

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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**Bismarck, March 5, 1999**

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

The prayer was offered by Dr. Richard H. Fettig, Deacon, Cathedral of the Holy Spirit, Bismarck.

The roll was called and all members were present except Senators C. Nelson, St. Aubyn, and W. Stenehjem.

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 4, 1999, I have signed the following: SB 2033, SB 2046, SB 2049, SB 2072, SB 2097, SB 2156, SB 2169, SB 2174, SB 2194, and SB 2211.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

This is to inform you that on March 4, 1999, I have signed the following: SB 2056, SB 2077, SB 2085, SB 2086, SB 2091, and SB 2286.

Also, on March 5, 1999, I have signed the following: SB 2176, SB 2263, SB 2099, SB 2106, SB 2111, SB 2138, SB 2139, SB 2145, SB 2179, SB 2291, SB 2360, SB 2063, and SB 2070.

**MOTION**

**SEN. G. NELSON MOVED** that HB 1045, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**MOTION**

**SEN. G. NELSON MOVED** that after action taken on the Sixth order, HB 1151, HB 1365, and HB 1456 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1151, as engrossed: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ page 614 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1151:** A BILL for an Act to amend and reenact sections 15-20.4-01, 15-20.4-02, 15-20.4-03, 15-20.4-04, 15-20.4-05, 15-20.4-09, 15-20.4-10, 15-20.4-11, 15-20.4-12, 15-20.4-13, and 15-20.4-14 of the North Dakota Century Code, relating to authorization to operate postsecondary educational institutions and approval of agent permits; 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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.; Tallackson

Engrossed HB 1151, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1365: SEN. KELSH (Education Committee) MOVED** that the amendments on SJ page 615 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1365:** A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to notice of rulemaking by the superintendent of public instruction; 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 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; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

HB 1365, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**HB 1456: SEN. WARDNER (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 615-616 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF HOUSE BILL**

**HB 1456:** A BILL for an Act to amend and reenact sections 40-57.1-03, 57-02.2-02, and 57-02.2-03 of the North Dakota Century Code, relating to tax exemptions for new industries and improvements to commercial and residential buildings; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 37 YEAS, 9 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Bowman; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Stenehjem, B.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Christmann; Cook; Freborg; Klein; Lindaas; O'Connell; Solberg; Tomac

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

HB 1456, as amended, passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1138:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of patient records at college and university student health services and university system clinics.

**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; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch;

Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

HB 1138 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1159:** A BILL for an Act to amend and reenact sections 43-13-17 and 43-13-18 of the North Dakota Century Code, relating to licensure of optometrists by examination and endorsement.

#### 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; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

HB 1159 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1186:** A BILL for an Act to amend and reenact sections 15-10-14.1, 15-10-17, and 15-62.3-01 of the North Dakota Century Code, relating to higher education reports, powers and duties of the state board of higher education, and definitions for the tuition assistance grant program; and to repeal sections 15-10-17.1, 15-10-18.1, 15-10-20, 15-10-23, 15-10-25.1, 15-10-34, 15-11-02, 15-11-05, 15-11-07, 15-11-21, 15-11-23, 15-11-24, 15-11-25, 15-11-31, 15-12-05, 15-12-13, 15-12-14, 15-12-15, 15-12-16, 15-12-17, 15-12-19, 15-13-05, 15-13-06, 15-13-07, 15-13-08, 15-13-09, 15-13-10, 15-13-11, and 15-13-12 of the North Dakota Century Code, relating to conduct of students, waiver of tuition for youth correctional center graduates, tuition at model schools, lease of building sites, out-of-state travel, authorization of contingency funds, colleges that may be united with the state university, courses of instruction, persons eligible as students, furnishing of supreme court reports to the law school, location of the university of North Dakota alumni building, control over the alumni building, contract for heat and light at the alumni building, assembly hall at the university, annual faculty report to state board of higher education, economic survey, state director of economic survey, collection of mineral samples, publishing of economic maps, publishing of agricultural experiment station reports, name of economic survey, annual report of normal school president, normal school degrees, separate funds for normal schools, normal schools' students' loan funds, administration of students' loan funds, participation in students' loan funds, rules governing students' loan funds, authorization to pledge rentals from residential units, and a dormitory at Mayville state university.

#### 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; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

Engrossed HB 1186 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1224:** A BILL for an Act to amend and reenact subsection 4 of section 15-47-38 of the North Dakota Century Code, relating to teacher suspensions.

### 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 40 YEAS, 6 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; DeMers; Heitkamp; Kilzer; Schobinger; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

HB 1224 passed and the title was agreed to.

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### SECOND READING OF HOUSE BILL

**HB 1226:** A BILL for an Act to amend and reenact section 46-06-02 of the North Dakota Century Code, relating to qualifications required of an official newspaper.

### 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 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Grindberg; Heitkamp; Kinnoin; Kringstad; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; O'Connell; Robinson; Stenehjem, B.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner

**NAYS:** Andrist; Bercier; Cook; DeMers; Fischer; Flakoll; Freborg; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lyson; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Tomac; Wanzek; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; Stenehjem, W.

Engrossed HB 1226 lost.

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### SECOND READING OF HOUSE BILL

**HB 1312:** A BILL for an Act to amend and reenact section 39-04-19 of the North Dakota Century Code, relating to the registration of motorcycles and trailers.

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

**ABSENT AND NOT VOTING:** Nelson, C.; Stenehjem, W.

HB 1312 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1364:** A BILL for an Act to amend and reenact subsection 11 of section 10-15-05 of the North Dakota Century Code, relating to information required in articles of association of a cooperative association filed with the secretary of state.

**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; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; St. Aubyn; Stenehjem, W.

Engrossed HB 1364 passed and the title was agreed to.

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**SECOND READING OF HOUSE BILL**

**HB 1401:** A BILL for an Act to amend and reenact sections 50-22-01, 50-22-02, 50-22-02.1, 50-22-04, 50-22-04.2, and 50-22-05 of the North Dakota Century Code, relating to charitable solicitations; to repeal section 50-22-03 of the North Dakota Century Code, relating to charitable solicitation license applications; 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 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; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; Stenehjem, W.

HB 1401 passed and the title was agreed to.

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**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3041:** A concurrent resolution urging the Environmental Protection Agency to reduce gasoline sulfur levels to provide the flexibility of a regional approach that will maximize air quality benefits and to propose regulations reducing vehicle admissions in recognition that fuels and vehicles work in tandem and neither fuels nor vehicles can be addressed in isolation.

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

HCR 3041 was declared adopted on a voice vote and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do not concur in the House amendments to SB 2280 as printed on SJ page 604 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 2280: Sens. Watne, Flakoll, C. Nelson.

**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2051 as printed on SJ page 591, which motion prevailed on a voice vote.

SB 2051, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2051:** A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to inclusion of school board and township representatives in negotiations and deliberations on granting property tax exemptions or payments in lieu of taxes for new industries.

**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; 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.; Stenehjem, W.

Engrossed SB 2051 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. URLACHER MOVED** that the Senate do concur in the House amendments to SB 2052 as printed on SJ page 591, which motion prevailed on a voice vote.

SB 2052, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2052:** A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the valuation and assessment of inundated agricultural land for property tax purposes; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 0 NAYS, 0 EXCUSED, 4 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.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem, W.

Engrossed SB 2052 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. LEE MOVED** that the Senate do concur in the House amendments to Engrossed SB 2067 as printed on SJ page 603, which motion prevailed on a voice vote.

Engrossed SB 2067, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to validation of bonds issued by public bodies of the state before July 1, 1999.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem, W.; Thompson

Reengrossed SB 2067 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. MUTCH MOVED** that the Senate do concur in the House amendments to SB 2094 as printed on SJ page 590, which motion prevailed on a voice vote.

SB 2094, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2094:** A BILL for an Act to amend and reenact section 49-21-01.5 of the North Dakota Century Code, relating to access code number usage.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem, W.; Thompson

Engrossed SB 2094 passed and the title was agreed to.

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**CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. KREBSBACH MOVED** that the Senate do concur in the House amendments to SB 2209 as printed on SJ page 591, which motion prevailed on a voice vote.

SB 2209, as amended, was placed on the Eleventh order of business on the calendar.

**SECOND READING OF SENATE BILL**

**SB 2209:** A BILL for an Act to amend and reenact section 54-03.1-02 of the North Dakota Century Code, relating to the date of convening of the organizational session of the legislative assembly.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 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.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem, W.; Thompson

Engrossed SB 2209 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. TRAYNOR MOVED** that the Senate do concur in the House amendments to SB 2092 as printed on SJ page 603, which motion prevailed on a voice vote.

SB 2092, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**SB 2092:** A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Mathern, D.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Lyson; Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem, W.; Thompson

Engrossed SB 2092 passed and the title was agreed to.

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#### **CONSIDERATION OF MESSAGE FROM THE HOUSE**

**SEN. FREBORG MOVED** that the Senate do concur in the House amendments to SB 2143 as printed on SJ page 603, which motion prevailed on a voice vote.

SB 2143, as amended, was placed on the Eleventh order of business on the calendar.

#### **SECOND READING OF SENATE BILL**

**SB 2143:** A BILL for an Act to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to the place of filing certification of inoculation for a child receiving home-based instruction.

#### **ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Mathern, T.; Nelson, C.; Nelson, G.; Redlin; Stenehjem, W.; Thompson

Engrossed SB 2143 passed and the title was agreed to.

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#### **REPORT OF CONFERENCE COMMITTEE**

**SEN. WARDNER MOVED** that the conference committee report on SB 2108 as printed on SJ page 616 be adopted, which motion prevailed, on a voice vote.

SB 2108, as amended, was placed on the Eleventh order.

**SECOND READING OF SENATE BILL**

**SB 2108:** A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to prepayment and direct billing of out-of-state lodging expenses for state officers and employees.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 0 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjelm, B.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Holmberg; Mathern, T.; Nelson, C.; Nelson, G.; Stenehjelm, W.; Thompson

Engrossed SB 2108 passed and the title was agreed to.

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**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 1119, HB 1205, HB 1473, HCR 3006.

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

**MR. SPEAKER:** The President has signed: HB 1119, HB 1205, HB 1473, HCR 3006.

**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 2102, SB 2103, SB 2104, SB 2147, SB 2155.

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

**MR. SPEAKER:** The President has signed: HB 1168.

**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 4022.

**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 2051, SB 2052, SB 2067, SB 2092, SB 2094, SB 2143, SB 2209.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SB 2280 and the President has appointed as a conference committee to act with a like committee from the House on:

**SB 2280:** Sens. Watne; Flakoll; C. Nelson

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1160, HB 1234, HB 1235, HB 1238, HB 1269, HB 1270, HB 1330, HB 1445.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1332.

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

**MR. SPEAKER:** The Senate has adopted the conference committee report and subsequently passed: SB 2108.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2042, SB 2079, SB 2141, SB 2197.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2054, SB 2132, SB 2309, SB 2388, SB 2407.

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

Page 1, line 23, overstrike "For taxable year 1998, total the annual gross returns for the most recent eight"

Page 1, overstrike line 24

Page 2, line 1, overstrike "discard the highest and lowest annual gross returns of the eight."

Page 2, line 11, replace "ten-year" with "seven-year" and replace "1998" with "1995"

Page 2, line 12, replace "eight" with "five" and replace "each year" with "taxable year 1999, the agricultural economics department shall gather the national agricultural statistics service annual index of prices paid by farmers for the nine years ending with the most recent year used under subdivision a, discard the highest and lowest years' indexes, average the remaining seven years' indexes, and divide the resulting amount by the base year index of prices paid by farmers. For taxable year 2000 and thereafter"

Page 2, line 13, remove "after 1998"

Page 2, line 15, remove "most recent" and after "years" insert "ending with the most recent year used under subdivision a"

Renumber accordingly

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

Page 15, line 9, remove "an additional"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2309**

Page 1, line 9, remove "but which must require at least seven hundred fifty hours of"

Page 1, remove lines 10 through 16

Page 1, line 17, remove "five hundred hours of instruction"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2388**

Page 1, line 10, remove "the minor has lived with the petitioner for at least two years,"

Page 1, line 11, after "filed" insert "against the petitioner or any member of the petitioner's household"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2407**

Page 2, line 10, remove "automobile rental companies agency"

Renumber accordingly

**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 2087.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2087**

Page 1, line 4, after "crimes" insert "; and to declare an emergency"

Page 3, after line 2, insert:

**"SECTION 5. EMERGENCY.** Sections 1 and 2 of this Act are declared to be an emergency measure."

Renumber accordingly

**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 2275.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2275**

Page 1, line 13, after "practicum" insert "under the direct supervision of a licensed massage therapist"

Page 1, line 14, after "clinic" insert "under the direct supervision of a licensed massage therapist"

ReNUMBER accordingly

**MOTION**

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

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Seventh, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:15 p.m., Monday, March 8, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1009, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). Engrossed HB 1009 was placed on the Fourteenth on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1065, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1065 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1080, as engrossed: 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). Engrossed HB 1080 was placed on the Sixth order on the calendar.

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

Page 1, line 8, remove "or" and remove "deterrent"

Page 1, line 9, after "events" insert ", or to provide assistance to political entities in search and rescue efforts or to respond to a potential natural or environmental hazard or nuisance"

Page 1, after line 15, insert:

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

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1104: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1126: 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). HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 18, after "signed" insert "or re-signed" and after "public" insert ", in the case of a jurat, or in the case of a certificate of acknowledgment, was not acknowledged in the presence of the notary public"

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1128, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1128 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1132, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1132 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1139: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1139 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1140: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1140 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1163: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1163 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1173: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1173 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1174, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1174 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1248: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1248 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1283: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1283 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1296, as reengrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1296 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1324, as engrossed: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1324 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1325, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1325 was placed on the Sixth order on the calendar.

Page 3, line 10, after the period insert "The office of independent review also shall provide assistance of workers, upon request, in cases of constructive denial or after a vocational consultant's report has been issued."

ReNUMBER accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1327: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1327 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1333, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1333 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1366, as engrossed: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1366 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1411, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1411 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3011: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3011 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HCR 3056: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (4 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HCR 3056 was placed on the Fourteenth order on the calendar.

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

**WILLIAM C. PARKER, Secretary**