

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 11, 1995

The Senate convened at 1:00 p.m., with President Pro Tempore Streibel presiding.

The prayer was offered by Rev. Dale McClaflin, Church of the Nazarene, Bismarck.

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 2107, SB 2108, SB 2144.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1075, HB 1099.

MOTION

SEN. TRAYNOR MOVED that SB 2109, which is on the Sixth order, be rereferred to the Natural Resources Committee, which motion prevailed. Pursuant to Sen. Traynor's motion, SB 2109 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2145: SEN. CHRISTMANN (Natural Resources Committee) MOVED that the amendments on SJ page 80 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2158: SEN. YOCKIM (Natural Resources Committee) MOVED that the amendments on SJ page 81 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2162: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 81 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2155: SEN. BOWMAN (Human Services Committee) MOVED that the amendments on SJ page 81 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2155: A BILL for an Act to amend and reenact section 50-24.4-25 of the North Dakota Century Code, relating to nursing facility cost report extensions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Wanzenk; Watne; Wogsland; Yockim

Engrossed SB 2155 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2064: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 of the North Dakota Century Code, relating to statutory fees for failing to obey railroad crossing signals.

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 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lee; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Schobinger; Tallackson; Tomac; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kringstad; Langley; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Thane; Traynor; Urlacher; Wanzenk

ABSENT AND NOT VOTING: Krebsbach; Tennefos

SB 2064 lost.

REQUEST

SEN. KREBSBACH REQUESTED that her vote on SB 2064 be recorded as NAY, which request was granted.

SECOND READING OF SENATE BILL

SB 2078: A BILL for an Act to amend and reenact subsection 4 of section 49-21-01.1 of the North Dakota Century Code, relating to services not subject to telecommunications regulations.

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; Wanzenk; Watne; Wogsland; Yockim

SB 2078 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 57-40.6-02 of the North Dakota Century Code, relating to imposition of a telephone access line excise tax by counties and cities.

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 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2140: A BILL for an Act to create and enact section 39-06.2-10.10 of the North Dakota Century Code, relating to penalties for violating out-of-service orders; and to provide a penalty.

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 2140 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to amend and reenact subdivision a of subsection 5 of section 57-51.1-03 of the North Dakota Century Code, relating to oil exempt from the oil extraction tax.

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 2150 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2153: A BILL for an Act to amend and reenact section 57-38.3-02 of the North Dakota Century Code, relating to offsetting state income tax refunds to pay delinquent student 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, 2 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; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: O'Connell; Redlin

SB 2153 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to amend and reenact subsection 24 of section 26.1-01-07 of the North Dakota Century Code, relating to insurance company appointment fees; and to provide an expiration 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 2160 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2161: A BILL for an Act to create and enact a new section to chapter 26.1-45 of the North Dakota Century Code, relating to long-term care insurance nonforfeiture benefits; and to amend and reenact section 26.1-45-11 of the North Dakota Century Code, relating to long-term care insurance rules.

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 2161 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2207: A BILL for an Act to amend and reenact subsection 7 of section 55-02-01.2 of the North Dakota Century Code, relating to admission fees charged by the superintendent of the state historical society for certain exhibits.

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 2207 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to repeal section 43-15-13 of the North Dakota Century Code, relating to the teaching of pharmacy by members of the state board of pharmacy.

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 2213 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Adam Krauter.

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., Thursday, January 12, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2149: Political Subdivisions 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 2149 was placed on the Sixth order on the calendar.

Page 2, line 12, replace "approval" with "minimum standard requirements"

Page 2, line 13, after the underscored period insert "A political subdivision may refuse the delegation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2189: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2189 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Mathern, G. Nelson, Mushik and Reps. Rydell, Kelsch, Oban introduced:

SB 2260: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the establishment of a legislative ethics committee.

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

Sens. Freborg, C. Nelson, Sand and Reps. Boehm, Dalrymple introduced:

SB 2270: A BILL for an Act to create and enact five new sections to chapter 43-29 of the North Dakota Century Code, relating to licensure of veterinary technicians, veterinary technician services, and automatic licensure for certified veterinary technicians; and to amend and reenact section 43-29-09 of the North Dakota Century Code, relating to the adoption of rules by the board of veterinary medical examiners.

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

Sen. Streibel introduced:

SB 2271: A BILL for an Act to amend and reenact section 9-06-04 of the North Dakota Century Code, relating to contracts that must be in writing.

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

Sen. Streibel introduced:

SB 2272: A BILL for an Act to create and enact a new section to chapter 27-14 of the North Dakota Century Code, relating to the confidentiality of records of disciplinary investigations of an attorney or counselor at law.

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

Sen. Streibel introduced:

SB 2273: A BILL for an Act to amend and reenact section 15-34.1-01 of the North Dakota Century Code, relating to compulsory school attendance.

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

Sen. Streibel introduced:

SB 2274: A BILL for an Act to repeal chapter 54-35.2 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations; and to provide for application.

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

Sens. Grindberg, Schobinger and Reps. Hagle, Kempenich introduced:

SB 2275: A BILL for an Act to amend and reenact subsection 2 of section 11-33.2-12 of the North Dakota Century Code, relating to notice to townships regarding subdivision plat approval.

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

Sen. Streibel introduced:

SB 2276: A BILL for an Act to provide for motor vehicle number plates bearing fraternal organization logos.

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

Sens. Grindberg, St. Aubyn and Reps. Gorman, Poolman introduced:

SB 2277: A BILL for an Act to create and enact two new sections to chapter 34-09 of the North Dakota Century Code, relating to the filing of certain labor organization information with the commissioner of labor and withdrawal by a labor union member from a union; and to provide a penalty.

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

Sens. Traynor, Krebsbach and Reps. Kunkel, Nicholas introduced:

SB 2278: A BILL for an Act to provide for the care and treatment of persons with intractable pain by the use of controlled substances.

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

Sens. Traynor, Langley and Reps. Kunkel, Nicholas introduced:

SB 2279: A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 39-04 of the North Dakota Century Code, relating to the authority of the board of county commissioners to establish a county motor vehicle fee and to a motor vehicle registration fee collection agreement.

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

Sens. Krauter, O'Connell, Sand and Reps. Aarsvold, Kerzman, Kunkel introduced:

SB 2280: A BILL for an Act to amend and reenact subsection 16 of section 65-01-02 of the North Dakota Century Code, relating to the definition of employer for workers' compensation purposes.

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

Sen. Lips introduced:

SB 2281: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to the expense limitation for games of chance.

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

Sens. O'Connell, Krebsbach, Tennefos and Reps. Belter, Dobrinski, Martin introduced:

SB 2282: A BILL for an Act to amend and reenact section 39-04.2-04 of the North Dakota Century Code, relating to distribution of public transportation funds.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Yockim, Solberg and Reps. Glassheim, Hagle, Mahoney, Rydell introduced:

SCR 4019: A concurrent resolution for the amendment of sections 12 and 13 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer and the department of labor; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer on issuance of legal tender by banks in the state; to provide for application; and to provide an effective date.

Was read the first time and referred to the **Joint Constitutional Revision Committee.**

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

William C. Parker, Secretary