

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 15, 1997

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

The prayer was offered by Pastor Phil Petrasek, Lutheran Church of the Living Water, Mandan.

The roll was called and all members were present except Senators Bowman and Redlin.

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 Fourth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 56, line 2, replace "Kelsh" with "Kelsch"

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 1055, HB 1105.

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 2031, SB 2086, SB 2087, SCR 4001.

CONSIDERATION OF AMENDMENTS

SB 2067: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 68 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2075: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ pages 68-70 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2076: SEN. TRAYNOR (Natural Resources Committee) MOVED that the amendments on SJ page 70 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2112: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 70-71 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2103: A BILL for an Act to amend and reenact section 27-11-06 of the North Dakota Century Code, relating to the membership of the state bar board.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; 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; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2103 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to create and enact two new sections to chapter 7-01 of the North Dakota Century Code, relating to a state or federal savings and loan association conversion to a state-chartered commercial bank; and to amend and reenact section 6-03-13.5 of the North Dakota Century Code, relating to a state or federal savings and loan association conversion to a state-chartered commercial bank.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; 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; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2117 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2123: A BILL for an Act to amend and reenact sections 27-23-01, 27-23-02, 27-23-03, 27-23-06, 27-23-08, and 27-23-09 of the North Dakota Century Code, relating to the creation, composition, duties, and operation of the judicial conduct commission; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; 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; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2123 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2134: A BILL for an Act to amend and reenact sections 6-05-04 and 6-08-02 of the North Dakota Century Code, relating to approval of trust company surety bond securities and trust company executive officers' oaths of office.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; 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; Robinson; Sand; Schobinger; Solberg; St. Aubyn;

Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2134 passed and the title was agreed to.

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., Thursday, January 16, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2032: 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). SB 2032 was placed on the Sixth order on the calendar.

Page 1, line 10, after "marshal" insert "or the state fire marshal's designee"

Page 1, line 11, remove ". The state fire" with "."

Page 1, line 12, remove "marshal shall", after "report" insert "," , and remove "categorize each noted deficiency."

Page 1, line 13, remove "The state fire marshal shall"

Page 1, line 14, after the period insert "The district superintendent shall submit a plan of correction to the state fire marshal or the state fire marshal's designee and shall remedy the deficiency within a time period acceptable to the state fire marshal or the state fire marshal's designee."

Page 1, remove lines 15 through 24

Page 2, remove Line 1

Page 2, line 2, replace "of" with: "2. If the fire inspection report discloses an imminent fire hazard, the state fire marshal or the state fire marshal's designee shall immediately notify the district school board, the district superintendent, and the superintendent of public instruction of such hazard. Upon the recommendation for immediate closure by the superintendent of public instruction, the district school board and the school district superintendent may immediately close"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2070: 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). SB 2070 was placed on the Sixth order on the calendar.

Page 1, line 23, after "may" insert ", after consultation with the township clerks or city auditors involved,"

Page 2, line 2, overstrike "county" and insert immediately thereafter "political subdivisions involved"

Page 2, line 8, after "may" insert ", after consultation with the township clerks or city auditors involved,"

Page 2, line 11, overstrike "county" and insert immediately thereafter "political subdivisions involved"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2095: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2096 was placed on the Sixth order on the calendar.

Page 1, line 9, replace "concerning" with "relating to the" and replace the comma with "and with respect to"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2129: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2129 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4003: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4003 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Grindberg, Robinson and Reps. Carlson, Fairfield, Grande introduced:

SB 2175: A BILL for an Act to amend and reenact sections 16.1-06-06, 16.1-07-09, 16.1-09-02, 16.1-11-13, 16.1-11-19, 16.1-15-17, 16.1-15-22, and 44-08-21 of the North Dakota Century Code, relating to general election ballots for persons authorized to vote for presidential electors only, canvassing late absentee ballots, presidential candidates personal disclosure statements, filing of certificates with the secretary of state showing the names and addresses of persons nominated in the county by county auditors, filling vacancies existing on the no-party ballot, time when county canvassing boards are required to meet, recall elections, and deadlines for candidates to file in recall elections.

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

Sens. C. Nelson, DeMers and Reps. Delmore, Hawken, Sandvig introduced:

SB 2176: A BILL for an Act to amend and reenact section 15-40.1-09 of the North Dakota Century Code, relating to the verification of per student payments.

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

Sen. Schobinger introduced:

SB 2177: A BILL for an Act to provide for restrictions on governmental regulation of private real property.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Lips, Tallackson and Reps. Keiser, Mahoney introduced:

SB 2178: A BILL for an Act to amend and reenact section 26.1-23.1-05 of the North Dakota Century Code, relating to the investment of government self-insurance pool funds.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sens. Nething, Thompson, Yockim and Reps. Byerly, D. Johnson, Kerzman introduced:

SB 2179: A BILL for an Act to amend and reenact section 47-14-05 of the North Dakota Century Code, relating to late payment penalties.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

Sen. Grindberg and Rep. Carlson introduced:

SB 2180: A BILL for an Act to create and enact a new section to chapter 39-16 of the North Dakota Century Code, relating to the sale of driver's license information; and to provide a penalty.

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

Sens. Klein, O'Connell, Robinson and Reps. Murphy, Sandvig introduced:

SB 2181: A BILL for an Act to prohibit governmental discrimination in contracts and programs.

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

Sens. Wanzek, Tomac and Reps. D. Johnson, Renner introduced:

SB 2182: A BILL for an Act to amend and reenact sections 6-09.10-03 and 6-09.10-10 of the North Dakota Century Code, relating to extension of the expiration date of the agricultural mediation service; to repeal sections 6-09.10-08.1, 6-09.10-08.2, 6-09.10-08.3, 6-09.10-08.4, 6-09.10-08.5, and 6-09.10-08.6 of the North Dakota Century Code, relating to legal and tax assistance for farmers and small businesses; and to declare an emergency.

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

Sens. Kringstad, Freborg, Lee and Reps. Delmore, Stenehjem introduced:

SB 2183: A BILL for an Act to amend and reenact section 57-15-26.1 of the North Dakota Century Code, relating to the mill levy limitation for recreation service districts; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Solberg, Cook, Tomac and Reps. Carlson, Nichols, Tollefson introduced:

SCR 4010: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

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

FIRST READING OF HOUSE BILLS

HB 1055: A BILL for an Act to amend and reenact section 15-47-33 of the North Dakota Century Code, relating to compensatory time for parent-teacher conferences.

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

HB 1105: A BILL for an Act to amend and reenact section 57-01-13 of the North Dakota Century Code, relating to the collection of delinquent motor vehicle fuels, special fuels, importer for use, aviation fuel, and motor vehicle excise taxes from nonresident taxpayers.

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