

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, March 3, 1999

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

The prayer was offered by Father Wayne Sattler, Cathedral of the Holy Spirit, Bismarck.

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

A quorum was declared by the President.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER**

February 8, 1999

Since the conclusion of the Fifty-fifth Legislative Assembly, I have made the following reappointments to positions that require Senate confirmation.

- Allen C. Hoberg as director of Administrative Hearings, effective July 1, 1997;
- Gary D. Preszler as Banking Commissioner, effective July 1, 1997;
- I also appointed Syver Vinje as Securities Commissioner, effective January 1, 1998. This position also requires Senate confirmation.

I believe it would be appropriate for the Senate to convene confirmation committees and vote to confirm all three of these positions.

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Committee on Committees (Sen. G. Nelson, Chairman)** announces the appointment of Sens. Watne, Traynor, Lyson, Wardner, Tallackson, and Kelsh to the Committee to approve the Director of Administrative Hearings appointee.

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

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Committee on Committees (Sen. G. Nelson, Chairman)** announces the appointment of Sens. Klein, Krebsbach, Sand, Schobinger, D. Mathern, and Mutzenberger to the Committee to approve the Banking Commissioner and Securities Commissioner appointees.

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

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate resolve itself into a Confirmation Session, which motion prevailed.

**REPORT OF SELECT COMMITTEE**

**MADAM PRESIDENT:** Your **Select Committee (Sen. G. Nelson, Chairman)** appointed to consider the nomination for the State Board of Higher Education, do advise and consent to the nomination of John T. Korsmo.

**SEN. G. NELSON MOVED** that the report be adopted.

**ROLL CALL**

The question being "will the Senate advise and consent to the nomination of John T. Korsmo for the State Board of Higher Education", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

The Senate advises and consents to the nomination of John T. Korsmo for the State Board of Higher Education.

#### MOTION

**SEN. ST. AUBYN MOVED** that the Confirmation Session be dissolved, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that SCR 4022, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

#### MOTION

**SEN. ST. AUBYN MOVED** that after action taken on the Sixth order, SCR 4010 be placed on the Eleventh order, as amended, for immediate second reading and final passage, and HB 1077, HB 1122, HB 1143, HB 1188, and HB 1349 be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

**SCR 4010: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ pages 591 and 592 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

**SCR 4010:** A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to authorizing the legislative assembly to provide that public moneys may be paid over to certain entities if the legislative assembly provides for regular audits and reports.

#### ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** DeMers; Kelsh; Mathern, T.; Mutzenberger

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed SCR 4010 was declared adopted and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1077: SEN. TRAYNOR (Judiciary Committee) MOVED** that the amendments on SJ page 592 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1077:** A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to recognition and enforcement of foreign domestic violence protection orders; to amend and reenact section 14-07.1-06 of the North Dakota Century Code, relating to violations of protection orders; and to provide a penalty.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

HB 1077, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1122, as engrossed: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 592 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1122:** A BILL for an Act to amend and reenact sections 54-44.8-01, 54-44.8-03, and 54-44.8-06 of the North Dakota Century Code, relating to administration of the program for telecommunications services for communications impaired persons.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed HB 1122, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1143, as engrossed: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ page 593 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1143:** A BILL for an Act to provide for patient copies of medical records.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed HB 1143, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1188, as engrossed: SEN. WANZEK (Education Committee) MOVED** that the amendments on SJ page 593 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1188:** A BILL for an Act to amend and reenact subsection 6 of section 15-19-01, sections 15-19-04, 15-21-01, 15-21-18, 15-22-02, subsections 3 and 4 of section 15-27.6-13, subsections 1 and 2 of section 15-27.6-14, subsection 10 of section 15-29-08, subsection 1 of section 15-34.1-03, subsection 2 of section 15-34.1-06, sections 15-34.1-07, 15-34.1-08, 15-34.1-09, subdivision c of subsection 3 of section 15-34.1-12, subsection 1 of section 15-34.1-12.1, sections 15-36-01, 15-36-01.1, 15-36-08,

15-36-11, 15-36-12, 15-36-14.1, 15-36-15, 15-36-16, 15-36-17, 15-36-18, 15-37-01, 15-38-16, 15-38-17, 15-38-18, 15-38-18.2, subsection 6 of section 15-38.1-02, subsection 11 of section 15-39.1-04, subsection 5 of section 15-40.1-07, section 15-40.1-08, subdivision b of subsection 2 of section 15-40.2-08, section 15-41-25, subsections 2 and 3 of section 15-41-27, subsection 1 of section 15-45-02, subsection 1 of section 15-47-27.2, sections 15-47-28 and 15-47-30, subsection 12 of section 15-47-38.2, sections 15-47-42 and 15-47-46, subsection 14 of section 54-44.3-20, and subsection 4 of section 54-52-01 of the North Dakota Century Code, or in the alternative to amend and reenact sections 15.1-01-02, 15.1-02-01, 15.1-06-07, and 15.1-11-01 of the North Dakota Century Code, relating to joint meetings involving the education standards and practices board and changing references from teachers' certificates to teachers' licenses.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nothing; 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:** Nelson, C.

Engrossed HB 1188, as amended, passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**HB 1349: SEN. FLAKOLL (Education Committee) MOVED** that the amendments on SJ pages 593 and 594 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

#### SECOND READING OF HOUSE BILL

**HB 1349:** A BILL for an Act to amend and reenact section 15-47-44.1 of the North Dakota Century Code, or in the alternative to amend and reenact section 15.1-19-11 of the North Dakota Century Code, relating to school safety patrols.

#### 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.; Nothing; 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:** Nelson, C.; Tallackson

HB 1349, as amended, passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1064:** A BILL for an Act to amend and reenact sections 15-34.1-12 and 15-34.1-12.1 of the North Dakota Century Code, relating to the provision of home education to developmentally disabled children with autism.

#### 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed HB 1064 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1124:** A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to name rotation on ballots; and to repeal section 16.1-11-28 of the North Dakota Century Code, relating to piling, cutting, and blocking ballots.

#### 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 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bercier; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

**ABSENT AND NOT VOTING:** Nelson, C.

HB 1124 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1179:** A BILL for an Act to create and enact chapter 35-35 of the North Dakota Century Code, relating to the filing of nonconsensual common-law liens; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed HB 1179 passed and the title was agreed to.

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#### SECOND READING OF HOUSE BILL

**HB 1435:** A BILL for an Act to amend and reenact subsection 1 of section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments on behalf of children placed for purposes other than education.

#### 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 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**NAYS:** 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.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

HB 1435 lost.

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**SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR**

**HB 1127:** A BILL for an Act to amend and reenact section 16.1-07-12.1 of the North Dakota Century Code, relating to absentee ballot precincts.

**HB 1285:** A BILL for an Act to amend and reenact subsection 3 of section 16.1-03-03 of the North Dakota Century Code, relating to political party election of precinct committeemen.

**ROLL CALL**

The question being on the final passage of the bills, which have been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Nelson, C.

Engrossed HB 1127 and HB 1285 passed on a recorded roll call vote, and the titles were agreed to.

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**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 2089.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2089.

**DELIVERY OF ENROLLED BILLS AND RESOLUTIONS**

The following bill was delivered to the Governor for his approval at the hour of 12:51 p.m., March 3, 1999: SB 2089.

**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 4053.

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

**MR. SPEAKER:** The Senate has amended and subsequently passed: HB 1416.

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

**MR. SPEAKER:** The Senate has passed unchanged: 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 2063, SB 2070, SB 2110, SB 2130, SB 2131, SB 2146, SB 2157, SB 2178, SB 2190, SB 2231, SB 2292.

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

**MADAM PRESIDENT:** The Speaker has signed: SB 2056, SB 2077, SB 2085, SB 2086, SB 2091, SB 2099, SB 2100, SB 2106, SB 2111, SB 2138, SB 2139, SB 2145, SB 2179, SB 2272, SB 2291, SB 2360, SCR 4001.

**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 1044, HB 1050, HB 1053, HB 1074, HB 1076, HB 1078, HB 1085, HB 1088, HB 1098, HB 1107, HB 1110, HB 1111, HB 1113, HB 1114, HB 1116, HB 1117, HB 1125, HB 1180, HB 1181, HB 1201, HB 1208, HB 1215, HB 1216, HB 1222, HB 1247, HB 1271, HB 1318, HB 1337, HB 1343, HB 1351, HB 1363, HB 1459, HB 1474, HCR 3010.

**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 3057, HCR 3061.

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

**MADAM PRESIDENT:** The House has passed unchanged: SB 2102, SB 2103, SB 2104, SB 2147, SB 2155.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2067, SB 2092, SB 2136, SB 2143, SB 2198, SB 2229, SB 2270, SB 2280, SB 2326.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2067**

Page 1, line 2, replace "; and to" with a period

Page 1, remove line 3

Page 1, line 7, remove " - **Legislative council study**"

Page 1, line 9, remove ". During the interim between regular sessions of the legislative "

Page 1, remove line 10

Page 1, line 11, remove "bond issues"

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2092**

Page 1, line 16, after "of" insert "the" and after "gas" insert "division"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2136**

Page 1, line 13, remove "However, the Bank of North Dakota shall send notice of the proposed sale or"

Page 1, remove lines 14 and 15

Page 1, line 16, remove "documents."

Re-number accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2143**

Page 1, line 16, replace "local" with "public" and after "district" insert "in which the child resides"

Re-number accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2198**

Page 1, line 1, replace "section" with "sections 40-05.1-05 and"

Page 1, line 2, after "the" insert "filing of copies of a new home rule charter and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Section 40-05.1-05 of the North Dakota Century Code is amended and reenacted as follows:

**40-05.1-05. Ratification by majority vote - Supersession of existing charter and state laws in conflict therewith - Filing of copies of new charter.** If a majority of the qualified voters voting on the charter at the election ~~shall~~ vote in favor of the home rule charter ~~it shall be deemed to be,~~ the charter is ratified and ~~shall become~~ is the organic law of ~~such~~ the city, and ~~extend~~ extends to all its local and city matters. ~~Such~~ The charter and the ordinances made pursuant ~~thereto~~ to the charter in such

matters shall supersede within the territorial limits and other jurisdiction of the city any law of the state in conflict therewith with the charter and ordinances, and shall must be liberally construed for such purposes. One copy of the charter so ratified and approved shall must be filed with the secretary of state, ~~one with the clerk of district court for the county in which the city is located,~~ and one with the auditor of the city to remain as a part of its permanent records. Thereupon the courts shall take judicial notice of the new charter."

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2229**

Page 2, line 5, overstrike "registered" and remove the overstrike over "eertified"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2270**

Page 1, line 7, after "beef" insert ", lamb,"

Renumber accordingly

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2280**

Page 2, line 6, after "6-" insert "5." and remove the overstrike over "~~Continue an abstract of title to real property prepared by the register of deeds~~"

Page 2, remove the overstrike over lines 7 and 8

Page 2, line 16, replace "5" with "6"

Renumber accordingly

**HOUSE AMENDMENTS TO SENATE BILL NO. 2326**

Page 1, line 17, after "its" insert "authorized"

Renumber accordingly

**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., Thursday, March 4, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**HB 1144: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1160: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1160 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1234: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1234 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1235: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1235 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1238: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1238 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1269, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1269 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1270, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1270 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1330, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1330 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1332, 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 1332 was placed on the Sixth order on the calendar.

Page 11, line 25, replace "Sections 1," with "The change in subdivision a of subsection 5 of section 1 of this Act dealing with calculation of disability benefits for seasonal employment for up to the first twenty-eight consecutive days of disability is effective for all claims filed for injuries occurring after July 31, 1999. The remainder of section 1 and sections" and remove the second comma

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1383, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, 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 1383 was placed on the Sixth order on the calendar.

Page 2, line 18, remove "The commissioner of the"

Page 2, remove lines 19 through 22

Page 2, line 29, remove ", the commissioner of the"

Page 2, line 30, remove "department of banking and financial institutions."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1418: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1418 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**HB 1445, as engrossed: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1445 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3057:** A concurrent resolution directing the Legislative Council to study the cost effectiveness of the tax offset program of the Department of Human Services' food stamp benefit recovery effort and to study and monitor North Dakota's welfare reform implementation efforts and the effectiveness of welfare reform.

Was read the first time and referred to the **Human Services Committee**.

**HCR 3061:** A concurrent resolution directing the Legislative Council to study taxes imposed by state and local governments and the tax structure and balance among the various tax systems in North Dakota to provide a more equitable distribution of tax burdens.

Was read the first time and referred to the **Finance and Taxation Committee**.

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

**WILLIAM C. PARKER, Secretary**