENEHJEM REQUESTED** a recorded roll call vote on the motion to adopt the proposed further amendments to Engrossed HB 1074, as amended, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed further amendments to Engrossed HB 1074, as amended, the roll was called and there were 22 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Grindberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Lindaas; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Robinson; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Heitkamp; Holmberg; Klein; LaFountain; Lee; Mutch; Naaden; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tomac; Wanzek; Wogsland; Yockim

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

The proposed further amendments to Engrossed HB 1074, as amended, failed.

#### 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 42 YEAS, 5 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; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** LaFountain; Nalewaja; Sand; Stenehjem, W.; Thompson

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

Engrossed HB 1074, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1111:** A BILL for an Act to amend and reenact subsection 7 of section 39-06-32, sections 39-20-01, 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2, 3, and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the illegal level of alcohol and drug concentration for motor vehicle operators under twenty-one years of age.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Heitkamp; Kelsh; LaFountain; O'Connell

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

Engrossed HB 1111, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1187:** A BILL for an Act to create and enact a new section to chapter 54-27 of the North Dakota Century Code, relating to state agency lease arrangements.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Schobinger; Solberg

**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.; O'Connell; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

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

Engrossed HB 1187, as amended, lost.

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**SECOND READING OF HOUSE BILL**

**HB 1075:** A BILL for an Act to amend and reenact subsection 1 of section 39-01-01 and section 39-08-01 of the North Dakota Century Code, relating to the definition of an appropriate licensed addiction treatment program and to penalties for driving under the influence.

**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

HB 1075, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1199:** A BILL for an Act to amend and reenact sections 4-10.2-03, 4-10.2-05, and 4-10.2-08 of the North Dakota Century Code, relating to the North Dakota oilseed

council, its members, member compensation, and commodity assessments; and to declare an emergency.

#### 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

HB 1199, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1373:** A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

#### 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

HB 1373, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1385:** A BILL for an Act to amend and reenact sections 54-35-02.5 and 54-35-17 of the North Dakota Century Code, relating to the composition of the administrative rules committee and the retention of legal counsel by the legislative branch; and to declare an emergency.

#### REQUEST

**SEN. WOGSLAND REQUESTED** that the Senate divide Engrossed HB 1385, as amended, which request was granted.

**DIVISION A:** Section 2 of the engrossed bill, as amended by the Senate.

**DIVISION B:** The remainder of the engrossed bill as amended by the Senate.

#### ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division A of Engrossed HB 1385, as amended.

#### ROLL CALL

The question being on the adoption of Division A of Engrossed HB 1385, as amended, the roll was called and there were 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; O'Connell; Robinson; Tallackson; Thompson; Tomac; Wogsland; Yockim

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

Division A of Engrossed HB 1385, as amended, was adopted.

#### **ANNOUNCEMENT**

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division B of Engrossed HB 1385, as amended.

#### **ROLL CALL**

The question being on the adoption of Division B of Engrossed HB 1385, as amended, 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

Division B of Engrossed HB 1385, as amended, was adopted.

#### **ROLL CALL**

The question being on the final passage of the amended bill, including Division A and Division B, 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 1385, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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#### **SECOND READING OF HOUSE BILL**

**HB 1396:** A BILL for an Act to create and enact a new subsection to section 20.1-03-11 and a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the hunting of mule deer by nonresidents and the governor's proclamation concerning the resident youth deer hunting season.

#### **REQUEST**

**SEN. B. STENEHJEM REQUESTED** that the Senate divide Engrossed HB 1396, as amended, which request was granted.

**DIVISION A:** Section 2 of the engrossed bill as amended by the Senate.

**DIVISION B:** Section 1 of the Engrossed bill as amended by the Senate.

#### **ANNOUNCEMENT**

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division A of Engrossed HB 1396, as amended.

#### **ROLL CALL**

The question being on the adoption of Division A of Engrossed HB 1396, as amended, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Holmberg; Kelsh; Klein; Krebsbach; Kringstad; Lee; Lindaas; Mathern; Naaden; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thompson; Traynor

**NAYS:** Andrist; Berg; Goetz; Grindberg; Heitkamp; Kinnoin; Krauter; LaFountain; Lips; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Robinson; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wanzek; Watne; Wogsland; Yockim

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

**PRESIDENT MYRDAL ANNOUNCED** that Division A of Engrossed HB 1396, as amended, was adopted.

#### ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on Division B of Engrossed HB 1396, as amended.

#### ROLL CALL

The question being on the adoption of Division B of Engrossed HB 1396, as amended, 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

Division B of Engrossed HB 1396, as amended, was adopted.

#### ROLL CALL

The question being on the final passage of the amended bill, including Division A and Division B, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 36 YEAS, 11 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; Christmann; Heitkamp; LaFountain; Lips; Mutzenberger; Robinson; Stenehjem, B.; Thane; Wanzek; Yockim

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

Engrossed HB 1396, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1403:** A BILL for an Act to amend and reenact subsection 10 of section 16.1-08.1-01, sections 16.1-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-03.2, subsection 3 of section 16.1-08.1-03.3, sections 16.1-08.1-03.5, 16.1-08.1-06, and subdivision a of subsection 2 of section 16.1-10-02 of the North Dakota Century Code, relating to campaign contribution statements, political committee registration, and the definition of political purpose.

#### 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; Solberg; St. Aubyn; Stenehjem, B.;

Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Schobinger

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

Engrossed HB 1403, as amended, passed and the title was agreed to.

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#### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3045:** A concurrent resolution directing the Legislative Council to study the current budget process, the results of the program performance-based budgeting pilot projects, and budget reforms in other states.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3045, as amended, was declared adopted on a voice vote, and the title was agreed to.

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#### **MOTION**

**SEN. THOMPSON MOVED** that the Senate reconsider its action whereby Engrossed HB 1215, as amended, passed.

#### **ANNOUNCEMENT**

**PRESIDENT MYRDAL ANNOUNCED** a recorded roll call vote on the motion to reconsider the action whereby Engrossed HB 1215, as amended, passed.

#### **ROLL CALL**

The question being on the motion to reconsider the action whereby Engrossed HB 1215, as amended, passed, the roll was called and there were 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Mathern; Mutch; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Robinson; Solberg; St. Aubyn; Tallackson; Thane; Thompson; Watne; Wogsland

**NAYS:** Andrist; Bowman; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Klein; Krauter; Lips; Naaden; Sand; Schobinger; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Yockim

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

So the motion to reconsider the action whereby Engrossed HB 1215, as amended, passed, prevailed.

#### **SECOND READING OF HOUSE BILL**

**HB 1215:** A BILL for an Act to create and enact four new sections to chapter 19-20.2 of the North Dakota Century Code, relating to the use and testing of anhydrous ammonia storage containers and the bulk delivery of anhydrous ammonia; and to amend and reenact sections 19-20.2-01 and 19-20.2-08.2 of the North Dakota Century Code, relating to safety requirements for the handling and storage of anhydrous ammonia.

#### **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; Bowman; Christmann; Cook; Fischer; Goetz; Grindberg; Kinnoin; Klein; Krauter; Kringstad; Lee; Lips; Naaden; Nalewaja; Nelson, G.; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

**NAYS:** Berg; DeMers; Freborg; Heitkamp; Holmberg; Kelsh; Krebsbach; LaFountain; Lindaas; Mathern; Mutch; Mutzenberger; Nelson, C.; Robinson; St. Aubyn; Thompson; Wogsland

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

Engrossed HB 1215, as amended, passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. W. STENEHJEM MOVED** that the Senate do not concur in the House amendments to Reengrossed SB 2344 as printed on SJ pages 827-828 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 2344: Sens. Watne, Andrist, Berg.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2344 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2344:** Sens. Watne; Andrist; Berg

**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 1199, HB 1385.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1007, HB 1027, HB 1074, HB 1075, HB 1111, HB 1215, HB 1373, HB 1403, HCR 3045.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1440.

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

**MR. SPEAKER:** The Senate has amended and subsequently failed to pass: HB 1187.

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

**MADAM PRESIDENT:** The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

**SB 2009:** Reps. Soukup; Gerntholz; Huether

**SB 2013:** Reps. Kunkel; Lloyd; Aarsvold

**SB 2032:** Reps. Monson; Drovdal; Brandenburg

**SB 2068:** Reps. Kretschmar; Stenehjem; Callahan

**SB 2088:** Reps. Tollefson; Martinson; Huether

**SB 2153:** Reps. Hawken; Kretschmar; Fairfield

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

**MADAM PRESIDENT:** The House has reconsidered its action whereby it did not concur with the Senate amendments to HB 1135 and wishes to inform you that the House does now concur with the Senate amendments to HB 1135 and subsequently passed the same. Also, the House has dissolved the House Conference Committee on HB 1135.

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

**MADAM PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1058, HB 1330.

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

**MADAM PRESIDENT:** The House has passed unchanged: SCR 4057, SCR 4058.

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

**MADAM PRESIDENT:** The House has amended and failed to pass: SB 2278, SB 2320.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2030, SB 2047, SB 2160, SB 2194, SB 2218, SB 2290, SB 2315, SB 2324.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2030**

Page 1, line 2, after "offenders" insert "; and to provide a penalty"

Page 1, line 8, replace the second "as" with "is" and replace "felony" with "violation of"

Page 1, line 9, remove "in"

Page 1, line 11, replace "adjudication" with "disposition"

Page 1, line 12, replace "adjudication" with "disposition"

Page 1, line 15, replace "adjudication" with "disposition" and remove "Based on any previous informal adjustment,"

Page 1, remove lines 16 through 18

Page 1, line 19, remove "adjudication for one of the above offenses." and replace "the original" with "a copy of"

Page 1, line 20, remove "disposition order and", replace "its conditions" with "the order", and remove the period

Page 1, line 21, remove "The court shall send this information"

Page 1, line 23, after the period insert "If a person who is listed on the data base has a change in name or address, that person shall inform the attorney general in writing, within ten days, of the person's new name or address and shall otherwise comply with address verification procedures as required by the attorney general. The person shall comply with this requirement for ten years after the date of the disposition, or until destruction of the records is ordered by the court, whichever date is earlier. A person listed on the data base who violates this section is guilty of a class A misdemeanor.

3."

Page 1, line 24, replace "adjudication" with "disposition"

Page 2, line 1, replace the first semicolon with "and" and remove "; and when"

Page 2, remove lines 2 through 5

Page 2, line 6, remove "the child's education records and is confidential" and after the period insert "The court shall notify the superintendent of the school district and the principal of the school the child attends of the disposition. The school administration shall notify the child's teachers and guidance counselor of this information and shall notify others in similar positions if the child transfers to another learning institution in or outside the state."

Page 2, line 7, replace "adjudication" with "disposition"

Page 2, line 10, replace "adjudication" with "disposition"

Page 2, line 11, replace "3" with "4" and remove "or school district"

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2047

Page 1, line 1, after "sections" insert "54-10-13," and after "54-10-14" insert ", 54-10-15,"

Page 1, line 2, after "councils" insert "and political subdivisions"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 54-10-13 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-13. Political subdivisions - Audits - State auditor powers.** The state auditor shall perform audits of political subdivisions pursuant to section 54-10-14 unless otherwise requested by the governing board, ordered by the governor or the legislative audit and fiscal review committee, or on petition pursuant to section 54-10-15, or at the discretion of the state auditor for alleged improprieties."

Page 2, line 3, overstrike "West river water supply district."

Page 2, line 4, overstrike "19."

Page 2, line 5, replace "20" with "19"

Page 3, after line 16, insert:

**"SECTION 3. AMENDMENT.** Section 54-10-15 of the North Dakota Century Code is amended and reenacted as follows:

**54-10-15. Audits of political subdivisions by order of governor or the legislative audit and fiscal review committee, or upon petition.** The state auditor, by duly appointed deputy auditors or other authorized agents, shall audit or review the books, records, and financial accounts of any political subdivision when ordered by the governor or the legislative audit and fiscal review committee, requested by the governing board, or upon petition of at least thirty-five percent of the qualified electors of any political subdivision enumerated in section 54-10-14 voting for the office of governor at the preceding general election or, in the case of school districts, upon petition of at least thirty-five percent of the qualified electors voting at the preceding school board election. Fees for the audits must be paid in accordance with the provisions of section 54-10-14."

Page 3, line 24, remove "The state auditor may, or upon request of the legislative"

Page 3, remove lines 25 through 29

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2160**

Page 1, line 1, after "enact" insert "a new subsection to section 12-60-16.4," and after "20.1-02-15.1" insert a comma

Page 1, line 3, after "39-24-09" insert "and section 39-24-11"

Page 1, after line 6, insert:

**"SECTION 1.** A new subsection to section 12-60-16.4 of the 1995 Supplement to the North Dakota Century Code is created and enacted as follows:

Infractions and misdemeanor violations of subdivision c of subsection 5 of section 39-24-09 and chapter 39-24.1."

Page 1, after line 13, insert:

**"SECTION 4. AMENDMENT** Section 39-24-11 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**39-24-11. Penalties.** Any person who violates subdivision b, ~~e~~, or g of subsection 5 of section 39-24-09 is guilty of a class B misdemeanor. Any person who violates subdivision c of subsection 5 of section 39-24-09 is guilty of an infraction or a class B misdemeanor as determined by section 39-24.1-07. Any person who violates any other provision of section 39-24-09 must be assessed a fee of twenty dollars. Any person, unless specifically exempted, who fails to register as required by section 39-24-02 must be assessed a fee of fifty dollars. If the person provides proof of registration since the violation, the fee may be reduced by one-half. Any person who violates any other provision of this chapter for which a specific penalty is not provided must be assessed a fee of ten dollars."

Page 1, line 17, replace "in this state" with "on any public land or private land with public access"

Page 3, line 12, replace "following" with "test is evidence of a per se violation of subdivision c of subsection 5 of section 39-24-09."

Page 3, remove lines 13 through 31

Page 4, remove lines 1 through 15

Page 4, line 20, replace "statement of intent to prohibit the person from operating a snowmobile." with "summons or otherwise notify that person in writing to appear at the time and place specified in the summons or notice. The hearing and any appeal must

be conducted as provided in section 39-06.1-03. If the person requests a hearing at a time and date other than as stated in the summons or notice, that person must post an appearance bond as required by subsection 2 of section 39-06.1-03. Upon establishing at the hearing by a preponderance of the evidence"

Page 4, remove lines 21 through 25

Page 4, line 26, remove "intent, showing"

Page 4, line 31, after the underscored comma insert "the court"

Page 5, line 1, replace "in this state" with "on all public land or private land with public access" and after "section" insert ", and shall impose a noncriminal statutory fee of five hundred dollars. A violation of this section must be reported to the parks and recreation department. The department shall keep a record of all reported violations"

Page 5, line 18, remove "No administrative hearing request is made under section 39-24.1-08;"

Page 5, line 19, remove "b.", replace "mails" with "files", and replace "to the director within ten days after the law" with "with the court before the time set for hearing in the summons or notice, or, with the permission of the court, within five days after the hearing"

Page 5, line 20, remove "enforcement officer issues the statement of intent"

Page 5, line 23, replace "twenty-five" with "thirty" and replace "law" with "date of the offense"

Page 5, line 24, remove "enforcement officer issues the statement of intent"

Page 5, line 26, after "period" insert "defined in section 39-24.1-07"

Page 5, line 27, replace "39-24.1-08" with "39-06.1-03"

Page 5, line 28, replace "39-24.1-09" with "39-06.1-03"

Page 6, line 2, replace "twenty-five" with "thirty" and replace "law enforcement officer issues" with "date of the offense"

Page 6, line 3, remove "the statement of intent"

Page 6, line 4, after the underscored semicolon insert "and"

Page 6, line 5, replace "c" with "b"

Page 6, line 6, replace "twenty-five" with "thirty" and replace "law enforcement officer issues the" with "date of the offense."

Page 6, line 7, remove "statement of intent;"

Page 6, remove lines 8 through 18

Page 6, line 19, replace "29-24.1-07" with "39-24.1-07" and replace "Administrative sanction" with "Criminal penalties"

Page 6, line 20, after "certain" insert "alcohol or" and replace "After the receipt of the certified report of a law enforcement" with "Upon conviction of a violation of subdivision c of subsection 5 of section 39-24-09, the court shall impose the following minimum penalties:

1. If the person's record indicates that, within the five years preceding the date of the offense, the person has not violated subdivision c of subsection 5 of section 39-24-09 or the person has not been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of two hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for sixty days within the snowmobile season that runs from December 1 through April 1.
2. If the person's record indicates that, within the five years preceding the date of the offense, the person has one violation of subdivision c of

subsection 5 of section 39-24-09 or the person has once been prohibited from operating a snowmobile under this chapter, the offense is an infraction. The court shall impose a minimum fine of three hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for one year from the date of the sentence.

3. If the person's record indicates that, within the five years preceding the date of the offense, the person has two violations of subdivision c of subsection 5 of section 39-24-09 or the person has twice been prohibited from operating a snowmobile under this chapter, the offense is a class B misdemeanor. The court shall impose a minimum fine of four hundred fifty dollars and, as a condition of that person's probation, shall prohibit that person from operating a snowmobile on all public land or private land with public access for two years from the date of the sentence."

Page 6, remove lines 21 through 30

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 31

Page 9, remove lines 1 through 31

Page 10, remove lines 1 through 4

Page 10, line 5, replace "39-24.1-10" with "39-24.1-08"

Page 11, line 29, replace "39-24.1-11" with "39-24.1-09"

Page 12, line 3, replace "39-24.1-12" with "39-24.1-10"

Page 12, line 10, replace "39-24.1-13" with "39-24.1-11"

Page 12, line 13, replace "39-24.1-14" with "39-24.1-12"

Page 12, line 14, replace "in this state" with "on any public land or private land with public access"

Page 12, after line 15, insert:

**"39-24.1-13. Fleeing or attempting to elude a peace officer.**

1. Any driver of a snowmobile who willfully fails or refuses to bring the snowmobile to a stop, or who otherwise flees or attempts to elude, in any manner, a pursuing police vehicle or peace officer, when given a visual or audible signal to bring the snowmobile to a stop, is guilty of a class B misdemeanor for a first or second offense and a class A misdemeanor for a subsequent offense. A signal complies with this section if the signal is perceptible to the driver and:
  - a. If given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the stopping vehicle is appropriately marked showing it to be an official police vehicle; or
  - b. If not given from a vehicle, the signal is given by hand, voice, emergency light, or siren, and the officer is in uniform and prominently displays the officer's badge of office.
2. Any sentence imposed under this section must include a minimum fine of at least five hundred dollars."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2194**

Page 1, line 2, after "disease" insert "; and to provide an expiration date"

Page 2, line 3, replace ", regardless of age or the existence of" with "under the age of twenty-two"

Page 2, line 4, remove "any preexisting condition"

Page 2, after line 6, insert:

**"SECTION 2. EXPIRATION DATE.** This Act is effective through July 31, 1999, and after that date is ineffective."

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2218

Page 1, line 1, replace "section" with "sections 35-05-01 and"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 35-05-01 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**35-05-01. Security agreement on crops prohibited - Exceptions.** Security interests in growing and unharvested crops are prohibited, and any security agreement purporting to create a security interest therein is void. The provisions of this section do not apply to any security interest or lien in favor of the United States, this state, any county, or any department or agency of any of them, including the Bank of North Dakota, nor to any financial institution as defined by section 6-01-02 or 21-04-01, nor to any ~~other~~ agricultural cooperative or agricultural lending agency, nor to any security interest created by contract to secure money advanced or loaned for the purpose of paying government crop insurance premiums or to secure the purchase price or the rental or improvement of the land upon which the crops covered by the contract are to be grown."

Page 1, line 18, after the underscored quotation mark insert ". The lien on future crops maintains its priority as to crops grown in future years only so long as the lienholder continues to provide operating funds to the borrower. If, in any subsequent year, another entity entitled to a crop security interest under section 35-05-01 advances operating funds to a borrower, the entity has a first priority purchase money security interest in the crops grown by the borrower during the year in which the funds are advanced"

Renumber accordingly

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2290

Page 1, line 2, after "ballot" insert "; and to provide a statement of legislative intent"

Page 3, after line 27, insert:

**"SECTION 4. LEGISLATIVE INTENT.** It is the intent of the fifty-fifth legislative assembly that the secretary of state determine, by county, the number and percentage of party ballots that were void because a voter had voted in more than one party column at the 1998 primary election."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2315

Page 1, line 2, remove "aerial"

Page 1, line 8, remove "to a person engaged in aerial spraying"

Page 1, line 12, after "of" insert "net"

Page 1, line 20, replace "an aerial" with "a"

Page 1, line 24, after the period insert "A rancher is exempt from this section if the rancher is required to obtain a commercial pesticide applicator certificate for controlling noxious weeds on the leased federal acreage as a condition of a federal grasslands lease."

Renumber accordingly

#### HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2324

Page 1, line 21, after "state" insert ", and shall mail a copy to the agricultural producer"

Page 2, line 13, after the period insert "At least ten days before filing a lien, the person entitled to the lien shall mail to the agricultural producer a notice of intent to file a lien."

Page 3, line 1, after "state" insert ", and shall mail a copy to the agricultural producer"

Page 3, line 17, after the period insert "At least ten days before filing a lien, the person entitled to the lien shall mail to the agricultural producer a notice of intent to file a lien."

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 2359.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2359**

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

Page 1, line 8, remove the overstrike over "~~of the gospel~~", overstrike "and" and insert immediately thereafter an underscored comma, and overstrike the second "ministers"

Page 1, line 9, after "~~gospel~~" insert "and clergy"

Page 1, after line 13 insert:

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

Renumber accordingly

**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 8:30 a.m., Wednesday, March 26, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1002, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1002 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "1,663,480" with "1,667,780"

Page 1, line 13, replace "1,111,255" with "1,103,190"

Page 1, line 16, replace "2,853,735" with "2,849,970"

Page 1, line 21, replace "3,294,735" with "3,290,970"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

**DEPARTMENT 108 - SECRETARY OF STATE**

SENATE - The salaries and wages line item is increased by \$4,300 from the general fund to provide an average salary of \$1,250 per month during the 1997-99 biennium for the clerk III position added in the executive budget. The following schedule compares the funding provided for the clerk III position in the various versions:

	EXECUTIVE BUDGET	HOUSE VERSION	SENATE VERSION
New clerk III position	\$48,393	\$38,665	\$42,965

The operating expenses line item is reduced by \$8,065 from the general fund to remove funding for risk management premiums.

**REPORT OF STANDING COMMITTEE**

**HB 1010, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1010 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "4,020,813" with "4,058,313"

Page 1, line 12, replace "1,244,742" with "1,228,289"

Page 1, line 13, replace "40,445" with "42,945"

Page 1, line 14, replace "5,306,000" with "5,329,547"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 401 - INSURANCE COMMISSIONER

SENATE - This amendment makes the following changes:

	HOUSE VERSION	FIRE DISTRICT PAYMENT ADMINISTRATION	REMOVES RISK MANAGEMENT PREMIUMS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,020,813	\$37,500		\$37,500	\$4,058,313
Operating expenses	1,244,742		\$(16,453)	(16,453)	1,228,289
Equipment	40,445	2,500		2,500	42,945
Computer network project	<u>275,000</u>				<u>275,000</u>
Total special funds	\$5,581,000	\$40,000 <sup>1</sup>	\$(16,453)	\$23,547	\$5,604,547
FTE	45.50	0.50		0.50	46.00
Payments to fire departments	<u>\$5,200,000</u>				<u>\$5,200,000</u>
Total special funds	\$5,200,000	\$ 0	\$ 0	\$ 0	\$5,200,000

<sup>1</sup> Adds a .5 FTE position to assist with administering payments to fire departments. Funding is from the insurance regulatory trust fund. The funding and .5 FTE is authorized only for the 1997-99 biennium. If the department requests similar funding and FTE authorization for the 1999-2001 biennium, the request should be specifically identified as a budget change in its 1999-2001 biennium budget request.

**REPORT OF STANDING COMMITTEE**

**HB 1011: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1011 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "71,485" with "68,474"

Page 1, line 12, replace "670,490" with "667,479"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 414 - SECURITIES COMMISSIONER

SENATE - This amendment reduces the operating expenses line item by \$3,011 from the general fund for the removal of risk management premiums.

**REPORT OF STANDING COMMITTEE**

**HB 1016, as engrossed: Appropriations Committee (Sen. Naaden, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,076,095" with "1,067,062"

Page 1, line 13, replace "\$12,838,000" with "12,838,000"

Page 1, line 14, replace "15,905,761" with "15,896,728"

Page 1, line 15, replace "15,604,771" with "15,597,093"

Page 1, line 16, replace "300,990" with "299,635"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

SENATE - This amendment reduces the operating expenses line item by \$9,033, \$1,355 of which is from the general fund and \$7,678 of which is from special funds. The reduction is due to the removal of risk management premiums.

**REPORT OF STANDING COMMITTEE**

**HB 1046, 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 1046 was placed on the Sixth order on the calendar.

Page 1, line 4, remove the first "and"

Page 1, line 5, after "investigations" insert "; and to provide an effective date"

Page 1, line 15, after the underscored period insert "The department of human services shall perform the secondary process of the risk assessment."

Page 2, after line 14, insert:

**"SECTION 4. EFFECTIVE DATE.** Section 2 of this Act becomes effective on July 1, 1998."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1100: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1100 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 14-02.4-21 and"

Page 1, line 2, replace "confidentiality of" with "records and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 14-02.4-21 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**14-02.4-21. Optional mediation by department of labor - Relief - Appeals - Records exempt.** The department of labor may receive complaints of discriminating employment practices under this chapter and may investigate the complaints to determine if there is probable cause to believe the complaint is meritorious and, if so, attempt to obtain voluntary compliance with this chapter's employment requirements through informal advice, negotiation, or conciliation. This chapter does not prohibit a person from filing, or require a person to file, a complaint with the department of labor before using the provisions of this chapter. A complaint received and information obtained during any investigation conducted under this section are exempt from section 44-04-18 before the institution of any judicial proceedings under this chapter. The commissioner may disclose to the complainant or the respondent, or attorneys for the complainant or respondent, information obtained under this section if deemed necessary by the commissioner for securing an appropriate resolution of a complaint. Any record or information held by the department of labor pursuant to an agreement with any federal agency for the enforcement of fair employment practices is exempt from section 44-04-18, and the department of labor may disclose to federal officials information obtained under this section if appropriate to carry out the enforcement of fair employment practices pursuant to the agreement. The department of labor may not disclose anything said or done as part of the informal negotiation or conciliation efforts under this section."

Page 1, line 6, after "**information**" insert "**- Records**"

Page 1, line 12, remove "investigation," and replace "or determination made by the commissioner while" with "records, and determinations made under chapter 34-14, information collected under this section from private employers, and information collected under section 34-06-02 from private employers are exempt from section 44-04-18. The commissioner shall disclose information collected, records, and determinations made to the parties to an investigation under chapter 34-14. When the commissioner enforces collection of a wage claim by judicial action or forwards records, information, or determinations to another state or country for enforcement as authorized under chapter 34-14, the information collected, records, and determinations made under chapter 34-14 are open records."

Page 1, remove line 13

Page 1, line 14, replace "however, the" with "The"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1257, as engrossed: 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).** Engrossed HB 1257 was placed on the Sixth order on the calendar.

In lieu of the amendments adopted by the Senate as printed on page 729 of the Senate Journal, Engrossed House Bill No. 1257 is amended as follows:

Page 1, line 10, overstrike "prehospital"

Page 1, line 20, remove "emergency service"

Page 1, line 21, remove "personnel, including" and replace "technicians" with "technicians-intermediate"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1262, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1262 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1297: 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). HB 1297 was placed on the Sixth order on the calendar.

In lieu of the amendments to House Bill No. 1297 as printed on page 820 of the Senate Journal, House Bill No. 1297 is amended as follows:

Page 1, line 1, after "to" insert "create and enact a new subsection to section 32-03.2-11 of the North Dakota Century Code, relating to exemplary damages in civil actions for accidents involving a motor vehicle operated by a person while under the influence of alcohol or a controlled substance; to"

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.** A new subsection to section 32-03.2-11 of the North Dakota Century Code is created and enacted as follows:

- a. In a civil action involving a motor vehicle accident, it is sufficient for the trier of fact to consider an award of exemplary damages if the preponderance of the evidence indicates that the accident resulted in bodily injury and was caused by a driver:
  - (1) With an alcohol concentration of at least ten one-hundredths of one percent by weight;
  - (2) Was under the influence of a controlled substance;
  - (3) Was under the influence of alcohol and refused to take a test required under chapter 39-20; or
  - (4) Was knowingly under significant influence of a medication or other substance that substantially affects a person's nervous system, brain, or muscles so as to impair the person's ability to drive or operate a motor vehicle.
- b. A criminal charge or conviction is not a prerequisite to consideration of exemplary damages under this subsection. At the trial in an action in which the trier of fact will consider an award of exemplary damages, evidence that the driver has been convicted of violating section 39-08-01 or equivalent ordinance is admissible into evidence.

**SECTION 3. APPLICATION.** This Act applies only to actions commenced after the effective date of this Act."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1312, as reengrossed: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1312 was placed on the Sixth order on the calendar.

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

Page 1, line 2, remove "unexpected general fund appropriations, accountability reports, and"

Page 1, line 3, after the semicolon insert "and"

Page 1, line 4, remove ", 15-10-12, 15-10-14.1, 15-10-17,"

Page 1, line 6, replace ", acceptance of gifts and bequests and deposit of funds by the state board of higher" with "and confidentiality of information regarding grants and contracts of institutions of higher education."

Page 1, remove lines 7 through 12

Page 2, remove lines 1 through 31

Page 3, remove lines 1 through 31

Page 4, remove lines 1 through 31

Page 5, remove lines 1 through 30

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 30

Page 8, remove lines 1 through 30

Page 9, remove lines 1 through 12

Page 11, remove lines 16 through 18

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1448, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1448 was placed on the Sixth order on the calendar.

Page 1, line 3, after "benefits" insert "; and to provide an expiration date"

Page 2, line 17, replace "one-fourth" with "one-half"

Page 4, after line 19, insert:

**"SECTION 3. EXPIRATION DATE.** This Act is effective through December 31, 1999, and after that date is ineffective."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1467, as engrossed and amended: Appropriations Committee (Sen. Naaden, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). Engrossed HB 1467, as amended, was placed on the Fourteenth order on the calendar.

#### 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 1039, HB 1092, HB 1117, HB 1156, HB 1256, HCR 3046.

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

**MR. SPEAKER:** The President has signed: HB 1039, HB 1092, HB 1117, HB 1156, HB 1256, HCR 3046.

#### 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 2057.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2209, SB 2364, SCR 4040, SCR 4046, SCR 4047, SCR 4051.

#### 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 1084, HB 1089, HB 1146.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 25, 1997, I signed the following: SB 2094 and SB 2187.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER****March 25, 1997**

Enclosed is SB 2230, which I have signed. This bill is designed to protect North Dakota law, and allow the North Dakota Legislature to define contracts of marriage, rather than a court or legislature from a different state. However, I want to stress that this bill does not endorse a policy of discrimination against any citizen of our state. North Dakota has a proud tradition of hope and opportunity. I would urge our people and the leaders of this state to preserve that tradition and seek opportunity, dignity and respect for all of our citizens, so that the mothers and fathers of our citizens know that they and their children are welcome within the borders of this great state. We should not view SB 2230 as an endorsement of discrimination, but rather a challenge to our people that we treat our neighbors, friends and family with understanding and respect. Let North Dakota policy be set, not by fear, but by hope for a better future for all our people.

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

**William C. Parker, Secretary**