

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, March 1, 1999

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

The prayer was offered by Father Dale H. Kinzler, Nativity Catholic Church, Fargo.

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

A quorum was declared by the President.

MOTION

SEN. ST. AUBYN MOVED that HB 1149, which is on the Fourteenth order, be rereferred to the **Political Subdivisions Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, HB 1149 was rereferred.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SCR 4027, as amended, be placed on the Eleventh order for immediate second reading and final passage, and HB 1101, as amended, be placed on the Fourteenth order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4027: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ pages 573-574 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4027: A concurrent resolution directing the Legislative Council to study issues related to the Missouri River in North Dakota.

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

Engrossed SCR 4027 was declared adopted on a voice vote and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1101: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 574 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to electronic fund transfer fees and disclosures; and to amend and reenact subsection 7 of section 6-03-02 of the North Dakota Century Code, relating to bank electronic fund transfer fees and disclosures.

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; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1101, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1428, as engrossed: SEN. D. MATHERN (Agriculture Committee) MOVED that the amendments on SJ page 575 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1044: A BILL for an Act to amend and reenact section 4-22-47, subsection 4 of section 6-08-16, subsection 7 of section 6-08-16.2, sections 11-19-05, 11-19-11, 14-03-20, subsection 3 of section 16.1-01-09, sections 16.1-11-10, 16.1-11.1-02, 16.1-12-02.1, 16.1-13-05, 16.1-14-20, 16.1-15-45, 21-01-06, 27-06-07, 29-05-31, 32-09.1-07, subsection 5 of section 32-09.1-09, sections 35-22-07, 37-07-03, 37-08-02, subsection 1 of section 43-25-11, sections 47-16-36, 57-09-06, 57-20-05, 57-24-20, 57-24-24, 57-25-05, 57-27-06, 57-27-07, 57-27-08, 57-27-09, 57-28-05, 57-28-07, 57-28-16, 58-16-03, 60-02-13, 61-05-15, 61-06-10, 61-24-03, 61-24.5-06, and 61-24.5-07 of the North Dakota Century Code, relating to corrections of twentieth century statutory references.

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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1044 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1074: A BILL for an Act to amend and reenact subsection 5 of section 43-29-01.1, subsection 1 of section 43-29-07, subsections 2 and 3 of section 43-29-07.1, and subsection 2 of section 43-29-07.2 of the North Dakota Century Code, relating to examination and licensure of veterinarians and veterinary technicians.

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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1074 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1088: A BILL for an Act to amend and reenact section 43-09-14 of the North Dakota Century Code, relating to the electrician undertaking 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;

Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1088 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1110: A BILL for an Act to amend and reenact subsections 1, 8, and 10 of section 57-40.3-04 of the North Dakota Century Code, relating to motor vehicle excise tax exemptions.

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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1110 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1111: A BILL for an Act to amend and reenact subsection 5 of section 57-40.3-04 of the North Dakota Century Code, relating to the motor vehicle excise tax exemption for transfers of motor vehicles in a business reorganization.

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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1111 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1116: A BILL for an Act to repeal section 54-18-04.2 of the North Dakota Century Code, relating to confidentiality of North Dakota mill and elevator information.

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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger;

Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Naaden; Nelson, C.

HB 1116 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1125: A BILL for an Act to create and enact a new subsection to section 54-06-04 of the North Dakota Century Code, relating to biennial agency reports submitted to the secretary of state; and to amend and reenact subsection 4 of section 54-06-04 of the North Dakota Century Code, relating to biennial reports submitted to the state archivist.

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; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Naaden; Nelson, C.

HB 1125 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1168: A BILL for an Act to create and enact a new section to chapter 21-04 and a new subdivision to subsection 1 of section 41-09-23 of the North Dakota Century Code, relating to letters of credit issued by the Bank of North Dakota and requirements for security interests in collateral given to obtain a letter of credit for a pledge of security on a public deposit; 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 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; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Naaden; Nelson, C.

HB 1168 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact subsection 1 of section 35-13-02, section 35-20-16, subsection 2 of section 35-34-04, subsection 2 of section 35-34-06, subsections 3, 5, and 6 of section 41-09-46, sections 57-38-49, 57-38-50, subsections 3, 4, and 6 of section 57-39.2-13, subsections 3, 4, and 6 of section 57-40.2-16, subsections 2, 3, and 4 of section 57-40.3-07.1, subsections 3, 4, and 6 of section 57-43.1-17.4, subsections 3, 4, and 6 of section 57-43.2-16.3, and subsections 2 and 3 of section 57-51-11 of the North Dakota Century Code, relating to the filings indexed in the central indexing system.

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; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

Engrossed HB 1180 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1215: A BILL for an Act to amend and reenact subsection 1 of section 39-29-01 of the North Dakota Century Code, relating to all-terrain vehicles.

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

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

ABSENT AND NOT VOTING: Naaden; Nelson, C.

HB 1215 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1216: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to low-speed vehicles; to amend and reenact section 57-40.3-01 of the North Dakota Century Code, relating to the motor vehicle excise tax; to provide a penalty; 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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Kinnoin; Solberg

ABSENT AND NOT VOTING: Naaden; Nelson, C.

Engrossed HB 1216 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1222: A BILL for an Act to amend and reenact section 11-11.1-01 of the North Dakota Century Code, relating to elections to discontinue county job development authorities.

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; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1222 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to amend and reenact section 40-23-07 of the North Dakota Century Code, relating to inspection of special assessment property.

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

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

NAYS: Kinnoin; Tomac

ABSENT AND NOT VOTING: Naaden; Nelson, C.

HB 1247 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act to create and enact a new chapter to title 36 of the North Dakota Century Code, relating to farmed elk; to amend and reenact section 19-02.1-21, subsection 3 of section 36-01-00.1, section 36-04-02, subsection 2 of section 36-05-01, subsection 2 of section 36-05.1-01, subsection 1 of section 38-11.1-03, and subsection 1 of section 38-18-05 of the North Dakota Century Code, relating to the inclusion of farmed elk in other provisions regarding livestock; 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, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Flakoll; Solberg

ABSENT AND NOT VOTING: Naaden; Nelson, C.

Engrossed HB 1337 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1363: A BILL for an Act to amend and reenact paragraph 3 of subdivision b of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to inclusion of depreciation expenses from farming activities in net income for purposes of the farm buildings property tax exemption; 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 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; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; 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: Naaden; Nelson, C.

HB 1363 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1459: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to waterfowl hunting by nonresidents.

ROLL CALL

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

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Naaden; Nelson, C.

Engrossed HB 1459 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 57-38-01.20 of the North Dakota Century Code, relating to the income tax credit for expenses of caring for certain family members; 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 44 YEAS, 2 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Stenehjem, B.

ABSENT AND NOT VOTING: Fischer; Naaden; Nelson, C.

HB 1474 passed and the title was agreed to.

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 2046, SB 2076, SB 2097, SB 2135, SB 2150, SB 2156, SB 2194, SB 2241, SB 2251, SB 2263, SB 2286.

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 4002, SCR 4035, SCR 4040, SCR 4041, SCR 4043, SCR 4045, SCR 4046, SCR 4047, SCR 4048, SCR 4049, SCR 4050, SCR 4051.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)
MR. SPEAKER: The Senate has passed unchanged: HB 1050, HB 1053, HB 1076, HB 1078, HB 1085, HB 1098, HB 1107, HB 1113, HB 1114, HB 1117, HB 1181, HB 1201, HB 1208, HB 1271, HB 1318, HB 1343, HB 1351, HCR 3010.

MOTION

SEN. ST. AUBYN MOVED that the absent member 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., Tuesday, March 2, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4052: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4052 was placed on the Sixth order on the calendar.

Page 1, line 2, after "sessions" insert "either annually or"

Page 1, line 16, remove the second "the" and replace "session" with "sessions either annually or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4053: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4053 was placed on the Sixth order on the calendar.

Page 1, line 3, after "Commerce" insert "and urging the Advisory Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet usage and Internet sales transactions on telecommunications, traditional retail businesses, and state and local tax bases"

Page 1, after line 8, insert:

"**WHEREAS**, equal representation for state and local governments is critical to North Dakota and other states because sales taxes have traditionally been a state prerogative and the participation of state and local governments is essential to the validity of recommendations of the Advisory Commission because the enormous growth in Internet usage and Internet sales transactions seriously impacts telecommunications, traditional retail businesses, and state and local tax bases; and"

Page 1, line 22, after "Commerce" insert "and urges the Advisory Commission on Electronic Commerce to be mindful in its deliberations of the impact of Internet usage and Internet sales transactions on telecommunications, traditional retail businesses, and state and local tax bases"

Page 2, line 2, after "Representatives" insert ", to each member of the Advisory Commission on Electronic Commerce"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1119: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1119 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1205: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1205 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1416: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1416 was placed on the Sixth order on the calendar.

Page 1, line 7, overstrike "giving an"

Page 1, line 8, overstrike "audible signal by bell, siren, or exhaust whistle" and remove ", or"

Page 1, line 12, overstrike "such" and insert immediately thereafter "that"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1473, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1473 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3006: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3006 was placed on the Tenth order on the calendar.

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

WILLIAM C. PARKER, Secretary