

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 28, 1997

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

The prayer was offered by Deacon David L. Vaughn, Spirit of Life Catholic Church, Mandan.

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

A quorum was declared by the President.

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 1005, HB 1043, HB 1093, HB 1155, HB 1239, HB 1287, HB 1298.

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 1065, HB 1066.

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

MR. SPEAKER: The President has signed: HB 1065, HB 1066.

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 2008, SB 2030, SB 2145, SB 2168.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ page 156 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. DeMers' motion, Engrossed SB 2028 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ pages 156-157 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed. Pursuant to Sen. Grindberg's motion, Engrossed SB 2029 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2049: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 157-158 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2055: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 158 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2057: SEN. LAFOUNTAIN (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 158 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2082: SEN. CHRISTMANN (Natural Resources Committee) MOVED that the amendments on SJ pages 158-159 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2090: SEN. COOK (Transportation Committee) MOVED that the amendments on SJ page 159 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2138: SEN. KRINGSTAD (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 159 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2150: SEN. W. STENEHJEM (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 159-160 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. B. STENEHJEM MOVED that SB 2160, which is on the Sixth order, be rereferred to the **Transportation Committee** for the purpose of further amendment, which motion prevailed. Pursuant to Sen. B. Stenehjem's motion, SB 2160 was rereferred.

CONSIDERATION OF AMENDMENTS

SCR 4008: SEN. HEITKAMP (Agriculture Committee) MOVED that the amendments on SJ page 160 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-08 of the North Dakota Century Code, relating to group health policy and health service contract substance abuse 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Stenehjem, B.

ABSENT AND NOT VOTING: Bowman

Engrossed SB 2041 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2043: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to health insurance coverage for mothers and newborns.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; 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: Bowman

Engrossed SB 2043 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2058: A BILL for an Act relating to lifeguard qualifications and equipment.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nothing; 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: Bowman

Engrossed SB 2058 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to create and enact a new subsection to section 54-17-07.3, relating to housing grants by the housing finance agency; and to amend and reenact subsection 1 of section 54-17-07.3 of the North Dakota Century Code, relating to financial assistance authorized under the housing finance agency's home mortgage finance program.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nothing; 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: Bowman

Engrossed SB 2077 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2137: A BILL for an Act to create and enact a new subsection to section 20.1-03-11 of the North Dakota Century Code, relating to deer hunting by landowners.

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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nothing; 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: Bowman

Engrossed SB 2137 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2048: A BILL for an Act to amend and reenact section 54-40-01 of the North Dakota Century Code, relating to the exercise of joint authority by North Dakota and South Dakota.

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; 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

ABSENT AND NOT VOTING: Bowman

SB 2048 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2170: A BILL for an Act to amend and reenact section 23-06-03 of the North Dakota Century Code, relating to the duty of counties to bury deceased residents or inmates of public institutions.

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; 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

ABSENT AND NOT VOTING: Bowman

SB 2170 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to amend and reenact sections 44-06-03 and 44-06-03.1 of the North Dakota Century Code, relating to bonds of notaries public.

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 41 YEAS, 7 NAYS, 0 EXCUSED, 1 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; Mutzenberger; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Mutch; Naaden; O'Connell; Solberg; Stenehjem, B.; Stenehjem, W.; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2201 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2257: A BILL for an Act relating to the location of high school district tournaments.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Berg; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Naaden; O'Connell; Redlin; Solberg; Tallackson; Watne; Wogsland

NAYS: Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Yockim

ABSENT AND NOT VOTING: Bowman

SB 2257 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4009: A concurrent resolution urging Congress to require the Federal Crop Insurance Corporation to develop and maintain an insurance program for canola.

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

SCR 4009 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1128: A BILL for an Act to amend and reenact section 53-01-07 of the North Dakota Century Code, relating to license fees for boxing officials; 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 47 YEAS, 1 NAY, 0 EXCUSED, 1 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; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: Bowman

HB 1128 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4004: A concurrent resolution directing the Legislative Council to study methods through which North Dakota and South Dakota can collaborate to deliver government services more efficiently.

The question being on the final adoption of the resolution, which has been read.

SCR 4004 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the absent member 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 29, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2178: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2178 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2276 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2290: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2307: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2307 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4010: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SCR 4010 was placed on the Sixth order on the calendar.

Page 2, line 6, remove the overstrike over "hereinafter"

Page 2, line 7, remove the overstrike over "in such"

Page 2, line 8, remove the overstrike over "manner" and remove the overstrike over "the"

Page 2, line 9, remove the overstrike over "article on school and public lands contained in", remove the overstrike over "constitution", and remove "section and section 13"

Page 3, remove line 31

Page 4, remove lines 1 through 3

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1060, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1060 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1091: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1091 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1130: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1130 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. C. Nelson, Krebsbach, Lindaas and Reps. Hanson, Sabby, Wilkie introduced:

SCR 4021: A concurrent resolution directing the Legislative Council to study participation in the teachers' fund for retirement by retired persons who have resumed teaching.

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

FIRST READING OF HOUSE BILLS

HB 1005: A BILL for an Act to provide an appropriation for defraying the expenses of the state treasurer; and to amend and reenact section 54-11-13 of the North Dakota Century Code, relating to the salary of the state treasurer.

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

HB 1043: A BILL for an Act to amend and reenact section 39-06-35, subsections 3.1, 4, 5, 6, and 7 of section 39-06.1-10, and section 39-06.1-11 of the North Dakota Century Code, relating to alcohol addiction evaluation for driving while under the influence.

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

HB 1093: A BILL for an Act to create and enact sections 14-12.2-33.1, 14-12.2-33.2, 14-12.2-33.3, 14-12.2-33.4, 14-12.2-33.5, 14-12.2-46.1, and 14-12.2-46.2 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact subsections 6, 7, 16, 19, and 20 of section 14-12.2-01, sections 14-12.2-07, 14-12.2-08, 14-12.2-10, 14-12.2-16, subsections 1 and 5 of section 14-12.2-17, section 14-12.2-18, subsection 2 of section 14-12.2-19, sections 14-12.2-33, 14-12.2-39, subsection 3 of section 14-12.2-40, sections 14-12.2-45, 14-12.2-46, and 14-12.2-47 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; and to provide a penalty.

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

HB 1155: A BILL for an Act to amend and reenact subdivisions h and i of subsection 1 of section 6-09-15, subsection 2 of section 6-09-15, sections 6-09.5-01, 6-09.5-04, 6-09.5-08, 6-09.5-10, subsection 1 of section 15-62.1-02, sections 54-17-22, 54-17-25, and 54-17-33 of the North Dakota Century Code, relating to updates in federal legislation referenced in statutes authorizing industrial commission agency programs administered by the Bank of North Dakota, student loans of North Dakota and the student loan trust, and the industrial commission when acting as the state planning agency for the development of Riverdale and when acting as the agricultural mortgage marketing facility for the secondary market program.

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

HB 1239: A BILL for an Act to amend and reenact subdivision o of subsection 1 of section 43-05-16, subsection 4 of section 43-05-16.1, and subsection 1 of section 43-05-16.5 of the North Dakota Century Code, relating to licensing and disciplining of podiatrists; and to declare an emergency.

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

HB 1287: A BILL for an Act to create and enact a new section to title 26.1 of the North Dakota Century Code, relating to the definition of limited benefit policy and the circumstances under which statutes affect those types of policies.

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

HB 1298: A BILL for an Act to amend and reenact section 57-05-04 of the North Dakota Century Code, relating to the certificate of mileage and valuation for purposes of taxation of a railroad.

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