

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 9, 1997

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

The prayer was offered by Senator Marv Mutzenberger.

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

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to repeal sections 65-04-04.1, 65-04-08, and 65-04-09 of the North Dakota Century Code, relating to the determination of the average weekly wage for premium for veteran-on-the-job trainees, county auditor reports to the workers compensation bureau, and reporting public contracts to the workers compensation bureau.

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; 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; Redlin; 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

SB 2073 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact subsection 7 of section 16.1-01-09 of the North Dakota Century Code, relating to the submission deadline for initiative and referendum petitions.

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; 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; Redlin; 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

SB 2044 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2085: A BILL for an Act to amend and reenact section 12-60-16.4 of the North Dakota Century Code, relating to criminal history record information and reportable offenses.

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; 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; Redlin; 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

SB 2085 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2089, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2094: A BILL for an Act to amend and reenact sections 16.1-01-07 and 16.1-06-09 of the North Dakota Century Code, relating to publication of ballot measure analyses and printing and depositing of measure ballots.

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; 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; Redlin; 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

SB 2094 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2106: A BILL for an Act to create and enact a new subsection to section 5-02-02 of the North Dakota Century Code, relating to payment of background check costs.

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; 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; Redlin; 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

SB 2106 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to create and enact a new section to chapter 65-03 of the North Dakota Century Code, relating to workers compensation bureau rules regarding

certification of mine foremen; and to repeal chapter 65-11 of the North Dakota Century Code, relating to the appointment and duties of a safety engineer.

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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; 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; Watne; Wogsland; Yockim

NAYS: LaFountain

ABSENT AND NOT VOTING: Bowman

SB 2110 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

SCR 4002: A concurrent resolution directing the Legislative Council to study those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.

The question being on the final adoption of the resolution, which has been read.

SCR 4002 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

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 12:30 p.m., Friday, January 10, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2006 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2071: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2071 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2120: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2120 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Watne, Andrist and Reps. Kretschmar, Maragos introduced:

SB 2142: A BILL for an Act to amend and reenact sections 41-09-05, 41-09-25, and 41-09-26 of the North Dakota Century Code, relating to definition of certificate of deposit, perfection of security interests by filing, and perfection of security interests in certificates of deposit by possession.

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

Sens. Klein, Fischer, Thane and Reps. Kelsh, Stenehjem introduced:

SB 2143: A BILL for an Act to amend and reenact sections 34-13-01, 34-13-02, and subsection 1 of section 34-13-13.1 of the North Dakota Century Code, relating to employment agencies.

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

Sens. Mutzenberger, Heitkamp, Klein and Reps. Drovdal, Kroeplin, Nichols introduced:

SB 2144: A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to benefits under the alternate firefighters relief association plan.

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

Sens. Tomac, Lips and Reps. Carlisle, Grumbo introduced:

SB 2145: A BILL for an Act to create and enact three new sections to chapter 2-05 of the North Dakota Century Code, relating to cease and desist authority for the aeronautics commission, assessment of civil money penalties by the aeronautics commission, and bond requirements for persons engaged in aerial spraying; to provide a penalty; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Traynor, O'Connell, Sand and Reps. Henegar, Nicholas, Soukup introduced:

SCR 4007: A concurrent resolution urging the Secretary of the Interior and the United States Fish and Wildlife Service to open the waterfowl hunting season by September 15 of each year.

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

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

William C. Parker, Secretary