

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, January 11, 1999

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

The prayer was offered by Father Robert Irwin, Catholic Diocese of Fargo, Fargo.

The roll was called and all members were present except Senators Bercier and D. Mathern.

A quorum was declared by the President.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1106.

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 2046, SB 2052.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1078, HB 1090, HB 1097, HB 1098, HB 1107, HB 1109, HB 1114, HB 1116.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Gene Hilken.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to repeal section 2-05-10 of the North Dakota Century Code, relating to the registration of airmen.

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; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; 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; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mathern, D.

SB 2085 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2092: A BILL for an Act to amend and reenact section 38-11.1-05 of the North Dakota Century Code, relating to notice of oil and gas drilling operations.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; 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; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mathern, D.

SB 2092 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to create and enact a new subdivision to subsection 6 of section 6-09.4-03 of the North Dakota Century Code, relating to the state water commission's participation in the municipal bond bank's drinking water state revolving fund.

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; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Mutzenberger; Naaden; 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; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Mathern, D.

SB 2106 passed and the title was agreed to.

MOTION

SEN. WATNE MOVED that SB 2059 and SB 2061 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. WATNE REQUESTED the unanimous consent of the Senate to withdraw SB 2059 and SB 2061. There being no objection, it was so ordered by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Evan Lips.

MOTION

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

MOTION

SEN. ST. AUBYN 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., Tuesday, January 12, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2041: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2064: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2064 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2076: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2076 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2090: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS**

(6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2090 was placed on the Sixth order on the calendar.

Page 1, line 2, after "birds" insert "; and to declare an emergency"

Page 1, after line 5, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2138: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2138 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2139: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2139 was placed on the Eleventh order on the calendar.

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 2018, SB 2028, SB 2063, SB 2077, SB 2083, SB 2086, SB 2091, SB 2109, SB 2117, SB 2118, SB 2126, SB 2143, SB 2146, SB 2150, SCR 4005.

FIRST READING OF SENATE BILLS

Sens. Schobinger, Krauter, O'Connell, Traynor and Reps. Grosz, Poolman introduced:

SB 2195: A BILL for an Act to provide for the advance purchase of tuition credits and to establish a tuition account program; and to provide a continuing appropriation.

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

Sens. Krauter, Sand, Thane and Reps. Carlisle, Delzer, Meyer introduced:

SB 2196: A BILL for an Act to amend and reenact sections 23-09.3-01.1 and 23-16-01.1 of the North Dakota Century Code, relating to a moratorium on additional basic care facility and long-term care beds and a prohibition on the creation of a bed bank.

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

Sens. Cook, Christmann, Traynor and Rep. Kliniske introduced:

SB 2197: A BILL for an Act to create and enact a new section to chapter 14-07.1 of the North Dakota Century Code, relating to false allegations of domestic abuse.

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

Sens. Cook, Wardner and Reps. Glassheim, Timm introduced:

SB 2198: A BILL for an Act to amend and reenact section 40-05.1-07 of the North Dakota Century Code, relating to the amendment or repeal of city home rule charters.

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

Sens. Kilzer, B. Stenehjem, Wanzek and Reps. Carlisle, Carlson, R. Kelsch introduced:

SB 2199: A BILL for an Act to create and enact a new section to chapter 15-34.1 of the North Dakota Century Code, relating to participation in extracurricular activities by students receiving home education; and to amend and reenact subsection 4 of section 15-34.1-06 of the North Dakota Century Code, relating to home education.

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

Sen. Watne and Rep. Wentz introduced:

SB 2200: A BILL for an Act to require public health units to monitor swimming facility safety.

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

Sen. Watne and Rep. Wentz introduced:

SB 2201: A BILL for an Act to provide minimum lifeguard qualifications and lifeguard equipment standards; and to provide a penalty.

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

Sens. Bowman, Christmann, Lyson, Wardner and Rep. Drovdal introduced:

SB 2202: A BILL for an Act to provide for the distribution of federal mineral royalties; and to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of federal mineral royalty receipts.

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

Sen. Bowman introduced:

(At the request of the Office of Management and Budget)

SB 2203: A BILL for an Act to amend and reenact section 15-40.1-13 of the North Dakota Century Code, relating to distribution of mineral royalties to counties and school districts; to provide an effective date; and to provide a continuing appropriation.

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

Sens. Holmberg, Krebsbach, Robinson, W. Stenehjem, Wardner introduced:

SB 2204: A BILL for an Act to amend and reenact section 15-39.1-09 of the North Dakota Century Code, relating to membership in the teachers' fund for retirement.

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

Sens. Traynor, O'Connell, Solberg and Reps. Nicholas, Sveen introduced:

SB 2205: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to stopping at weigh stations; and to provide civil and criminal penalties.

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

Sens. Traynor, O'Connell, Solberg and Reps. Nicholas, Sveen introduced:

SB 2206: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to certain weigh stations; and to provide a penalty.

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

Sens. Thompson, Kelsh, Mutzenberger and Reps. S. Kelsh, Mueller, Solberg introduced:

SB 2207: A BILL for an Act to create and enact section 49-21-10.3 of the North Dakota Century Code, relating to an unauthorized addition or change in telecommunications services; to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission; and to provide a penalty.

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

Sen. G. Nelson and Rep. Dorso introduced:

SB 2208: A BILL for an Act to amend and reenact subsection 1 of section 54-35-02.4 of the North Dakota Century Code, relating to recommendations of the employee benefits programs committee.

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

Sen. G. Nelson introduced:

SB 2209: A BILL for an Act to amend and reenact section 54-03.1-02 of the North Dakota Century Code, relating to the date of convening of the organizational session of the legislative assembly.

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

Sens. Traynor, Watne, W. Stenehjem and Rep. Mahoney introduced:

SB 2210: A BILL for an Act to amend and reenact sections 12.1-23-05, 12.1-24-01, and 12.1-24-03 of the North Dakota Century Code, relating to the grading of offenses for certain crimes.

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

Sens. Traynor, W. Stenehjem, Watne and Rep. Mahoney introduced:

SB 2211: A BILL for an Act to amend and reenact section 12.1-01-04 of the North Dakota Century Code, relating to the definition of types of bodily injury.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Bowman, Andrist, Christmann, Heitkamp and Reps. Kempenich, Meyer introduced:

SCR 4006: A concurrent resolution directing the Legislative Council to study state agency office space needs to determine the feasibility and desirability of transferring state agencies or state employees to rural areas.

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

Sens. Christmann, Solberg, Wanzek and Reps. Belter, Boehm, Lloyd introduced:

SCR 4007: A concurrent resolution to create and enact a new section to article IV of the Constitution of North Dakota, relating to the vote required to enact an income, sales, use, or motor vehicle excise tax increase by the legislative assembly.

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

FIRST READING OF HOUSE BILLS

HB 1078: A BILL for an Act to amend and reenact section 4-10.5-11 of the North Dakota Century Code, relating to the penalty for nonpayment of soybean assessments.

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

HB 1090: A BILL for an Act to amend and reenact subsection 1 of section 52-06-30 of the North Dakota Century Code, relating to assignment of unemployment compensation benefits.

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

HB 1097: A BILL for an Act to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to employment of minors and compulsory school attendance.

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

HB 1098: A BILL for an Act to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to boys' and girls' achievement days expenditures.

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

HB 1106: A BILL for an Act to amend and reenact subsection 14 of section 57-01-02 and subdivision q of subsection 1 of section 57-38-01.2 of the North Dakota Century Code, relating to the elimination of obsolete or incorrect references in the income tax laws relating to offers in compromise and the Myron G. Nelson Fund, Incorporated; and to repeal subdivision p of subsection 1 of section 57-38-01.2 and subdivision h of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to obsolete income tax law references to the Myron G. Nelson Fund, Incorporated.

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

HB 1107: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to the payment and refund of oil and gas gross production tax that is five dollars or less; and to amend and reenact sections 57-51-05 and 57-51-19 of the North Dakota Century Code, relating to when the oil and gas gross production tax on oil is due and payable and the procedure for providing refunds.

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

HB 1109: A BILL for an Act to amend and reenact sections 47-19-06, 57-37.1-10, and 57-37.1-21 of the North Dakota Century Code, relating to the elimination of obsolete provisions relating to documents required to be filed with the tax commissioner for estate tax purposes; and to provide an effective date.

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

HB 1114: A BILL for an Act to repeal sections 54-17-21, 54-17-22, and 54-17-23 of the North Dakota Century Code, relating to planning grant authority for the industrial commission for the city of Riverdale.

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

HB 1116: A BILL for an Act to repeal section 54-18-04.2 of the North Dakota Century Code, relating to confidentiality of North Dakota mill and elevator information.

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

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

WILLIAM C. PARKER, Secretary