

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 10, 1997

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Senator Judy Lee.

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

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Rules Committee (Sen. Goetz, Chairman) recommends the following amendments to the Senate Rules of the Fifty-fifth Legislative Assembly, and that the reading of these amendments be dispensed with:

SECTION 1. AMENDMENT. Subsections 5 and 6 of Senate Rule 204 are amended as follows:

5. The permanent journals must be bound in hard covers. Two of these sets must be deposited with the Secretary of State, who shall preserve these sets and attach the Secretary of State's certificate thereto showing the date of delivery and attesting that the copies are identical and official journals as delivered to the Secretary of State. The Secretary of State shall ~~retain four sets and shall~~ forward one set to the Supreme Court Library, one set to the Law School Library at the University of North Dakota, eight sets to the State Library, one set to the Lieutenant Governor, two sets to the Attorney General, ~~three~~ seven sets to the Legislative Council, one set to the Secretary of the Senate, and one set to each judicial district as determined by the presiding judge of the district.
6. The Secretary of the Senate shall compile ~~five~~ two sets of the daily journals. The Secretary of State ~~shall distribute these sets of the journal as prescribed by the Legislative Council. Of the remaining sets not distributed as prescribed by the Legislative Council, the Secretary of State may distribute these sets to public officials upon their request if in the discretion of the Secretary of State the public official needs the journals to carry on the functions of office. The Secretary of State may dispose of any of these sets not distributed by the time the next Legislative Assembly convenes.~~

SEN. GOETZ MOVED that the report be adopted, which motion prevailed on a voice vote.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act to provide an appropriation for defraying the expenses of the aeronautics commission.

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; 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; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogslund; Yockim

ABSENT AND NOT VOTING: Bowman; Redlin

SB 2006 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2071: A BILL for an Act to create and enact a new subsection to section 57-51-06 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying oil and gas tax returns; to amend and reenact sections 57-38-31, 57-38-32, 57-39.2-11, 57-43.1-04, 57-43.1-16, and 57-43.2-12 of the North Dakota Century Code, relating to alternative methods of signing, subscribing, or verifying income, sales, use, motor vehicle fuels, and special fuels tax returns.

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; 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; 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; Redlin

SB 2071 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act to amend and reenact section 37-07.1-06.2 of the North Dakota Century Code, relating to tuition reimbursement for members of the national guard.

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; 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; 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; Redlin

SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact sections 25-06-02 and 25-06-07 of the North Dakota Century Code, relating to the object of and instruction provided at the school for the blind; and to repeal sections 25-06-08 and 25-07-02 of the North Dakota Century Code, relating to clothing accounts at the school for the blind and the superintendent of the school for the deaf serving as the superintendent of the school for the blind.

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; 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; 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; Redlin

SB 2120 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2089: A BILL for an Act to amend and reenact subsection 1 of section 57-38.3-02 of the North Dakota Century Code, relating to inclusion of job service North Dakota in the definition of claimant agency for income tax refund setoff purposes.

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; 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; 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; Redlin

SB 2089 passed and the title was agreed to.

MOTION

SEN. LIPS MOVED that SB 2060 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LIPS REQUESTED the unanimous consent of the Senate to withdraw SB 2060. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that the absent members 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., Monday, January 13, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2010: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2010 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2031: 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). SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 17, remove "either the higher of its"

Page 1, line 18, remove "transportation operating expenditures or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2035: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2035 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2104: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2107: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4001: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4001 was placed on the Sixth order on the calendar.

Page 1, after line 22, insert:

"**WHEREAS**, the effect of ongoing federal and state welfare reform activity is unknown at this time; and"

Page 2, line 5, after the semicolon insert "the effect of welfare reform on the delivery of mental health and foster care services; methods used to place children in the custody of the division of juvenile services;"

Re-number accordingly

FIRST READING OF SENATE BILLS

Sens. LaFountain, Nalewaja, C. Nelson and Rep. Christenson introduced:

SB 2146: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to the power of a state-chartered bank to pledge securities for the repayment of deposits by federally recognized Indian tribes.

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

Sens. Nalewaja, Cook, LaFountain and Rep. Sandvig introduced:

SB 2147: A BILL for an Act to create and enact a new section to chapter 50-11 of the North Dakota Century Code, relating to fingerprinting of foster care providers; and to amend and reenact subsection 2 of section 50-11-02 of the North Dakota Century Code, relating to terms and conditions of foster care facilities.

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

Sens. Nalewaja, LaFountain, Schobinger and Rep. Sandvig introduced:

SB 2148: A BILL for an Act to amend and reenact subsections 3 and 4 of section 27-20-36 of the North Dakota Century Code, relating to time limitations on court orders for children in foster care.

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

Sen. Nething introduced:

SB 2149: A BILL for an Act to amend and reenact sections 25-01-03 and 25-02-04 of the North Dakota Century Code, relating to the qualifications and appointment of a medical director for the state hospital.

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

Sen. G. Nelson introduced:

SB 2150: A BILL for an Act to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to permitted uses of the great seal.

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

Sens. W. Stenehjem, Andrist, Klein and Reps. DeKrey, Delmore, Kretschmar introduced:

SB 2151: A BILL for an Act to amend and reenact sections 16.1-07-01, 16.1-07-05, 16.1-07-06, and 16.1-07-08 of the North Dakota Century Code, relating to an elector's eligibility to vote by absentee ballot; and to repeal section 16.1-07-02 of the North Dakota Century Code, relating to voting by absentee ballot.

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

Sens. Watne, Nalewaja, W. Stenehjem and Reps. Huether, Kelsch, Mahoney introduced:

SB 2152: A BILL for an Act to amend and reenact sections 11-09-19, 11-10-02, and subsection 3 of section 11-10.2-01 of the North Dakota Century Code, relating to the combination, separation, or redesignation of elected or appointed county offices; and to

repeal section 11-09-18 of the North Dakota Century Code, relating to the appointment of the state's attorney in certain counties.

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

Sens. Watne, Nalewaja and Reps. Huether, Kelsch, Mahoney introduced:

SB 2153: A BILL for an Act to create and enact section 12.1-20-03.1 of the North Dakota Century Code, relating to sexual abuse of certain minors; to amend and reenact section 12-60-16.6, subsection 11 of section 12.1-32-02, subsection 3 of section 12.1-32-06.1, subsection 1 of section 12.1-32-15, subsection 6 of section 27-20-51, sections 31-04-04.1, and 31-13-03 of the North Dakota Century Code, relating to information, sentencing, and evidence; and to provide a penalty.

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

Sens. LaFountain, Thane, Thompson and Reps. Brown, Kerzman, Sabby introduced:

SB 2154: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to tribal delegates in the legislative assembly.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wanzek, Grindberg, O'Connell, Tomac and Reps. Nicholas, Wilkie introduced:

SCR 4008: A concurrent resolution urging Congress to require the Environmental Protection Agency to use Canadian data in its registration of crop protection chemicals appropriate for canola.

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

Sens. Wanzek, Grindberg, O'Connell, Tomac and Reps. Nicholas, Wilkie introduced:

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

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

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

William C. Parker, Secretary