

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, January 12, 1999

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

The prayer was offered by Rev. Mark W. Listen, Cornerstone Community Church, Bismarck.

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

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 1079, HB 1086, HB 1117, HB 1119, HB 1124, HB 1125, HB 1126.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Adam Krauter.

CONSIDERATION OF AMENDMENTS

SB 2090: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ pages 56-57 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 1 of section 15-60-10 of the North Dakota Century Code, relating to school construction loans.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; 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

NAYS: Lyson

ABSENT AND NOT VOTING: Mathern, D.

SB 2041 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to create and enact a new section to chapter 43-23 of the North Dakota Century Code, relating to the duty to disclose information on sexual offenders in a real estate transaction.

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; Bercier; 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: Mathern, D.

SB 2064 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act to amend and reenact section 44-04-18.1 of the North Dakota Century Code, relating to confidentiality of personal information maintained by occupational and professional boards.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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: Mathern, D.

SB 2076 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact section 49-21-01.5 of the North Dakota Century Code, relating to access code number usage.

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; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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: Mathern, D.

SB 2094 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2138: A BILL for an Act to amend and reenact section 15-62.1-05 of the North Dakota Century Code, relating to adequate federal loan guarantee reserve funds; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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: Mathern, D.

SB 2138 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2139: A BILL for an Act to amend and reenact section 15-62.1-02 of the North Dakota Century Code, relating to the powers and duties of the Bank of North Dakota in its administration of the state guarantee loan programs; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; 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.; Nothing; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Mathern, D.

SB 2139 passed, the title was agreed to, and the emergency clause was declared carried.

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 2085, SB 2092, SB 2106.

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., Wednesday, January 13, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2051: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2098: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2100: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Watne, Schobinger and Reps. Klein, Koppelman introduced:

SB 2212: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to injuring another while fleeing a peace officer; and to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing a peace officer.

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

Sens. DeMers, W. Stenehjerm, Watne and Reps. Gullerson, Svedjan, Price introduced:

SB 2213: A BILL for an Act to amend and reenact paragraph 1 of subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group insurance coverage for licensed professional clinical counselors providing outpatient mental health treatment.

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

Sens. Krebsbach, Klein, Kinnoin and Reps. Boucher, Poolman introduced:

SB 2214: A BILL for an Act to amend and reenact subsection 3 of section 65-05-08 and sections 65-05-09, 65-05-10, and 65-05.2-01 of the North Dakota Century Code, relating to maximum wage-loss benefits payable by the workers compensation bureau and the waiting period for supplementary workers compensation benefits; to provide for a study of long-term benefits; and to provide an effective date.

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

Sen. Holmberg introduced:

SB 2215: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to membership of the state board of higher education; and to repeal sections 15-10-01.1, 15-10-03, 15-10-04, 15-10-05, 15-10-06, 15-18-03, 15-18-04.2, 15-18-05, 15-55-18, 15-55-19, and subsection 11 of section 57-15-06.7 of the North Dakota Century Code, relating to assumption of jurisdiction over junior colleges, appointments and membership of the state board of higher education, and tax levies for the financing of residual or other junior college fiscal obligations.

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

Sens. Thompson, T. Mathern and Reps. Delmore, Rose, Thorpe, Stefonowicz introduced:

SB 2216: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to the shipment of alcoholic beverages; and to provide a penalty.

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

Sens. Christmann, Lyson, Wanzek and Reps. Boehm, Brusegaard, Nelson introduced:

SB 2217: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes; to amend and reenact sections 57-39.2-02.1, 57-39.2-08.2, and 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for new farm machinery and new irrigation equipment used exclusively for agricultural purposes; and to provide an effective date.

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

Sens. Holmberg, Traynor, Tallackson and Reps. Brusegaard, Nottestad, Svedjan introduced:

SB 2218: A BILL for an Act to amend and reenact subdivision a of subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to the exception of agricultural labor from employment subject to unemployment compensation insurance coverage.

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

Sens. B. Stenehjem, Kinnoin, Thompson and Reps. Bernstein, Grande, Mickelson introduced:

SB 2219: A BILL for an Act to amend and reenact subsection 4 of section 28-32-02 of the North Dakota Century Code, relating to the filing of proposed administrative rules with the legislative council.

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

Sens. W. Stenehjem, Holmberg, St. Aubyn and Reps. Delmore, Kliniske, Poolman introduced:

SB 2220: A BILL for an Act to authorize construction of a winter sports facility at the university of North Dakota; and to declare an emergency.

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

Sen. Mutch and Rep. Berg introduced:

SB 2221: A BILL for an Act to create and enact three new sections to chapter 26.1-12.1 of the North Dakota Century Code, relating to foreign mutual insurance holding companies; and to amend and reenact sections 26.1-12.1-01 and 26.1-12.1-09 of the North Dakota Century Code, relating to definitions and approval of a reorganization by eligible members of a domestic mutual insurance company.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. G. Nelson and Rep. Dorso introduced:

SCR 4008: A concurrent resolution urging Congress and the Clinton Administration to recognize state interests and enact legislation that would prohibit the federal

Department of Health and Human Services from recouping the tobacco settlement funds as third-party recoveries under Medicaid law.

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

Sen. Traynor and Rep. Maragos introduced:

SCR 4009: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of eliminating county states' attorneys and creating district attorneys to provide prosecutorial services for judicial districts.

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

FIRST READING OF HOUSE BILLS

HB 1079: A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol.

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

HB 1086: A BILL for an Act to amend and reenact subdivision f of subsection 3 of section 38-14.1-30 of the North Dakota Century Code, relating to persons presiding at surface coal mining permit application conferences.

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

HB 1117: A BILL for an Act to amend and reenact section 57-28-21 of the North Dakota Century Code, relating to notice to the office of management and budget of cancellation of real property taxes and special assessments.

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

HB 1119: A BILL for an Act to amend and reenact subsection 1 of section 50-06-01.2 of the North Dakota Century Code, relating to birth reports; and to repeal chapter 50-20 of the North Dakota Century Code, relating to reporting of out-of-wedlock births and births of children with visible congenital deformities.

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

HB 1124: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to name rotation on ballots; and to repeal section 16.1-11-28 of the North Dakota Century Code, relating to piling, cutting, and blocking ballots.

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

HB 1125: A BILL for an Act to create and enact a new subsection to section 54-06-04 of the North Dakota Century Code, relating to biennial agency reports submitted to the secretary of state; and to amend and reenact subsection 4 of section 54-06-04 of the North Dakota Century Code, relating to biennial reports submitted to the state archivist.

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

HB 1126: A BILL for an Act to amend and reenact sections 44-06-11 and 44-06-13.1 of the North Dakota Century Code, relating to filing of notice of revocation of a notary public commission and prohibited acts of a notary public.

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

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

WILLIAM C. PARKER, Secretary