

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 21, 1997

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

The prayer was offered by Pastor James Baneck, Messiah Lutheran Church, Mandan.

The roll was called and all members were present except Senators Bowman, Fischer, Holmberg, Lindaas, and Thane.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your **Committee on Correction and Revision of the Journal (Sen. Sand, Chairman)** has carefully examined the Journals of the First, Third, and Eleventh Days and recommends that they be corrected as follows and when so corrected, recommends that they be approved:

Page 34, line 6, replace "Reps." with "Sens. Tomac, G. Nelson, and Reps."

Page 50, line 37, replace "Reps." with " Sens. C. Nelson, Krebsbach, and Reps."

Page 117, line 5, after "Krebsbach" insert ", Wogsland"

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

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1056, HB 1057, HB 1059, HB 1088, HB 1108, HB 1121, HB 1126, HB 1131, HB 1133.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2033, SB 2056, SB 2072, SB 2101, SB 2114, SB 2126, SB 2130, SB 2143, SCR 4007.

CONSIDERATION OF AMENDMENTS

SB 2034: SEN. KREBSBACH (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 107 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2036: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 107 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2037: SEN. WOGSLAND (Transportation Committee) MOVED that the amendments on SJ pages 107-108 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2102: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 108 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Naaden, B. Stenehjem, Kringstad, Kelsh, O'Connell and Rep. R. Kelsch introduced:

SCR 4013: A concurrent resolution designating Senate and House employment positions and fixing compensation.

Was read the first time.

MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4013 not be printed, not be referred to committee, not be read in its entirety, be printed in the Journal, be placed on the calendar for immediate second reading and final passage, and be messaged to the House immediately, which motion prevailed.

Sens. Naaden, B. Stenehjem, Kringstad, Kelsh, O'Connell and Rep. R. Kelsch introduced:

SENATE CONCURRENT RESOLUTION NO. 4013

A concurrent resolution designating Senate and House employment positions and fixing compensation.

BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That for the Fifty-fifth Legislative Assembly, the following positions are designated as employee positions of the Senate and House and are to be paid the wages indicated:

SENATE	
Secretary of the Senate	\$95.00
Assistant secretary of the Senate	80.00
Desk reporter	89.00
Bill clerk	74.00
Sergeant-at-arms	74.00
Secretary to majority leader	80.00
Staff assistant to majority leader	74.00
Secretary to minority leader	80.00
Staff assistant to minority leader	74.00
Chief committee clerk	78.00
Appropriations Committee clerk	78.00
Assistant Appropriations Committee clerk	74.00
Committee clerk for three-day committee	74.00
Committee clerk for two-day committee	70.00
Assistant committee clerk	62.00
Deputy sergeant-at-arms	62.00
Chief page and bill book clerk	68.00
Calendar clerk	74.00
Legislative assistant	58.00
HOUSE	
Chief Clerk	\$95.00
Assistant chief clerk	80.00
Desk reporter	89.00
Sergeant-at-arms	74.00
Bill clerk	74.00
Secretary to majority leader	80.00
Staff assistant to majority leader	74.00
Secretary to minority leader	80.00
Staff assistant to minority leader	74.00
Secretary to Speaker	74.00
Chief committee clerk	78.00
Appropriations Committee clerk	78.00
Assistant Appropriations Committee clerk	74.00
Committee clerk for three-day committee	74.00
Committee clerk for two-day committee	70.00
Assistant committee clerk	62.00
Payroll clerk	70.00
Deputy sergeant-at-arms	62.00
Chief page and bill book clerk	68.00
Calendar clerk	74.00
Chief telephone attendant	68.00
Legislative assistant	58.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-fifth Legislative Assembly is entitled to an additional \$1 per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least 45 days, as either an employee of the Senate or the House, and to receive this additional compensation, which may not exceed \$10 per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that each majority leader and each minority leader is entitled to two staff assistants, but each majority or minority leader may hire fewer or more

assistants so long as the total daily compensation for the assistants hired does not exceed the total daily amount authorized for those positions by this resolution; and

BE IT FURTHER RESOLVED, that the report of the Employment Committee of the respective house identify the number of employees in each position by listing every employee and the position for which employed; and

BE IT FURTHER RESOLVED, that with the approval of the Employment Committee of the respective house, a position may be converted to a part-time position, with the daily compensation converted to a per hour rate of pay; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution designating Senate and House employment positions and fixing compensation.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

SCR 4013 was declared adopted on a recorded roll call vote.

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 4013.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to amend and reenact sections 4-05.1-01, 4-05.1-03, 4-05.1-04, 4-05.1-05, 4-05.1-06, 4-05.1-07, 4-05.1-08, 4-05.1-09, 4-05.1-10, 4-05.1-11, 4-05.1-12, and 4-05.1-15 of the North Dakota Century Code, relating to the agricultural experiment station; and to repeal sections 4-05.1-07.1 and 4-05.1-13 of the North Dakota Century Code, relating to grant funds of the Williston research center and the board of visitors of the north central research center.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

Engrossed SB 2025 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to provide for registration of certain home service providers; and to provide a penalty.

MOTION

SEN. G. NELSON MOVED that SB 2027 be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, Engrossed SB 2027 was rereferred.

SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act to amend and reenact section 64-02-10 of the North Dakota Century Code, relating to fees collected by the public service commission for testing or calibrating weighing and measuring devices.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

Engrossed SB 2039 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2040: A BILL for an Act to amend and reenact section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 6 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Andrist; Klein; Mutch; Naaden; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Nething; Thane

Engrossed SB 2040 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2046: A BILL for an Act to amend and reenact subsection 4 of section 10-19.1-129, sections 11-04-01, 11-18-14, subsection 1 of section 14-07.3-01, subsection 4 of section 15-27.6-13, subsection 10 of section 15-29-08, section 15-37-01, subsection 1 of section 15-45-02, subsection 1 of section 15-47-27.2, sections 15-47-46, 16.1-16-02, subsection 5 of section 20.1-03-04, section 23-01-03, subsection 4 of section 23-03-07, section 24-01-13, subsection 13 of section 25-01.3-06, subsection 6 of section 26.1-08-01, section 26.1-41-07, subsection 4 of section 26.1-47-01, section 26.1-48-02, subsection 3 of section 27-01-10, section 28-20.1-02, subsection 1 of section 28-20.1-03, subdivision q of subsection 1 of section 28-32-01, subsection 7 of section 30.1-10-03, section 35-21-01, subsection 6 of section 37-27-01, subsection 5 of section 38-08-04, subsection 3 of section 39-04-19, subsection 9 of section 41-09-28, sections 42-03-01, 42-03-03, subsection 1 of section 45-22-03, section 46-05-01, subsection 2 of

section 47-02-27.5, section 50-06-01.8, subdivision a of subsection 4 of section 54-52-17, and section 54-56-01 of the North Dakota Century Code, relating to technical corrections and improper, inaccurate, redundant, missing, or obsolete references; and to repeal sections 29-01-32, 32-03-19, and 32-03-26 of the North Dakota Century Code, relating to obsolete provisions relating to damages for breach of promise to marry and seduction.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Mutch; Nothing; Thane

Engrossed SB 2046 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2080: A BILL for an Act to amend and reenact section 61-16.1-38 of the North Dakota Century Code, relating to issuing temporary permits for dikes, dams, or other devices in cases of emergency.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Nothing; Thane

Engrossed SB 2080 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact section 40-21-08 of the North Dakota Century Code, relating to the arrangement of candidate names on city ballots.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

Engrossed SB 2092 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2093: A BILL for an Act to amend and reenact section 16.1-11-21, subsection 1 of section 16.1-11-27, and section 16.1-13-05 of the North Dakota Century Code, relating to the publication of sample ballots and the names of candidates on sample ballots being arranged alphabetically.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

Engrossed SB 2093 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2099: A BILL for an Act to create and enact chapter 41-08 and two new sections to chapter 41-09 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 8 pertaining to investment securities, investment property, and security interests arising in purchase or delivery of financial assets; to amend and reenact subsection 1 of section 10-19.1-67, subsection 3 of section 10-32-28, subdivision e of subsection 2 of section 41-01-05, subsection 2 of section 41-01-16, subdivision f of subsection 1 of section 41-04-04, subsection 2 of section 41-05-14, subsection 6 of section 41-09-03, sections 41-09-05, 41-09-06, subsections 1 and 4 of section 41-09-16, subdivision d of subsection 1 of section 41-09-22, subsection 1 of section 41-09-23, subsection 1 of section 41-09-24, sections 41-09-25, 41-09-26, subsections 1 and 3 of section 41-09-27, section 41-09-30, and subsections 1 and 7 of section 41-09-33 of the North Dakota Century Code, relating to adoption of revised article 8; and to repeal chapter 10-18.1 and the present chapter 41-08 of the North Dakota Century Code, relating to the Uniform Act for the Simplification of Fiduciary Security Transfers and investment securities.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane

Engrossed SB 2099 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to amend and reenact sections 12-59-02, 12-59-04, 12-59-05, 12-59-07, 12-59-08, 12-59-09, 12-59-10, 12-59-15, and subsections 1 and 2 of section 12.1-33-02.1, relating to parole proceedings, records, requirements, and violations; and to repeal section 12-59-16, relating to execution of an order for recommitment of a prisoner.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane; Wogsland

Engrossed SB 2128 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2098: A BILL for an Act to create and enact chapter 41-05 and a new subsection to section 41-09-04 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 5 pertaining to letters of credit; to amend and reenact subsection 2 of section 41-01-05, subsection 1 of section 41-02-60, subsection 1 of section 41-09-03, subsection 3 of section 41-09-05, section 41-09-06, and section 41-09-25 of the North Dakota Century Code, relating to adoption of the revised article 5; and to repeal the present chapter 41-05 of the North Dakota Century Code, relating to the Uniform Commercial Code revised article 5 pertaining to letters of credit.

ROLL CALL

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

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane; Wogsland; Yockim

SB 2098 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to the power of a state-chartered bank to pledge securities for the repayment of deposits by federally recognized Indian tribes.

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 42 YEAS, 0 NAYS, 0 EXCUSED, 7 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Christmann; Cook; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bowman; Fischer; Holmberg; Lindaas; Thane; Wogsland; Yockim

SB 2146 passed and the title was agreed to.

REQUEST

SEN. GOETZ REQUESTED that the Journal reflect that Senators Holmberg, Thane, and Lindaas are absent because they are attending the Presidential Inauguration representing the North Dakota Senate, which request was granted.

MOTION

SEN. GOETZ MOVED that SB 2298 be returned to the Senate floor from the **Political Subdivisions Committee** and be rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2298 was rereferred.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 22, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2108: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Sixth order on the calendar.

Page 1, line 1, after "sections" insert "12-47-01, 12-47-02", remove the second "and", and after "12-48-15" insert ", and subsection 2 of section 29-27-07"

Page 1, line 2, after "to" insert "penitentiary facilities and to"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 12-47-01 of the North Dakota Century Code is amended and reenacted as follows:

12-47-01. Penitentiary - Location - Purpose. The penitentiary located at the city of Bismarck in the county of Burleigh ~~shall be~~ is the general penitentiary and prison of this state for the punishment and reformation of offenders against the laws of this state in which all offenders who are sentenced to imprisonment therein ~~shall~~ must be confined securely and employed and governed in the manner provided by law. The director of the department of corrections and rehabilitation may establish affiliated facilities at other locations throughout the state within the limits of legislative appropriations.

SECTION 2. AMENDMENT. Section 12-47-02 of the North Dakota Century Code is amended and reenacted as follows:

12-47-02. ~~Within jurisdiction of Burleigh County~~ Jurisdiction over penitentiary and affiliated facilities. The penitentiary and the grounds and premises thereof, for the purpose of all judicial proceedings, ~~shall be deemed to be~~ is within and a part of the county of Burleigh, and the courts of ~~said that~~ that county ~~shall~~ shall have jurisdiction of all crimes or public offenses committed within the ~~same~~ penitentiary. The jurisdiction of a crime or public offense committed within an affiliated facility of the penitentiary is in the county where the affiliated facility is located."

Page 1, line 8, overstrike "state"

Page 1, line 14, after the first "the" insert "public, the" and after "offender" insert an underscored comma

Page 5, after line 18, insert:

"SECTION 7. AMENDMENT. Subsection 2 of section 29-27-07 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

2. After assuming custody of the convicted person, the department of corrections and rehabilitation may transfer the inmate from one correctional facility to another for the purposes of ~~diagnosis and study, treatment, and rehabilitation, as best fits the needs of the inmate and for the protection and welfare of the community and the inmate safety, security, discipline, medical care, or if the department determines it is in the best interest of the public, the inmate, or the department.~~ diagnosis and study, treatment, and rehabilitation, as best fits the needs of the inmate and for the protection and welfare of the community and the inmate safety, security, discipline, medical care, or if the department determines it is in the best interest of the public, the inmate, or the department."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2125: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2125 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and"

Page 1, line 5, after "application" insert "; and to declare an emergency"

Page 2, line 26, remove the overstrike over the comma and insert immediately thereafter "or who attains retirement age for social security retirement benefits unless the employee proves the employee is not eligible to receive social security retirement benefits or other benefits in lieu of social security retirement benefits"

Page 3, line 6, remove "retirement benefits", overstrike the first comma and insert immediately thereafter "retirement benefits or who attains retirement age for social security retirement benefits unless the employee is not eligible to receive social security retirement benefits or other benefits in lieu of social security retirement benefits and", and overstrike the second comma

Page 3, line 9, after "65-05-09.2" insert ", for injuries occurring after the effective date for this Act"

Page 3, line 12, after "benefits" insert ", or who attain retirement age for social security retirement benefits unless the employee proves the employee is not eligible to receive social security retirement benefits or other benefits in lieu of social security retirement benefits,"

Page 3, line 13, replace "Section 1 of this" with "This"

Page 3, after line 14, insert:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2142: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2142 was placed on the Sixth order on the calendar.

Page 5, line 9, after "instrument" insert "or certificate of deposit"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2157: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 3, line 6, overstrike "association" and insert immediately thereafter "administration"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2158: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2165: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2169: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2176: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1114 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1124, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1124 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Watne, DeMers, Yockim and Reps. Oban, Wentz introduced:

SB 2308: A BILL for an Act relating to the pricing of drugs by manufacturers and sellers; and to provide a penalty.

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

Sens. Yockim, Nething, Traynor and Reps. Byerly, Martinson, Wald introduced:

SB 2309: A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests.

Was read the first time and referred to the **Natural Resources Committee**.

FIRST READING OF HOUSE BILLS

HB 1056: A BILL for an Act to repeal sections 20.1-02-18.4, 20.1-02-18.5, and 20.1-02-18.6 of the North Dakota Century Code, relating to the wetlands mediation advisory board.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1057: A BILL for an Act to amend and reenact section 24-02-01.1 of the North Dakota Century Code, relating to the state outdoor recreation interagency council; and to repeal section 55-08-02.1 of the North Dakota Century Code, relating to the state outdoor recreation interagency council.

Was read the first time and referred to the **Natural Resources Committee**.

HB 1059: A BILL for an Act to amend and reenact sections 4-13.2-03 and 19-07-02 of the North Dakota Century Code, relating to the poultry advisory board; and to repeal section 4-13.2-04 of the North Dakota Century Code, relating to the poultry advisory board.

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

HB 1088: A BILL for an Act to amend and reenact section 4-22-22 of the North Dakota Century Code, relating to the compensation of soil conservation district supervisors.

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

HB 1108: A BILL for an Act to amend and reenact subsection 1 of section 39-06-42 of the North Dakota Century Code, relating to the suspension or revocation of an operator's license; and to provide a penalty.

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

HB 1121: A BILL for an Act to amend and reenact section 36-15-02 of the North Dakota Century Code, relating to the destruction of diseased animals.

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

HB 1126: A BILL for an Act to amend and reenact section 54-27-24 of the North Dakota Century Code, relating to paying refunds from the general fund.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

HB 1131: A BILL for an Act to amend and reenact section 15-27.1-11, subsection 1 of section 15-40.2-01, sections 15-40.2-09, and 15-40.2-10 of the North Dakota Century Code, relating to attendance of students in out-of-state schools.

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

HB 1133: A BILL for an Act to amend and reenact section 54-17.5-03 of the North Dakota Century Code, relating to evaluating applications for funding from the lignite research fund.

Was read the first time and referred to the **Natural Resources Committee**.

The Senate stood adjourned pursuant to Senator Goetz's motion.

William C. Parker, Secretary