

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

* * * * *

Bismarck, April 12, 1993

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Terry Kern, First Evangelical Free Church, Bismarck.

The roll was called and all members were present except Senators Keller, Lindgren, and Naaden.

A quorum was declared by the President.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

REPORT OF CONFERENCE COMMITTEE

SB 2524, as engrossed: Your conference committee (Sens. Maxson, Traynor, W. Stenehjem and Reps. Freier, Martin, Dobrinski) recommends that the SENATE ACCEDE to the House amendments on SJ page 991 and place SB 2524 on the Seventh order.

Engrossed SB 2524 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed SB 2524 be adopted, which motion prevailed.

Engrossed SB 2524, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to create and enact a new subsection to section 11-17-04 of the North Dakota Century Code, relating to fees charged by clerks of district and county courts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogslund; Yockim

ABSENT AND NOT VOTING: Lindgren

SB 2524 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1017, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1017: Sens. Mushik, Yockim, Lips.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1413.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2155, SB 2394, SB 2524.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1017: Sens. Mushik; Yockim; Lips

HB 1020: Sens. Redlin; DeMers; Goetz

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: HB 1019, HB 1079, HB 1089, HB 1111, HB 1187, HB 1238, HB 1239, HB 1267, HB 1300, HB 1304, HB 1374, HB 1462, HB 1479, HB 1490.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed: HB 1019, HB 1079, HB 1089, HB 1111, HB 1187, HB 1238, HB 1239, HB 1267, HB 1300, HB 1304, HB 1374, HB 1462, HB 1479, HB 1490.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bills: SB 2042, SB 2379.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2042, SB 2379.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on SCR 4038.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 12, 1993

This is to inform you that on April 12, 1993, I signed the following: SB 2370.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 12, 1993

This is to inform you that on April 12, 1993, I signed the following: SB 2359.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

April 12, 1993

This is to inform you that on April 12, 1993, I signed the following: SB 2027, SB 2048, SB 2051, SB 2074, SB 2082, SB 2085, SB 2097, SB 2120, SB 2144, SB 2201, SB 2214, SB 2216, SB 2222, SB 2223, SB 2225,

SB 2228, SB 2231, SB 2244, SB 2279, SB 2285, SB 2293, SB 2305, SB 2308, SB 2327, SB 2339, SB 2360, SB 2361, SB 2400, SB 2449, SB 2453, SB 2468, SB 2473, SB 2487, SB 2505, and SB 2511.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting a bill for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-03.6, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; and to provide an effective date.

The bill will be SB 2541.

SEN. SCHOENWALD MOVED that the report be adopted, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING in favor of accepting a concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting jobs training incentive legislation as a means of assisting community economic development.

The resolution will be SCR 4076.

SEN. SCHOENWALD MOVED that the report be adopted, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Schoenwald, Chairman) has examined and has cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting a concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting and implementing a universal health care program in the state.

The resolution will be SCR 4077.

SEN. SCHOENWALD MOVED that the report be adopted, which motion prevailed.

FIRST READING OF SENATE BILL

Sens. Lips, Redlin, Thane and Reps. Hausauer, Glassheim, Wardner introduced: (Approved by the Delayed Bills Committee)

SB 2541: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-03.6, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; and to provide an effective date.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Grindberg, Goetz, Lindgren, Mathern and Rep. R. Berg introduced: (Approved by the Delayed Bills Committee)

SCR 4076: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of enacting jobs training incentive legislation as a means of assisting community economic development.

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

Sen. Schoenwald introduced:

(Approved by the Delayed Bills Committee)

SCR 4077: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting and implementing a universal health care program in the state.

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

REPORT OF STANDING COMMITTEE

HB 1512: Education Committee (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1512 was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1512: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments for special education; to amend and reenact sections 15-20.1-06, 15-20.2-09, 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-16, 15-40.1-18, 15-40.2-04, 15-44-03, subsection 3 of section 15-60-03, and section 57-15-27 of the North Dakota Century Code, relating to state aid for elementary and secondary education, educational support per student, transportation aid, special education, vocational education, the state tuition fund, the state school construction fund, and interim funds; to provide for a legislative council study; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 2 YEAS, 45 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Grindberg; Sand

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren; Nelson

HB 1512 lost.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: SB 2028, SB 2083, SB 2096, SB 2101, SB 2227, SB 2277, SB 2295.

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

MADAM PRESIDENT: The House has adopted the conference committee report on SB 2367.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: SB 2441.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: SB 2088.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently passed: HB 1256, HB 1467.

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

MADAM PRESIDENT: The House has adopted the conference committee report and subsequently failed to pass: HB 1026.

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

MADAM PRESIDENT: The House has adopted the conference committee report, subsequently passed, and the emergency clause carried: HB 1028.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Ninth, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Tuesday, April 13, 1993, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

HB 1028, as reengrossed: Your conference committee (Sens. Robinson, Yockim, Thane and Reps. Dalrymple, Byerly, Wilkie) recommends that the **SENATE RECEDE** from the Senate amendments on SJ pages 1295-1296, adopt amendments as follows, and place HB 1028 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1479-1480 of the House Journal and pages 1295-1296 of the Senate Journal and that Reengrossed House Bill No. 1028 be amended as follows:

Page 3, line 22, after "Act" insert "and from funding made available by the information services division from the surcharge collected pursuant to section 8 of this Act,"

Page 5, line 8, remove ": all monetary contributions, gifts, and grants received"

Page 5, line 9, remove "by the division and"

Page 5, line 20, replace "ten" with "eleven"

Page 5, line 26, after "Act" insert "which includes the provision of specialized equipment to eligible persons,"

Page 7, line 19, replace "\$684,000" with "\$752,400"

Page 7, line 22, after the period insert "Of this amount, up to \$68,400 must be made available to the vocational rehabilitation division of the department of human services to be matched with \$252,100 of federal funds for the provision of specialized equipment to eligible persons, which is hereby appropriated for the period beginning with the effective date of this Act and ending June 30, 1995."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 112 - INFORMATION SERVICES DIVISION**

SENATE - This amendment increases the surcharge on telephone access lines from 10 cents to 11 cents per month and increases the related appropriation from \$684,000 to \$752,400, a \$68,400 increase. Up to \$68,400 will be available for the provision of specialized equipment to eligible hearing-impaired persons by the Vocational Rehabilitation Division of the Department of Human Services. In addition, \$252,100 of federal funds is also appropriated for this purpose. The Vocational Rehabilitation Division continues to have authority to receive gifts and grants to assist in funding the equipment.

Reengrossed HB 1028 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1256: Your conference committee (Sens. Tomac, Scherber, W. Stenehjem and Reps. Kelsch, Kretschmar, Grumbo) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 869-871, adopt amendments as follows, and place HB 1256 on the Seventh order:

That the Senate recede from its amendments as printed on pages 1122-1123 of the House Journal and pages 869-871 of the Senate Journal and that House Bill No. 1256 be amended as follows:

Page 1, line 1, replace the second "and" with a comma

Page 1, line 2, replace "section" with "sections" and after "54-03-19.2" insert ", and 54-03-20"

Page 1, line 3, remove "procedures of the", remove "in determining" and after "and" insert "travel reimbursement."

Page 1, remove lines 4 and 5

Page 1, line 17, remove "Bill introduction -"

Page 1, line 18, remove "- Staff"

Page 2, line 2, remove ", the commission"

Page 2, line 3, overstrike "shall" and insert immediately thereafter ", the commission may" and replace "majority and minority leaders of the house and senate" with "leadership of the legislative assembly"

Page 2, line 12, replace ", and" with ". The commission may"

Page 2, line 13, remove "for any change in the level of legislative"

Page 2, remove lines 14 through 20

Page 2, line 21, remove "election of members of the house of representatives"

Page 3, after line 2, insert:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of ninety dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may not exceed thirty-five cents per mile based upon air mileage. Members A member of the legislative assembly who does not receive reimbursement for lodging and who does not live whose place of residence in a the legislative district completely or partially that the member represents is not within the city of Bismarck are is

entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between ~~their residences~~ the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that ~~this~~ the total reimbursement may not exceed six hundred dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member ~~shall~~ is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of one hundred eighty dollars a month, which is payable every six months. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)]."

Renumber accordingly

HB 1256 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

HB 1467: Your conference committee (Sens. Heinrich, Scherber, Evanson and Reps. Schindler, Sveen, Gulleon) recommends that the HOUSE ACCEDE to the Senate amendments on SJ pages 1150-1151 and place HB 1467 on the Seventh order.

HB 1467 was placed on the Seventh order of business on the calendar.

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

CAROL SIEGERT, Secretary