

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

\* \* \* \* \*

Bismarck, March 4, 1997

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

The prayer was offered by Rev. Lionel Muthiah, United Methodist, Mandan.

The roll was called and all members were present.

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 Journal of the Thirty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 627, line 48, remove "**NOT**"

**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: HCR 3036, HCR 3044, HCR 3046, HCR 3049, HCR 3052.

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

**MADAM PRESIDENT:** The House has failed to pass: SB 2082.

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

**MADAM PRESIDENT:** The House has amended and subsequently passed: SB 2195.

**HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2195**

Page 1, line 8, after "body" insert ", or for any combination of those purposes."

Renumber accordingly

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

**MADAM PRESIDENT:** The Speaker has signed and your signature is respectfully requested on: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

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

**MR. SPEAKER:** The Senate does not concur in the House amendments to SCR 4010 and the President has appointed as a conference committee to act with a like committee from the House on:

**SCR 4010:** Sens. Grindberg; Cook; O'Connell

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

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SCR 4026, SCR 4042, SCR 4043, SCR 4044, SCR 4052.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1005, HB 1056, HB 1094, HB 1118, HB 1133, HB 1254, HB 1281.

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

**MR. SPEAKER:** The Senate has failed to pass: HB 1082.

**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 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

**MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)**  
**MR. SPEAKER:** The President has signed: HB 1088, HB 1121, HB 1125, HB 1127, HB 1155, HB 1171, HB 1175, HB 1211, HB 1230, HB 1232, HB 1239, HB 1298, HCR 3008.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The Speaker has signed: SB 2090, SB 2092, SB 2130, SB 2155, SB 2156, SB 2170, SB 2190, SB 2303, SB 2398.

**MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)**  
**MADAM PRESIDENT:** The House has passed unchanged: SB 2024, SB 2025, SB 2035, SB 2048, SB 2049, SB 2069, SB 2075, SB 2079, SB 2164, SCR 4004, SCR 4009, SCR 4017, SCR 4023.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

February 14, 1997

Pursuant to NDCC 15-10-05, I am hereby nominating Craig Caspers, of Wahpeton, North Dakota, to serve on the State Board of Higher Education, succeeding Patricia Hill, whose term expires June 30, 1997.

Mr. Caspers' name was submitted in accordance with NDCC 15-10-02. He is a graduate of North Dakota State College of Science and meets the requirements of NDCC Chapter 15-10. Therefore, I ask the Senate to consider confirming Craig Caspers for this position.

I would appreciate the Senate confirming this nomination prior to its adjournment. Thank you for your consideration.

**COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER**

March 3, 1997

Pursuant to NDCC 15-10-05, and Article VIII, Section 6, of the North Dakota Constitution, I am hereby nominating Beverly Clayburgh of Grand Forks, North Dakota, to serve on the State Board of Higher Education, for the remainder of the seven year term, succeeding Allan Braaten, whose term expired June 30, 1996.

This term was vacated by the Constitution, when her prior appointment was not confirmed within the first 30 legislative days of the session.

Mrs. Clayburgh's name was submitted pursuant to North Dakota Law. She is not a graduate of any North Dakota institution of higher education and meets the requirements of NDCC Chapter 15-10. Therefore, I ask the Senate to consider confirming Beverly Clayburgh for this position.

In accordance with the State Constitution, I respectfully request the Senate confirm the nomination prior to its adjournment.

Thank you for your consideration.

**ANNOUNCEMENT**

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

**CONSIDERATION OF AMENDMENTS**

**HB 1033, as engrossed: SEN. LEE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 636 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1240: SEN. WATNE (Political Subdivisions Committee) MOVED** that the amendments on SJ page 637 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**HB 1441: SEN. BERG (Political Subdivisions Committee) MOVED** that the amendments on SJ page 637 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4018:** A concurrent resolution for the amendment of section 3 of article VI of the Constitution of North Dakota, relating to rulemaking authority of the supreme court regarding reciprocal discovery.

**ROLL CALL**

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Christmann; Cook; Freborg; Kelsh; Kinnoin; Klein; Krebsbach; Mutch; Nalewaja; Nething; Schobinger; Solberg; Tomac; Watne

**NAYS:** Berg; Bowman; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Wanzek

**SEN. WANZEK STATED** that it was his intention to vote NAY on SCR 4018, so the final vote was 15 YEAS, 34 NAYS, 0 Excused, 0 ABSENT AND NOT VOTING.

SCR 4018 was declared lost.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1195:** A BILL for an Act to amend and reenact subsections 5 and 6 of section 12.1-32-01, subsection 1 of section 27-09.1-07, sections 40-05-06, and 40-18-14 of the North Dakota Century Code, relating to misdemeanor monetary penalties.

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

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

**NAYS:** Krauter; Mathern; Schobinger; Stenehjem, B.

HB 1195, as amended, passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1288:** A BILL for an Act to amend and reenact section 57-14-08 of the North Dakota Century Code, relating to property reassessments.

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

**NAYS:** Yockim

HB 1288 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1309:** A BILL for an Act to amend and reenact section 49-10.1-05 of the North Dakota Century Code, relating to the authority, jurisdiction, and powers of railroad police.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1309 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1390:** A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to appraisals of real estate that is collateral for a loan by state-chartered banks.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1390 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1420:** A BILL for an Act to amend and reenact subsection 1 of section 11-17-04 and section 14-03-22 of the North Dakota Century Code, relating to the fee for filing, depositing, or registering certain documents with the clerk of court and for performing marriage ceremonies.

**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 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutzenberger; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Traynor; Urlacher; Wanzek; Watne

**NAYS:** Bowman; DeMers; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutch; Nelson, C.; O'Connell; Redlin; Sand; Schobinger; Stenehjem, W.; Thane; Thompson; Tomac; Wogsland; Yockim

Engrossed HB 1420 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1421:** A BILL for an Act to amend and reenact section 48-02-06.2 of the North Dakota Century Code, relating to bonds required of contractors for certain public improvement contracts; and to declare an emergency.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1421 passed, the title was agreed to, and the emergency clause was declared carried.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1451:** A BILL for an Act to amend and reenact section 53-02-08 of the North Dakota Century Code, relating to public dances, music festivals, or public concerts.

#### 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1451 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**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.

#### ROLL CALL

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

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**NAYS:** Kelsh; Mutzenberger; O'Connell; Redlin; Thompson

HB 1057 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE BILL

**HB 1073:** A BILL for an Act relating to establishing a water supply for eastern North Dakota as a critical priority.

#### 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; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Freborg

HB 1073 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1110:** A BILL for an Act to amend and reenact section 54-10-14 of the North Dakota Century Code, relating to audits of public and nonprofit entities by the state auditor.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1110 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1235:** A BILL for an Act to amend and reenact sections 54-09-02 and 54-09-04 of the North Dakota Century Code, relating to the duties of and fees charged by 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1235 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1280:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to the property tax exemption for farm residences and buildings; and to provide an effective date.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Berg; Lee; Nelson, C.

HB 1280 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF HOUSE BILL**

**HB 1341:** A BILL for an Act to amend and reenact section 57-15-01.1 of the North Dakota Century Code, relating to establishing values for property exempt from property taxes.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; 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; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1341 passed and the title was agreed to.

\*\*\*\*\*

**SECOND READING OF SENATE CONCURRENT RESOLUTIONS  
AND HOUSE CONCURRENT RESOLUTION ON CONSENT CALENDAR**

**SCR 4046:** A concurrent resolution directing the Legislative Council to study the role of the State Board for Vocational and Technical Education in work force training and retraining, to determine whether the current organizational structure of the board is adequate to ensure continued leadership in readying the state's citizens for a globally competitive marketplace, and to determine the adequacy of funding for the board and for vocational and technical education in this state.

**SCR 4047:** A concurrent resolution directing the Legislative Council to study the short-term and long-term impact of federal education legislation, and other direct and indirect mandates from whatever sources, on the educational goals and fiscal well-being of school districts.

**SCR 4050:** A concurrent resolution directing the Legislative Council to study taxation and regulatory incentives for the lignite industry in order to improve its competitive position in the energy marketplace.

**SCR 4051:** A concurrent resolution directing the Legislative Council to study the desirability of requiring that a core curriculum be taught from kindergarten through grade 12; and if determined to be desirable, to develop a core curriculum or endorse an existing core curriculum for delivery to each North Dakota school child, regardless of where the child resides; and to determine the desirability and feasibility of requiring the state to assume all costs of delivering that core curriculum to each North Dakota school child.

**HCR 3002:** A concurrent resolution directing the Legislative Council to study the state's investment process as it relates to the state bonding fund and the fire and tornado fund and monitor the performance of all investments of the State Investment Board and the Board of University and School Lands.

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

SCR 4046, SCR 4047, SCR 4050, SCR 4051, and HCR 3002 were declared adopted on a voice vote, and the titles were agreed to.

\*\*\*\*\*

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Committee on Committees (Sen. G. Nelson, Chairman)** announces the appointment of a Select Committee to approve the Governor's nominees to the State Board of Education: Sens. Grindberg, Christmann, Naaden, Thane, Lee, Wogsland, and C. Nelson.

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

**REPORT OF PROCEDURAL COMMITTEE**

**MADAM PRESIDENT:** Your procedural **Employment Committee (Sen. Naaden, Chairman)** reports the appointment of Jim Sears as Staff Assistant to the Minority Leader, effective March 3, 1997. Mr. Sears will replace Shirley Dykshoorn in this position.

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

**MOTION**

**SEN. GOETZ 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., Wednesday, March 5, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SCR 4005: 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). SCR 4005 was placed on the Sixth order on the calendar.

Page 1, line 4, after "appointed" insert "by the governor" and replace "shall serve for the" with "on the supreme court or district court serves at least two years and until the next general election thereafter. The subsequent term for that judgeship may be reduced to allow for the minimum two-year term and for the staggering of judicial elections."

Page 1, remove line 5

Page 1, line 14, after the boldfaced period insert:

"1."

Page 1, line 18, overstrike "An" and insert immediately thereafter "Except as provided in subsection 2, an", after the first "~~shall~~" insert "must", remove the overstrike over "~~continue until the next general election, when the office~~", after the second "~~shall~~" insert "must", and remove the overstrike over "~~be~~"

Page 1, line 19, remove the overstrike over "~~filled by election~~" and remove "continues"

Page 1, after line 19, insert:

- "2. An appointment must continue for at least two years. If the term of the appointed judgeship expires before the judge has served at least two years, the judge shall continue in the position until the next general election immediately following the service of at least two years.
3. Notwithstanding sections 7 and 9 of this article, the term of the judge elected at the subsequent general election provided for in subsection 2 is reduced to the number of years remaining in the subsequent term after the appointee has served at least two years."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4012: 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). SCR 4012 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 1 and"

Page 1, line 5, replace "agriculture commissioner" with "governor and lieutenant governor" and replace "attorney general" with "treasurer"

Page 1, line 10, replace "amendment" with "amendments" and replace "section" with "sections 1 and"

Page 1, line 11, replace "is" with "are"



Page 1, after line 13, insert:

**"SECTION 1. AMENDMENT.** Section 1 of article V of the Constitution of North Dakota is amended and reenacted as follows:

**Section 1.** The executive power is vested in the governor, who shall reside in the state capital and shall hold the office for the term of four years beginning in the year ~~2000~~ 2002, and until a successor is elected and qualified."

Page 1, line 19, replace "agriculture commissioner" with "governor and lieutenant governor" and replace "attorney" with "treasurer"

Page 1, line 20, remove "general"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SCR 4022: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4028: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4028 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SCR 4040: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4040 was placed on the Sixth order on the calendar.

Page 1, line 11, after the semicolon insert "and

**WHEREAS**, the Bank of North Dakota could incorporate the administrative duties of a prepaid college tuition program within its existing obligations; and

**WHEREAS**, the State Board of Higher Education and the representatives of all universities and colleges under the control of the board have a vested interest in promoting and ensuring the affordability of higher education for the citizens of this state;"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1049, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1049 was placed on the Fourteenth order on the calendar.

#### REPORT OF STANDING COMMITTEE

**HB 1143, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1143 was placed on the Sixth order on the calendar.

Page 2, line 19, after "receive" insert "sixty-two dollars and fifty cents as" and replace "as provided in section 54-35-10 for members" with "per day"

Page 2, line 20, remove "of the legislative council"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**HB 1149, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1149 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1276: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1276 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1301: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1301 was placed on the Sixth order on the calendar.

Page 3, line 10, remove the overstrike over "~~thirty~~" and remove "forty-five"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1336: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1336 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1392, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1392 was placed on the Fourteenth order on the calendar.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3036:** A concurrent resolution commending Leland Stenehjem, Jr., upon his election as President of the Independent Bankers Association of America.  
Was read the first time and referred to the **Industry, Business and Labor Committee**.

**HCR 3044:** A concurrent resolution directing the Legislative Council to study the impact of tax-exempt property on school districts.  
Was read the first time and referred to the **Education Committee**.

**HCR 3046:** A concurrent resolution directing the Legislative Council to study the barriers to affordable housing for middle income households, for the elderly, and in rural areas of this state.  
Was read the first time and referred to the **Human Services Committee**.

**HCR 3049:** A concurrent resolution directing the Legislative Council to study additional improvements to the legislative process that ensure an accessible, productive citizen legislature.  
Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HCR 3052:** A concurrent resolution directing the Legislative Council to study the property tax exemption for charitable organizations.  
Was read the first time and referred to the **Finance and Taxation Committee**.

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

**William C. Parker, Secretary**