

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, January 8, 1999

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

The prayer was offered by Rev. Byron Dealey, Langdon and Nekoma Presbyterian and Emmanuel Evangelical Churches, Langdon and Nekoma.

The roll was called and all members were present except Senators Bercier, DeMers, Grindberg, Nething, and W. Stenehjem.

A quorum was declared by the President.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Employment Committee (Sen. Naaden, Chairman)** recommends the following Senate employees for the Fifty-sixth Legislative Assembly:

1999 SENATE EMPLOYEES

Bill Parker	<u>Secretary of the Senate</u>	Fargo
William Horton	<u>Assistant Secretary of the Senate</u>	Bismarck
Karen Hoovestol	<u>Desk Reporter</u>	Bismarck
Mel Beckler	<u>Sergeant-at-Arms</u>	Hazen
Barb Peske	<u>Bill Clerk</u>	Bismarck
Joseph Wolf	<u>Calendar Clerk</u>	Bismarck
Renaë Doan	<u>Secretary to Majority Leader</u>	McKenzie
Mike Kopp	<u>Staff Assistant to Majority Leader</u>	Bismarck
Mary Marthaller	<u>Secretary to Minority Leader</u>	Bismarck
Dean Mitchell	<u>Staff Assistants to Minority Leader</u>	Minnewaukan
Michelle Schultz		Fargo
Georgia Clement	<u>Payroll Clerk</u>	Bismarck
Pauline Ziegler	<u>Chief Committee Clerk</u>	Bismarck
Kathy Kottenbrock	<u>Appropriations Committee Clerk</u>	Bismarck
Claudia Anderson	<u>Assistant Appropriations Committee Clerk</u>	Bismarck
Linda Christman	<u>Committee Clerks</u>	Bismarck
Jacquelyn Follman		Towner
Lyla Hagen		Bismarck
Jessica Karley		Gilby
Carol Kolodejchuk		Bismarck
Brad Lustgraaf		Bismarck
James Raile		Mandan
Dori Schaefbauer		Bismarck
Tricia Torgerson		Rugby
Sheila Wald		Bismarck
Thomas Jundt	<u>Assistant Committee Clerk</u>	Bismarck
John Clement	<u>Deputy Sergeant-at-Arms</u>	Bismarck
	<u>Assistant Sergeant-at-Arms</u>	

Jacob Eiseman		Bismarck
	<u>Chief Page and Bill Book Clerk</u>	
Shelby Schantz		Glen Ullin
	<u>Desk Page</u>	
Janelle Olson		Bismarck
	<u>Page and Bill Book Clerks</u>	
Dean Hagen		Cooperstown
Casey Trautman		Bismarck
	<u>Chief Telephone Attendant</u>	
Doris Perez		Bismarck
	<u>Telephone Attendants</u>	
Jan Lambrecht		Mandan
Charlotte Meier		Regent
Elvira Rogstad		Bismarck
Jane Wolf		Bismarck
	<u>Telephone Page</u>	
Karen Erickson		Mandan
	<u>Information Desk Attendant</u>	
Marilyn Quamme		Bismarck
	<u>Parking Lot Attendant</u>	
Leon Thiel		Bismarck

MOTION

SEN. NAADEN MOVED that the report be adopted.

ROLL CALL

The question being on the motion to adopt the report of the **Employment Committee**, the roll was called and there were 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

The report was adopted.

SECOND READING OF SENATE BILL

SB 2086: A BILL for an Act to amend and reenact section 54-12-04.2 of the North Dakota Century Code, relating to membership of the child sexual abuse investigation team.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

Engrossed SB 2086 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2109: A BILL for an Act to repeal sections 23-01-20 and 23-01-21 of the North Dakota Century Code, relating to the traumatic head injury registry; and to provide for application.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2109 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2126: A BILL for an Act to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to diseases for which inoculations are required before a child's admission to school.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2126 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2143: A BILL for an Act to amend and reenact subsection 1 of section 23-07-17.1 of the North Dakota Century Code, relating to the place of filing certification of inoculation for a child receiving home-based instruction.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2143 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2146: A BILL for an Act to amend and reenact sections 15-40.1-05 and 15-44-03 of the North Dakota Century Code, relating to payment of state school aid by the superintendent of public instruction.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2146 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4005: A concurrent resolution directing the Legislative Council to study the state of the law and technology with respect to legislative redistricting.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4005 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2018: A BILL for an Act to provide an appropriation for defraying the expenses of the state seed department.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2018 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to repeal section 54-35.2-02.1 of the North Dakota Century Code, relating to local government efficiency planning grants.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2028 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to amend and reenact section 4-10.7-04 of the North Dakota Century Code, relating to dry pea and lentil districts.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nothing; Stenehjem, W.

SB 2063 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to repeal sections 39-03-08.1, 39-03-08.2, 39-03-08.3, 39-03-08.4, and 39-03-08.5 of the North Dakota Century Code, relating to highway patrol bid procedures.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nothing; Stenehjem, W.

SB 2077 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact section 37-17.1-23 of the North Dakota Century Code, relating to use of Federal Emergency Management Agency administrative fees for payments of loans from the Bank of North Dakota.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nothing; Stenehjem, W.

SB 2083 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2085, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2091: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to disposition of game and fish license proceeds; and to provide a continuing appropriation.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2091 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to repeal section 54-09-03 of the North Dakota Century Code, relating to the marking and ownership of books delivered to officers of the state by the secretary of state.

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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2117 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to amend and reenact section 44-05-03 of the North Dakota Century Code, relating to deed acknowledgment fees.

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 37 YEAS, 7 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Flakoll; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Bowman; Freborg; Kinnoin; Krauter; O'Connell; Stenehjem, B.; Thompson

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2118 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2150: A BILL for an Act to create and enact a new paragraph to subdivision h of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to exempting services performed by certain election workers for unemployment compensation 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 44 YEAS, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; DeMers; Grindberg; Nething; Stenehjem, W.

SB 2150 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that SB 2168 be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2168 was rereferred.

MOTION

SEN. G. NELSON MOVED that SB 2140 be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2140 was rereferred.

MOTION

SEN. LINDAAS MOVED that SB 2167 be returned to the Senate floor from the **Industry, Business and Labor Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. LINDAAS REQUESTED the unanimous consent of the Senate to withdraw SB 2167. There being no objection, it was so ordered by the President.

MOTION

SEN. KELSH MOVED that SB 2124 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. KELSH REQUESTED the unanimous consent of the Senate to withdraw SB 2124. There being no objection, it was so ordered by the President.

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., Monday, January 11, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2092: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2092 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILL

Sens. Wardner, Klein, Kringstad and Reps. Glassheim, Keiser, Nottestad introduced:

SB 2194: A BILL for an Act to amend and reenact section 32-09.1-21 of the North Dakota Century Code, relating to garnishment of wages.

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

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

WILLIAM C. PARKER, Secretary