

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 8, 1999

The Senate convened at 1:15 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Steve Sathre, Trinity Lutheran Church, Bismarck.

The roll was called and all members were present except Senators Kringstad and C. Nelson.

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 reexamined the Journal of the Thirty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 591, after line 3, insert:

**"MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER:** The Senate has concurred in the House amendments and subsequently passed: SB 2089."

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 8, 1999, I have signed the following: SB 2100, SB 2272, SB 2110, SB 2130, SB 2131, SB 2157, SB 2178, SB 2190, and SB 2292.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 8, 1999, I have signed the following: SB 2146 and SB 2231.

MOTION

SEN. ST. AUBYN MOVED that HB 1418 be returned to the Senate floor from the **Appropriations Committee** and placed on the Fourteenth order for the succeeding legislative day, for which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, HB 1045, HB 1080, and HB 1126 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1045, as engrossed: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 613 and 614 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1045: A BILL for an Act to create and enact a new subsection to section 57-15-10 of the North Dakota Century Code, relating to correct placement of a reference to a city band levy; to amend and reenact sections 1-04-09, 1-08-08, 4-24-10, 9-10-06, subsection 10 of section 10-04-06, sections 10-06.1-12, 10-06.1-13, 10-19.1-05, subsections 3, 4, and 5 of section 10-19.1-10, sections 10-19.1-11, 10-19.1-23, subsection 4 of section 10-19.1-61, subsections 2 and 3 of section 10-19.1-75.2, subsection 2 of section 10-19.1-99, subsection 4 of section 10-19.1-100, subsection 2 of section 10-19.1-101, subsection 4 of section 10-19.1-103, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, sections 10-19.1-110.1, 10-19.1-112, 10-19.1-113.1, 10-19.1-129, 10-30-05, subsection 1 of section 10-30.1-04, section 10-30.5-04, subsections 2, 3, and 4 of section 10-32-07, subdivision b of subsection 5 of section 10-32-56, subsection 4 of section 10-32-107, subdivision j of subsection 5 of section 10-33-06, subsection 24 of section 10-33-21, subsection 3 of section 11-10.2-01, subdivision b of subsection 3 of section 12.1-32-15, section 16.1-01-07, subsection 3 of section 16.1-08.1-01, sections 18-08-12, 20.1-08-04.6, 21-10-06, subsection 2 of

section 23-06.4-03, subsection 2 of section 23-06.5-10, subsection 12 of section 25-03.1-02, sections 26.1-17-02, 26.1-17-33, subsection 1 of section 26.1-18.1-02, subsection 1 of section 26.1-19-04, sections 26.1-49-03, 28-04-05.1, 29-12-05, 30.1-15-02, 30.1-29-26, 32-03-36, 36-01-08.1, 37-15-16, 37-15-17, 37-15-21, 38-08.1-03, subsection 3 of section 38-08.1-03.1, sections 40-51.2-05, 40-57.1-05, subsection 4 of section 41-09-16, sections 42-04-01, 43-07-19, subsection 10 of section 43-17-02, subsection 1 of section 43-17.1-06, subdivision h of subsection 1 of section 45-10.1-02, section 47-10.1-02, subsection 1 of section 47-15.1-03, subsection 3 of section 50-06-01.8, section 51-14-03.2, subsection 5 of section 53-06.2-11, subsection 1 of section 54-40-01, section 57-15-08, subdivision b of subsection 2 of section 57-35.3-05, sections 61-04.1-13, 61-04.1-14, 61-21-47, and 61-35-25 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 10-19.1-03, 10-19.1-131, 14-02.1-06, 28-32-22, and chapter 61-24.4 of the North Dakota Century Code, relating to obsolete provisions.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

Engrossed HB 1045, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1080, as engrossed: SEN. KILZER (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 627 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to amend and reenact section 37-01-04 of the North Dakota Century Code, relating to the power of the governor to order out the national guard; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

Engrossed HB 1080, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

HB 1126: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 627 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1126: A BILL for an Act to amend and reenact sections 44-06-11 and 44-06-13.1 of the North Dakota Century Code, relating to filing of notice of revocation of a notary commission and prohibited acts of a notary public.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1126, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1325, as engrossed: SEN. SAND (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 628 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying expenses of the state fair association.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

Engrossed HB 1009 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1065: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 39-12-02 and subdivision d of subsection 1 of section 39-12-04 of the North Dakota Century Code, relating to an exemption from width, height, and weight limitations for commercial portable grain cleaners.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

Engrossed HB 1065 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact section 26.1-50-03 of the North Dakota Century Code, relating to Bank of North Dakota participation in loans made by the low-risk incentive fund.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1104 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to amend and reenact subsection 6 of section 28-32-02 of the North Dakota Century Code, relating to the length of time that an emergency rule may remain in effect before final adoption; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Kinnoin; Kroeplin; Nething; Schobinger; Solberg; Stenehjem, B.; Tomac

NAYS: Bercier; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

Engrossed HB 1132 lost.

SECOND READING OF HOUSE BILL

HB 1139: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to appeals of water resource board decisions of noncomplying dams, dikes, or other devices to the state engineer.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1139 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1140: A BILL for an Act to amend and reenact sections 61-35-04, 61-35-07, 61-35-08, and subsection 1 of section 61-35-25 of the North Dakota Century Code, relating to payment of publication costs to create a water district, election of a board of a water district, and notice of dissolution or merger of a rural water corporation or cooperative.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1140 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to amend and reenact sections 6-09.11-03, 6-09.11-05, and 6-09.11-06 of the North Dakota Century Code, relating to family farm loan amount restrictions, residency requirements, and net worth restrictions.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1163 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to amend and reenact sections 48-06-04 and 54-06-18 of the North Dakota Century Code, relating to staffing the central mailing bureau and obtaining postage meters by the office of management and budget.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Kringstad; Nelson, C.

HB 1173 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1248: A BILL for an Act to amend and reenact section 61-32-03 of the North Dakota Century Code, relating to drainage of sheetwater.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 13 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Kinnoin; Klein; Lyson; Naaden; Nething; O'Connell; Schobinger; Solberg; Traynor; Wanzek

NAYS: Bercier; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, G.; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

HB 1248 lost.

SECOND READING OF HOUSE BILL

HB 1283: A BILL for an Act to amend and reenact sections 65-05-17, 65-05-20.1, 65-05-26, and 65-05.2-02 of the North Dakota Century Code, relating to increasing workers' compensation death benefits; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

HB 1283 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1296: A BILL for an Act to create and enact a new section to chapter 65-03 and a new section to chapter 65-04 of the North Dakota Century Code, relating to protecting the health of employees through workplace safety programs and to workers' compensation premium calculation programs; to amend and reenact sections 65-02-13.1 and 65-04-17.1 of the North Dakota Century Code, relating to expenditures by the workers compensation bureau for extraterritorial coverage and other states' insurance and to retrospective rating; to provide an appropriation; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Reengrossed HB 1296 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1324: A BILL for an Act to amend and reenact section 39-06.2-17 of the North Dakota Century Code, relating to the hours of service exemption for the transportation of agricultural commodities.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Flakoll

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Engrossed HB 1324 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1327: A BILL for an Act to amend and reenact sections 20.1-06-07 and 20.1-06-08 of the North Dakota Century Code, relating to fishhouses.

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 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kilzer; Solberg

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

HB 1327 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to amend and reenact sections 65-02-08, 65-02-20, and 65-02-21 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care; and to repeal sections 65-02-19 and 65-05-07.1 of the North Dakota Century Code, relating to workers' compensation medical and hospital fee schedules and workers' compensation managed care.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.;

Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Engrossed HB 1333 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1366: A BILL for an Act to amend and reenact sections 18-03-01, 18-03-02, 18-03-03, 18-03-04, 18-03-05, 18-03-06, 18-04-01, and 18-04-02 of the North Dakota Century Code, relating to the duties and responsibilities of the North Dakota firemen's association and the filing of annual organization certificates by fire departments.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Engrossed HB 1366 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution directing the Legislative Council to study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas.

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

HCR 3011 was declared adopted on a voice vote and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1411: A BILL for an Act to amend and reenact subdivision d of subsection 19 of section 20.1-02-05 of the North Dakota Century Code, relating to publication of public access booklets under the private land habitat and access improvement program.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Engrossed HB 1411 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3056: A concurrent resolution congratulating Ms. Kimberly Pettersen on being named the state's top high school student volunteer in The Prudential Spirit of Community Awards.

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

HCR 3056 was declared adopted on a voice vote and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to Engrossed SB 2198 as printed on SJ pages 603 and 604, which motion prevailed on a voice vote.

Engrossed SB 2198, as amended, was placed on the Eleventh order of business on the calendar.

SECOND READING OF SENATE BILL

SB 2198: A BILL for an Act to amend and reenact sections 40-05.1-05 and 40-05.1-07 of the North Dakota Century Code, relating to the filing of copies of a new home rule charter and amendment or repeal of city home rule charters.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Krebsbach; Kringstad; Nelson, C.

Reengrossed SB 2198 passed and the title was agreed to.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1138, HB 1159, HB 1186, HB 1224, HB 1312, HB 1364, HB 1401, HCR 3041.

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

MR. SPEAKER: The Senate has failed to pass: HB 1226.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1456.

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 1151, HB 1365.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2198.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3058, HCR 3064, HCR 3071.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2069, SB 2249, SB 2318, SB 2334, SB 2389.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2236.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2368.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2257.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2257

Page 1, after line 21, insert:

- "3. The total special education payments to which a school district that ceased to exist between the completion of the 1996-97 school year and the commencement of the 1997-98 school year is entitled must be distributed as provided in subsection 1 on or before June 30, 1999."

ReNUMBER accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2437.

HOUSE AMENDMENTS TO SENATE BILL NO. 2437

Page 3, line 3, replace the second "December" with "January"

Page 3, line 4, replace "31, 1999" with "1, 2000"

ReNUMBER accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2064, SB 2271.

HOUSE AMENDMENTS TO SENATE BILL NO. 2064

Page 1, line 7, replace "does not have a duty to disclose" with "is not liable for any action resulting from any disclosure or nondisclosure relating to the registration of sexual offenders"

Page 1, remove line 8

Page 1, line 9, remove "made"

ReNUMBER accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2271

Page 1, line 5, after the first comma, insert "45-10.1-58.2," and after the sixth comma insert "45-22-20.1,"

Page 194, after line 31, insert:

"SECTION 164. Section 45-10.1-58.2 of the North Dakota Century Code is created and enacted as follows:

45-10.1-58.2. Foreign limited partnership - Transaction of business without registering.

1. A foreign limited partnership transacting business in this state may not maintain any claim, action, suit, or proceeding in any court of this state until the foreign limited partnership registers with the secretary of state.
2. The failure of a foreign limited partnership to register does not impair the validity of any contract or act of the foreign limited partnership or prevent the foreign limited partnership from defending any claim, action, suit, or proceeding in any court in this state.
3. A foreign limited partnership, by transacting business in this state without registering, appoints the secretary of state as the foreign limited partnership's agent upon whom any notice, process, or demand may be served.
4. A foreign limited partnership that transacts business in this state without registering is liable to the state for the years or parts of years during which

the foreign limited partnership transacted business in this state without registering in an amount equal to all fees that would have been imposed by this chapter upon that foreign limited partnership had the foreign limited partnership duly registered, filed all reports required by this chapter, and paid all penalties imposed by this chapter. The attorney general shall bring proceedings to recover all amounts due this state under this section.

5. A foreign limited partnership that transacts business in this state without registering is subject to a civil penalty, payable to the state, not to exceed five thousand dollars. Each general partner and each agent who authorizes, directs, or participates in the transaction of business in this state on behalf of a foreign limited partnership that has not registered is subject to a civil penalty, payable to the state, not to exceed one thousand dollars.
6. The civil penalties set forth in subsection 5 may be recovered in an action brought within the district court of Burleigh County by the attorney general. Upon a finding by the court that a foreign limited partnership or any of the foreign limited partnership's general partners or agents have transacted business in this state in violation of this chapter, the court shall issue, in addition to the imposition of a civil penalty, an injunction restraining the further transaction of the business of the foreign limited partnership and further exercise of any rights and privileges by the foreign limited partnership in this state. The foreign limited partnership must be enjoined from transacting business in this state until all civil penalties plus any interest and court costs that the court may assess have been paid and until the foreign limited partnership has otherwise complied with the provisions of this chapter."

Page 231, after line 10, insert:

"**SECTION 194.** Section 45-22-20.1 of the North Dakota Century Code is created and enacted as follows:

45-22-20.1. Foreign limited liability partnership - Transaction of business without registering.

1. A foreign limited liability partnership transacting business in this state may not maintain any claim, action, suit, or proceeding in any court of this state until the foreign limited liability partnership registers with the secretary of state.
2. The failure of a foreign limited liability partnership to register does not impair the validity of any contract or act of the foreign limited liability partnership or prevent the foreign limited liability partnership from defending any claim, action, suit, or proceeding in any court in this state.
3. A foreign limited liability partnership, by transacting business in this state without registering, appoints the secretary of state as the foreign limited liability partnership's agent upon whom any notice, process, or demand may be served.
4. A foreign limited liability partnership that transacts business in this state without registering is liable to the state for the years or parts of years during which the foreign limited liability partnership transacted business in this state without registering in an amount equal to all fees that would have been imposed by this chapter upon that foreign limited liability partnership had the foreign limited liability partnership duly registered, filed all reports required by this chapter, and paid all penalties imposed by this chapter. The attorney general shall bring proceedings to recover all amounts due this state under this section.
5. A foreign limited liability partnership that transacts business in this state without registering is subject to a civil penalty, payable to the state, not to exceed five thousand dollars. Each managing partner or agent who authorizes, directs, or participates in the transaction of business in this state on behalf of a foreign limited liability partnership that has not registered is subject to a civil penalty, payable to the state, not to exceed one thousand dollars.

6. The civil penalties set forth in subsection 5 may be recovered in an action brought within the district court of Burleigh County by the attorney general. Upon a finding by the court that a foreign limited liability partnership or any of the foreign limited liability partnership's managing partners or agents have transacted business in this state in violation of this chapter, the court shall issue, in addition to the imposition of a civil penalty, an injunction restraining the further transaction of the business of the foreign limited liability partnership and further exercise of any rights and privileges by the foreign limited liability partnership in this state. The foreign limited liability partnership must be enjoined from transacting business in this state until all civil penalties plus any interest and court costs that the court may assess have been paid and until the foreign limited liability partnership has otherwise complied with the provisions of this chapter."

Renumber accordingly

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Seventh, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, March 9, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1028, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1028 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1040, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "activities" and insert immediately thereafter "operations"

Page 2, after line 19, insert:

"10. "Weather modification authority" means the governing body created by a board of county commissioners under section 61-04.1-22.1, 61-04.1-23, 61-04.1-27, 61-04.1-29, or 61-04.1-31."

Page 3, line 6, overstrike the comma

Page 3, line 8, overstrike "as provided in section 61-04.1-20,"

Page 4, line 30, after "authority" insert ", if a weather modification authority exists."

Page 4, line 31, replace the underscored comma with an underscored semicolon and after "each" insert "person contracting for a"

Page 5, line 1, replace "under section 61-04.1-20," with an underscored semicolon

Page 5, line 3, remove "under" and overstrike "section 61-04.1-20"

Page 5, line 21, after "funds" insert "and funds from any other person contracting with the board for weather modification operations"

Page 6, line 2, after "funds" insert "or funds from any other person contracting with the board for weather modification operations"

Page 6, line 8, overstrike "**County appropriations**" and insert immediately thereafter "**Payment for weather modification**" and overstrike "county"

Page 6, line 9, after "~~has~~" insert "or person"

Page 6, line 11, remove "that" and overstrike "county" and insert immediately thereafter "that weather modification authority or person"

Page 6, line 13, replace "county" with "weather modification authority or person"

Page 6, line 14, remove "or geographical region"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1099: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1099 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1266, as reengrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1266 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1272, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1272 was placed on the Sixth order on the calendar.

Page 1, line 18, remove "A", overstrike "person", and after "owning" insert "A corporation"

Page 1, line 23, replace "person" with "corporation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1303: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1303 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1357, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1357 was placed on the Sixth order on the calendar.

Page 1, line 7, after the first "of" insert "county commissioner,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1367, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1367 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1393: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1393 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1399: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1399 was placed on the Sixth order on the calendar.

Page 2, line 13, after "issues" insert "throughout the world"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1410, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1410 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1415: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1415 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; and to provide an effective"

Page 1, line 3, remove "date"

Page 2, remove line 25

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1443, as reengrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1443 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "Lake" insert "; and to provide an appropriation"

Page 3, line 31, after "businesses" insert ", labor."

Page 4, after line 26, insert:

"SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,000, or so much of the sum as may be necessary, to state board for vocational and technical education for the purpose of contracting with institutions of higher education assigned primary responsibility for work force training in this state for the biennium beginning July 1, 1999, and ending June 30, 2001."

Re-number accordingly

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3058: A concurrent resolution directing the Legislative Council to study the chemical application industry and develop a method for assessing or determining damage due to misapplication and for resolution of disputes through mediation.

Was read the first time and referred to the **Agriculture Committee**.

HCR 3064: A concurrent resolution directing the Legislative Council to study enhanced funding for school districts for quality education and methods of reducing reliance on property taxes for school district funding.

Was read the first time and referred to the **Education Committee**.

HCR 3071: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of licensing or franchising the "Dakota Maid" logo and trade name of the North Dakota Mill and Elevator Association and promoting the logo on a nationwide basis.

Was read the first time and referred to the **Agriculture Committee**.

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 2042, SB 2051, SB 2052, SB 2067, SB 2079, SB 2092, SB 2094, SB 2141, SB 2143, SB 2197, SB 2209.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1160, HB 1234, HB 1235, HB 1238, HB 1269, HB 1270, HB 1330, HB 1445.

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary