

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, February 26, 1999

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

The prayer was offered by Reverend Maury Millican, Bismarck Reformed Church, Bismarck.

The roll was called and all members were present except Senators Heitkamp, Krebsbach, C. Nelson, and Tallackson.

A quorum was declared by the President.

## ANNOUNCEMENT

**PRESIDENT MYRDAL ANNOUNCED** that the reports received by the Senate under statutory requirements that reports be filed with the Legislative Assembly are filed with the Legislative Council.

## MOTION

**SEN. ST. AUBYN MOVED** that HB 1149, which is on the Fourteenth order, be laid over one legislative day, which motion prevailed.

## MOTION

**SEN. ST. AUBYN MOVED** that after action taken on the Sixth order, SCR 4045, SCR 4046, and SCR 4048 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SCR 4045: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 559 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4045:** A concurrent resolution directing the Legislative Council to study alternative systems for the funding of services delivered to children and adults who are developmentally disabled.

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

Engrossed SCR 4045 was declared adopted on a voice vote and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SCR 4046: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ page 559 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4046:** A concurrent resolution directing the Legislative Council to study the appropriateness and adequacy of the laws on charitable gaming, including the financial remuneration allowed to owners of charitable gaming sites.

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

Engrossed SCR 4046 was declared adopted on a voice vote and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SCR 4048: SEN. W. STENEHJEM (Judiciary Committee) MOVED** that the amendments on SJ page 559 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of revising the sections of the North Dakota Century Code which relate to sexual offenses, sentencing of sexual offenders, and sexual offender commitment treatment.

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

Engrossed SCR 4048 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4040:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund.

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

SCR 4040 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4041:** A concurrent resolution directing the Legislative Council to study potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership.

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

SCR 4041 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4049:** A concurrent resolution directing the Legislative Council to study establishment and operation of a disaster relief fund to address property tax needs in federally declared disaster areas.

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

SCR 4049 was declared adopted on a voice vote and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1076:** A BILL for an Act to amend and reenact section 15 of chapter 374 of the 1987 Session Laws, as amended by section 1 of chapter 379 of the 1989 Session Laws, section 6 of chapter 24 of the 1993 Session Laws, and section 1 of chapter 294 of the 1995 Session Laws, relating to extending the expiration date for legislation that created a temporary court of appeals.

**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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1076 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1050:** A BILL for an Act to create and enact a new section to chapter 49-21 of the North Dakota Century Code, relating to a regulatory reform review commission.

**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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Krauter

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1050 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1053:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to application of the property tax exemption for farm buildings for beginning farmers; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1053 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1078:** A BILL for an Act to amend and reenact section 4-10.5-11 of the North Dakota Century Code, relating to the penalty for nonpayment of soybean assessments.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** O'Connell

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1078 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1085:** A BILL for an Act to amend and reenact section 38-08.1-07 of the North Dakota Century Code, relating to penalties for violation of oil and gas laws, rules, and orders; and to provide a penalty.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1085 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1098:** A BILL for an Act to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to boys' and girls' achievement days expenditures.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1098 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1107:** A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to the payment and refund of oil and gas gross production tax that is five dollars or less; and to amend and reenact sections 57-51-05 and 57-51-19 of the North Dakota Century Code, relating to when the oil and gas gross production tax on oil is due and payable and the procedure for providing refunds.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1107 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1113:** A BILL for an Act to amend and reenact subsection 5 of section 57-38-30.3 of the North Dakota Century Code, relating to the definition of federal income tax liability for short form income tax return purposes.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1113 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1114:** A BILL for an Act to repeal sections 54-17-21, 54-17-22, and 54-17-23 of the North Dakota Century Code, relating to planning grant authority for the industrial commission for the city of Riverdale.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1114 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1117:** A BILL for an Act to amend and reenact section 57-28-21 of the North Dakota Century Code, relating to notice to the office of management and budget of cancellation of real property taxes and special assessments.

### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1117 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1181:** A BILL for an Act to amend and reenact sections 15-47-08, 16.1-11-16, 16.1-12-02, 40-08-06, 40-13-03, 40-21-02, 40-21-07, 44-01-04, and 44-02-01 of the North Dakota Century Code, relating to officers of political subdivisions taking oaths of office and failing to qualify for office, nominating petitions and procedures for circulating nominating petitions, filling unexpired terms on a city council by election, and appointing election workers in city elections.

**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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroepelin; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1181 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1201:** A BILL for an Act to create and enact a new subsection to section 18-10-06 of the North Dakota Century Code, relating to powers of rural fire protection districts; and to amend and reenact sections 18-04-07, 18-05-01, 18-05-02, 18-05-03, 18-05-04, 18-05-05, 18-05-06, 18-05-07, 18-05-08, 18-05-09, 18-05-10, 18-05-12, 18-05-13, 28-22-19, subsection 70 of section 40-05-01, 40-46-01, subsection 21 of section 57-15-10, section 57-15-43, and subdivision j of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to the organization of firefighters relief associations by fire departments and rural fire protection districts.

**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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroepelin; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1201 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1208:** A BILL for an Act to amend and reenact subsection 7 of section 55-05-02 of the North Dakota Century Code, relating to supervision of the International Peace Garden by the state parks and recreation department; to provide an effective date; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroepelin; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1208 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1271:** A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to the protection of certain commercial information provided for assessment purposes.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

Engrossed HB 1271 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1318:** A BILL for an Act to amend and reenact subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to removal of authority of home rule cities to impose income taxes.

#### ROLL CALL

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

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

**NAYS:** DeMers; Redlin

**ABSENT AND NOT VOTING:** Heitkamp; Krebsbach; Nelson, C.; Tallackson

HB 1318 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1343:** A BILL for an Act to amend and reenact section 39-08-21 of the North Dakota Century Code, relating to an exemption from medical regulations for certain drivers of commercial vehicles; 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; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Heitkamp; Nelson, C.; Tallackson

HB 1343 passed, the title was agreed to, and the emergency clause was declared carried.

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#### SECOND READING OF HOUSE BILL

**HB 1351:** A BILL for an Act to amend and reenact subsection 37 of section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for adult day care centers; 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 43 YEAS, 3 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Kinnoin; Mutch; Solberg

**ABSENT AND NOT VOTING:** Heitkamp; Nelson, C.; Tallackson

HB 1351 passed and the title was agreed to.

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#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

**HCR 3010:** A concurrent resolution urging the Citizens Stamp Advisory Committee to approve for release a stamp honoring Louis L'Amour.

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

Engrossed HCR 3010 was declared adopted on a voice vote and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

**SCR 4002:** A concurrent resolution urging the continued cooperation and coordination among county social service agencies to provide for the delivery and administration of social services in a cost-effective and efficient manner and to report to the Legislative Council and directing the Legislative Council to monitor the cooperation and coordination among county social service agencies.

**SCR 4035:** A concurrent resolution directing the Legislative Council to study the substance and procedure of statutory agricultural liens.

**SCR 4043:** A concurrent resolution directing the Legislative Council to study voter registration.

**SCR 4047:** A concurrent resolution directing the Legislative Council to study methods to preserve and provide access to state publications in an electronic format.

**SCR 4050:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a grant preapproval process for every state agency, except institutions under the state board of higher education.

**SCR 4051:** A concurrent resolution directing the Legislative Council to study the classification of criminal offenses throughout the North Dakota Century Code.

The question being on the final adoption of the resolutions, which have been read.

SCR 4002, SCR 4035, SCR 4043, SCR 4047, SCR 4050, and SCR 4051 were declared adopted on a voice vote, and the titles were agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

**SEN. KREBSBACH MOVED** that the Senate do not concur in the House amendments to SB 2108 as printed on SJ page 558 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 SB 2108: Sens. Wardner, Kilzer, DeMers.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2108 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2108:** Sens. Wardner; Kilzer; DeMers

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4026, SCR 4028, SCR 4030, SCR 4031, SCR 4032, SCR 4033, SCR 4034, SCR 4037, SCR 4038, SCR 4039, SCR 4042, SCR 4044.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1042, HB 1055, HB 1059, HB 1084, HB 1086, HB 1090, HB 1094, HB 1096, HB 1097, HB 1100, HB 1103, HB 1112, HB 1145, HB 1164, HB 1195, HB 1202, HB 1203, HB 1342, HB 1375.

#### 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 2028, SB 2033, SB 2034, SB 2049, SB 2062, SB 2072, SB 2078, SB 2083, SB 2109, SB 2117, SB 2118, SB 2137, SB 2169, SB 2174, SB 2176, SB 2211, SB 2265, SCR 4006.

#### 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 3065, HCR 3075.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2046, SB 2076, SB 2097, SB 2135, SB 2150, SB 2156, SB 2194, SB 2241, SB 2251, SB 2263, SB 2286.

#### 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 2089.

#### HOUSE AMENDMENTS TO SENATE BILL NO. 2089

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-03 and a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident spring white goose license; to", after "reenact" insert "sections 20.1-03-02, 20.1-03-07, 20.1-03-07.1,", and after "20.1-03-11" insert ", and section 20.1-03-12.1"

Page 1, line 2, after "to" insert "establishment of a nonresident spring white goose license and to"

Page 1, after line 4, insert:

**"SECTION 1. AMENDMENT.** Section 20.1-03-02 of the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-02. General game license - Stamps allowed for specific licenses.**  
~~No~~ Except as provided in section 4 of this Act, a person may not:

1. Acquire any resident or nonresident license to hunt, catch, take, or kill any small game or big game animal unless that person first obtains an annual general game license.
2. Hunt, catch, take, trap, or kill any small game or big game animal unless that person has in that person's possession an annual general game license together with the specific license required.

The director shall design and furnish, for sale to residents and nonresidents, an annual general game license. A stamp may be prepared by the director to be affixed to a general game license in place of each separate small game or big game hunting license.

**SECTION 2. AMENDMENT.** Section 20.1-03-07 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07. Licenses to hunt, trap, or fish required of nonresidents.**

Nonresidents, except as provided in sections 20.1-02-05, section 4 of this Act, and 20.1-03-08, may not:

1. Hunt, catch, take, or kill any small game without a nonresident small game license.
2. Trap, catch, attempt to catch, take, or kill any protected fur-bearing animal except that nonresidents holding a valid nonresident fur-bearer and nongame hunting license may hunt only fox and coyote and residents of a state that allows North Dakota residents to trap within that state may purchase a nonresident reciprocal trapping license to trap in this state. However, a nonresident holding a valid nonresident reciprocal trapping license may not trap, catch, attempt to catch, take, or kill bobcats.
3. Catch, attempt to catch, take, or kill any fish without having a nonresident fishing license.
4. Hunt, catch, take, or kill any unprotected bird or animal without having a nonresident nongame hunting license or nonresident fur-bearer and nongame hunting license.
5. Hunt, catch, take, or kill any big game animal without having the respective nonresident big game license.

Each violation of this section is a distinct and separate offense.

**SECTION 3. AMENDMENT.** Section 20.1-03-07.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-07.1. Nonresident waterfowl hunting license required.** Except as provided in ~~section~~ sections 20.1-03-07.2 and section 4 of this Act, a nonresident may not hunt waterfowl unless that person first obtains a nonresident waterfowl hunting license, in addition to a nonresident small game hunting license. The nonresident waterfowl hunting license entitles the nonresident to hunt waterfowl for any period of fourteen consecutive days or any two periods of seven consecutive days each and in specified waterfowl hunting zones. A license authorizing two 7-day hunting periods may allow hunting in a different zone during each period. The governor, in the governor's proclamation, shall specify various waterfowl hunting zones for which nonresident waterfowl hunting licenses will be available, and may specify the number of licenses which may be issued in each zone and the manner in which they are to be issued. A nonresident is entitled to purchase only one nonresident waterfowl hunting license per year.

**SECTION 4.** A new section to chapter 20.1-03 of the North Dakota Century Code is created and enacted as follows:

**Nonresident spring white goose license.** A nonresident may purchase a nonresident spring white goose license to hunt white geese during a spring season as determined by the governor by proclamation. The governor, in the governor's proclamation, may specify the number of licenses that may be issued and the manner in which they are to be issued. Nonresidents are not required to purchase any other license to hunt white geese during a spring white goose season. A nonresident is entitled to purchase only one nonresident spring white goose license per year; however,

a nonresident may still purchase a nonresident waterfowl hunting license under section 20.1-03-07.1."

Page 6, after line 12, insert:

"**SECTION 6.** A new subsection to section 20.1-03-12 of the 1997 Supplement to the North Dakota Century Code is created and enacted as follows:

For a nonresident spring white goose license, fifty dollars.

**SECTION 7. AMENDMENT.** Section 20.1-03-12.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**20.1-03-12.1. Habitat restoration stamp required - Use of revenue - ~~No land~~ Land purchases not allowed.** A Except for licenses issued under section 4 of this Act, a habitat restoration stamp is required for every resident and nonresident general game license for which a stamp fee of five dollars must be charged. The habitat restoration stamp fee is in addition to the annual general game license fee charged under section 20.1-03-12. ~~No land~~ Land may not be purchased with habitat restoration stamp moneys. All moneys generated by habitat restoration stamp fees must be placed in the game and fish private land habitat and access improvement fund."

Renumber accordingly

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

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

**SB 2108:** Reps. Kliniske; Devlin; Metcalf

**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 and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, March 1, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4027: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4027 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "urging the Congress of the United States and the United States Army" with "directing the Legislative Council to study issues related to the Missouri River in North Dakota."

Page 1, remove lines 2 through 5

Page 1, remove lines 11 through 25

Page 2, remove lines 1 through 6

Page 2, line 30, remove "and"

Page 3, remove lines 1 through 29

Page 4, replace lines 1 through 30 with:

"That the Legislative Council study issues related to the Missouri River in North Dakota; and

**BE IT FURTHER RESOLVED,** that the study include an examination of the Pick-Sloan Missouri Basin program, the United States Army Corps of Engineers' master plan, land and natural resource issues, water management, bank stabilization, land use, and development of a long-range vision for the Missouri River in North Dakota; and

**BE IT FURTHER RESOLVED**, that the Legislative Council in conducting the study seek input from BOMMM (Burleigh, Oliver, Morton, Mercer, and McLean) Joint Water Resource Board; and

**BE IT FURTHER RESOLVED**, that the Legislative Council report its findings and recommendations, together with any legislation required to implement the recommendations, to the Fifty-seventh Legislative Assembly."

Page 5, remove lines 1 through 7

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1044: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1044 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1074: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1074 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1088: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1088 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1101: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1101 was placed on the Sixth order on the calendar.

Page 2, line 18, after the underscored period insert "The name of the owner of an automated teller machine must be shown on each automated teller machine located separate from a financial institution."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1110: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1110 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1111: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1111 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1116: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1116 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1125: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1125 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1168: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1168 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1180, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1180 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1215: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1215 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1216, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1216 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1222: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1222 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1247: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1247 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1337, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1363: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1363 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1428, as engrossed: 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). Engrossed HB 1428 was placed on the Sixth order on the calendar.

Page 2, line 24, overstrike "absinthim" and insert immediately thereafter "absinthium"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1459, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1459 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1474, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1474 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3065:** A concurrent resolution directing the Legislative Council to study the uses of funding provided to the Children's Services Coordinating Committee.  
Was read the first time and referred to the **Appropriations Committee**.

**HCR 3075:** A concurrent resolution directing the Legislative Council to study insurance discrimination against victims of domestic violence.  
Was read the first time and referred to the **Judiciary Committee**.

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

**WILLIAM C. PARKER, Secretary**