

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, January 17, 1995

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

The prayer was offered by Pastor James Vineyard, American Lutheran Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

## 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 2048, SB 2115, SB 2118, SB 2134, SB 2199.

## 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 4015, SCR 4016.

## CONSIDERATION OF AMENDMENTS

SB 2056: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 112 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2093: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2126: SEN. TOMAC (Agriculture Committee) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2130: SEN. LAFOUNTAIN (Judiciary Committee) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2194: SEN. LAFOUNTAIN (Judiciary Committee) MOVED that the amendments on SJ page 113 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SB 2195: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ pages 113-114 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2069: A BILL for an Act to create and enact chapter 14-12.2 of the North Dakota Century Code, relating to the Uniform Interstate Family Support Act; to amend and reenact sections 14-09-09.16 and 14-09-09.26 of the North Dakota Century Code, relating to child support enforcement procedures; and to repeal sections 14-09-09.19, 14-09-09.20, 14-09-09.21, 14-09-09.22, and chapter 14-12.1 of the North Dakota Century Code, relating to interstate income withholding and the Revised Uniform Reciprocal Enforcement of Support Act (1968).

## 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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2069 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2070: A BILL for an Act to create and enact section 54-34.4-04 of the North Dakota Century Code, relating to correction of the statutory placement of the motion picture development office; to amend and reenact subsection 17 of section 10-19.1-26, subsection 2 of section 10-19.1-50, section 10-19.1-105, subsection 3 of section 10-19.1-116, sections 15-05-16, 15-38.1-05, subsection 1 of section 15-62.2-01, subsection 6 of section 15-62.3-01, paragraph 3 of subdivision e of subsection 1 of section 19-03.1-36, subsection 4 of section 19-14-03, sections 20.1-02-16.3, 20.1-03-12.1, 21-03-38, subsection 6 of section 23-02.1-20, subsection 13 of section 23-17.2-02, subsection 2 of section 26.1-03-17, subsection 6 of section 26.1-06.1-11, subsection 5 of section 26.1-19-03, section 26.1-34.1-05, subdivision d of subsection 3 of section 32-07.1-01, sections 32-19-41, 32-19.1-01, subsection 3 of section 37-15-14.1, subsection 3 of section 41-01-11, subsection 1 of section 41-02.1-76, subsection 1 of section 41-02.1-77, subsection 3 of section 41-03-60, subsection 1 of section 41-09-16, subsection 1 of section 41-09-19, subdivision f of subsection 1 of section 41-09-23, sections 44-11-04, 44-11-07, 53-09-10, 54-16-04, subdivision a of subsection 1 of section 54-52-17.4, and section 64-02-20 of the North Dakota Century Code, relating to improper, inaccurate, redundant, missing, or obsolete references; and to repeal chapter 11-02 and sections 27-01-06 and 55-08-01.7 of the North Dakota Century Code, relating to elimination of obsolete provisions for formation of counties from unorganized territory, elimination of an obsolete provision for trial expense payments by counties, and elimination of an incorrect statutory placement of the motion picture development 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2070 passed and the title was agreed to.

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## MOTION

SEN. TRAYNOR MOVED that SB 2074, which is on the Eleventh order, be

rereferred to the **Natural Resources Committee**, which motion prevailed. Pursuant to Sen. Traynor's motion, SB 2074 was rereferred.

#### SECOND READING OF SENATE BILL

**SB 2076:** A BILL for an Act to create and enact a new subsection to section 23-29-04 and a new section to chapter 23-29 of the North Dakota Century Code, relating to the powers and duties of the state department of health and consolidated laboratories and the prohibition of certain actions by solid waste management facility permitholders and solid waste transporter permitholders.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** DeMers; Heinrich; Heitkamp; Kinnoin; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Wogsland

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

SB 2076 lost.

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#### REQUEST

**SEN. SAND REQUESTED** that the Journal reflect that he intended to vote NAY on SB 2076, which request was granted.

#### SECOND READING OF SENATE BILL

**SB 2191:** A BILL for an Act to amend and reenact section 57-38-30.1, subsection 4 of section 57-38-40, and subsection 5 of section 57-38-62 of the North Dakota Century Code, relating to the corporate income tax credit for new industry, claims for refunds of individual income taxes attributable to a net operating loss, and definition of net tax liability for estimated tax payment purposes; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

SB 2191 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2261:** A BILL for an Act to amend and reenact subsection 2 of section 11-33.2-12, and sections 57-27-02, 57-28-05, 57-28-06, and 57-28-18 of the North Dakota Century Code, relating to the notice requirements for

subdivision approval and expiration of the period of redemption for a tax certificate.

#### 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; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2261 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

**SCR 4004:** A concurrent resolution directing the Legislative Council to study the needs of school districts regarding buildings and facilities and the role of the state in the construction, maintenance, and renovation of school buildings and facilities.

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.

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#### ANNOUNCEMENT

**SEN. NETHING ANNOUNCED:** On Monday, January 16, 1995, the Senate Appropriations Committee held a hearing on the community services block grant moneys anticipated by the Office of Management and Budget during the period beginning October 1, 1995, and ending September 30, 1997. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the block grant hearing, the Senate Appropriations committee clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the Office of Management and Budget includes the legislative action regarding the use of federal block grant funds.

#### MOTION

**SEN. NETHING MOVED** that his announcement concerning the Appropriations Committee hearing on the community services block grant moneys be printed in the Journal, which motion prevailed.

#### ANNOUNCEMENT

**THE SECRETARY OF THE SENATE ANNOUNCED** that the following reports would be filed with the Legislative Council: the Agricultural Products Utilization Commission Legislative Report, the Governor's Coordination and Special Services Plan, the Protection and Advocacy Project Annual Report, and the Technology Transfer, Inc. Annual Report.

#### MOTION

**SEN. GOETZ MOVED** that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 18, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2019:** Appropriations Committee (Sen. Nething, Chairman) recommends DO

PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2019 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2020: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2020 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2095: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2095 was placed on the Sixth order on the calendar.

Page 2, line 10, remove "and has not been subject to disciplinary action in"

Page 2, line 11, remove "the preceding twelve months"

Page 3, line 17, remove "and has not been subject to disciplinary action in"

Page 3, line 18, remove "the preceding twelve months"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2157: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2157 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike "nine" and insert immediately thereafter "seven"

Page 1, line 12, overstrike "except that the"

Page 1, overstrike line 13

Page 1, line 14, overstrike "members expires each year" and after the period insert "The governor shall appoint two members for terms commencing in 1996, two members for terms commencing in 1997, and three members for terms commencing in 1998."

Page 1, line 20, remove "director of the tourism department" and overstrike the second comma

Page 1, line 21, overstrike "director of the game and fish department, state librarian" and insert immediately thereafter "director of the tourism department"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2184: Finance and Taxation Committee (Sen. Tennesos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "according to the provisions of" with "by multiplying the North Dakota taxable income by the highest federal tax rate for individuals times the tax rate imposed under"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2185: Finance and Taxation Committee (Sen. Tennesos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS,

0 NAYS, 0 ABSENT AND NOT VOTING). SB 2185 was placed on the Sixth order on the calendar.

Page 1, line 8, after "more" insert "North Dakota"

Page 1, line 9, replace "if one" with "and filing a federal consolidated tax return,"

Page 1, remove lines 10 and 11

Page 1, line 12, replace "may" with "shall"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2201: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2201 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2223: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2223 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2226: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2243: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2243 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sens. Robinson, Nalewaja and Reps. Rydell, Svedjan introduced:

**SB 2436:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 57-38-30.3 and a new subdivision to subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to an income tax deduction for premiums paid for long-term care insurance coverage; and to provide an effective date.

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

Sen. Thane introduced:

**SB 2437:** A BILL for an Act to amend and reenact section 50-24.5-06 of the North Dakota Century Code, relating to county reimbursement for aid to aged, blind, and disabled persons.

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

Sens. Thane, Wanzek introduced:

**SB 2438:** A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to limited prescriptive practices by licensed pharmacists.

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

Sen. Thane and Rep. Svedjan introduced:

**SB 2439:** A BILL for an Act to create and enact a new section to chapter 14-09, a new chapter to title 26.1, a new subsection to section 50-06-05.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993; and to amend and reenact section 14-09-08.11, subsection 5 of section 14-09-09.10, and sections 26.1-36-12 and 50-24.1-07 of the North Dakota Century Code,

relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993.

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

Sen. Goetz and Rep. Wald introduced:

**SB 2440:** A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a motor vehicle excise tax credit at the time of termination of a motor vehicle lease and return of the vehicle to the lessor; and to provide an effective date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Thane introduced:

**SCR 4024:** A concurrent resolution directing the Legislative Council to study the fiscal impact of major economic development projects on political subdivisions.

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

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

**William C. Parker, Secretary**