

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, April 16, 1993

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Angela Monson, First Lutheran Church, Mandan.

The roll was called and all members were present except Senators Grindberg and Tomac.

A quorum was declared by the President.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3072.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2540, SCR 4075.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2006, SB 2019, SB 2174, SB 2384, SCR 4038.

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.

PARTICIPANTS IN THE NORTH DAKOTA MEDICAL ASSOCIATION DOCTOR OF THE DAY PROGRAM FOR THE 1993 LEGISLATIVE ASSEMBLY

William Cleary, M.D.	Bismarck
Matthew Layman, M.D.	Bismarck
Robert Grossman, M.D.	Hettinger
Kermit Leonard, M.D.	Garrison
Paul Knudson, M.D.	Bismarck
Ralph Kilzer, M.D.	Bismarck
Guy Tangedahl, M.D.	Bismarck
Dennis Wolf, M.D.	Dickinson
Abel Tello, M.D.	Bismarck
Herbert Wilson, M.D.	New Town
Charlotte Fowler, D.O.	Fargo
Robert McBane, M.D.	Devils Lake
Dale Moquist, M.D.	Grand Forks
Paul Ahlness, M.D.	Bowman
Art Raymond, M.D.	Minot
Heidi Bittner, M.D.	Minot
Howard McCracken, M.D.	Minot
J.J. Cogan, M.D.	Minot
William Henry, M.D.	Minot
Milton Smith, M.D.	Minot
Jerome Olson, M.D.	Williston
Ronald Wick, M.D.	Valley City
Clayton Jensen, M.D.	Fargo
Dean Rosen, M.D.	Devils Lake
Jack Crary, M.D.	Fargo
Russell Emery, M.D.	Bismarck

Delbert Hlavinka, M.D.	Mayville
Glenn Thoreson, M.D.	Mayville
Robert Migliorino, D.O.	Garrison
Ronald Wiisanen, M.D.	Fargo
Allan Luistro, M.D.	Bismarck
Arthur Rillo, M.D.	Bismarck
John Baird, M.D.	Fargo
Harold Evans, M.D.	Grand Forks
Julie Ebeling, M.D.	Fargo
Gigi Goven, M.D.	Fargo
Fred Mitzel, M.D.	Velva
Jeff Peterson, M.D.	Fargo
Craig Fabel, M.D.	Fargo
Robert Arusell, M.D.	Fargo
Roger Schauer, M.D.	Grand Forks
Bipin Amin, M.D.	Bismarck
Brad Buell, M.D.	Bismarck
Robert Ostmo, M.D.	Wahpeton
Charles Breen, M.D.	Bismarck
Louise Murphy, M.D.	Bismarck

Supplies and equipment furnished by the University of North Dakota Family Practice Center, Bismarck.

Nonprescription medications supplied by the North Dakota Pharmaceutical Association.

REPORT OF CONFERENCE COMMITTEE

SB 2010: Your conference committee (Sens. Redlin, DeMers, Lips and Reps. Clayburgh, Howard, Laughlin) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1163-1173, adopt amendments as follows, and place SB 2010 on the Seventh order:

That the House recede from its amendments as printed on pages 1163-1173 of the Senate Journal and pages 1293-1304 of the House Journal and that Senate Bill No. 2010 be amended as follows:

Page 1, line 10, replace "2,087,726" with "2,035,585"

Page 1, line 11, replace "20,286" with "19,847"

Page 1, line 12, replace "400,582" with "504,455"

Page 1, remove line 14

Page 1, line 16, replace "2,652,367" with "2,599,787"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 413 - BANKING AND FINANCIAL INSTITUTIONS

CONFERENCE COMMITTEE - Under provisions of this amendment, the department continues to receive its funding from special funds.

The salaries and wages line item is reduced by \$52,141 of special funds. Of this reduction, \$9,216 relates to reduced employee health insurance costs and \$42,925 is to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$439 of special funds in accordance with provisions of House Bill No. 1018.

The operating expenses line item is increased by \$103,873 of special funds and the interagency legal fees line item is removed to reflect Governor Schafer's recommendation regarding legal fees charged by the Attorney General.

In total, this amendment reduces funding for the Department of Banking and Financial Institutions by \$52,580 of special funds.

SB 2010 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. REDLIN MOVED that the conference committee report on SB 2010 be adopted, which motion prevailed.

SB 2010, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the department of banking and financial institutions.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Grindberg; Nothing

SB 2010 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2015, as engrossed: Your conference committee (Sens. Yockim, Redlin, Lips and Reps. Wald, Gorman, Nichols) recommends that the HOUSE RECEDE from the House amendments on SJ pages 1081-1082, adopt amendments as follows, and place SB 2015 on the Seventh order:

That the House recede from its amendments as printed on pages 1081-1082 of the Senate Journal and page 1238 of the House Journal and that Engrossed Senate Bill No. 2015 be amended as follows:

Page 1, line 6, after "fund" insert "and the lands and minerals trust fund"

Page 1, line 11, replace "1,503,079" with "1,478,451"

Page 1, line 12, replace "54,044" with "52,657"

Page 1, after line 15, insert:

"Mineral leasing refunds 266,000"

Page 1, line 17, replace "7,411,847" with "7,651,832"

Page 2, after line 3, insert:

"SECTION 3. SPECIAL FUNDS. The amount of \$266,000, or so much of the amount as may be necessary, included in the mineral leasing refunds line item in section 1 of this Act may be spent from the lands

and minerals trust fund by the commissioner of university and school lands for the purpose of refunding bonus and rental moneys received on oil and gas leases covering the Little Missouri riverbed for the biennium beginning July 1, 1993, and ending June 30, 1995."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

CONFERENCE COMMITTEE - This amendment makes the following changes:

- The salaries and wages line item is decreased by \$24,628 from other funds to reflect the \$60 per month salary increase plan in accordance with the provisions of House Bill No. 1018.
- The information services line item is decreased by \$1,387 from other funds in accordance with the provisions of House Bill No. 1018.
- This amendment also provides \$266,000 from the lands and minerals trust fund to the Land Department for refunding bonus and rental moneys received on oil and gas leases covering the Little Missouri riverbed. The payments are needed to comply with a court ruling that stated that the state of North Dakota does not own the Little Missouri River and therefore should not have collected the moneys. The moneys were deposited into the lands and minerals trust fund when collected and therefore the refunds are coming out of that fund.

In total, this amendment increases the appropriation to the Land Department by \$239,985 from other funds.

Engrossed SB 2015 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. YOCKIM MOVED that the conference committee report on Engrossed SB 2015 be adopted, which motion prevailed.

Engrossed SB 2015, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act to provide an appropriation for defraying the expenses of the commissioner of university and school lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Grindberg; Nething

SB 2015 passed and the title was agreed to.

REPORT OF CONFERENCE COMMITTEE

SB 2016, as engrossed: Your conference committee (Sens. Mushik, DeMers, Nething and Reps. St. Aubyn, Wentz, Pyle) recommends that the HOUSE RECEDE from the House amendments on SJ page 1027, adopt amendments as follows, and place SB 2016 on the Seventh order:

That the House recede from its amendments as printed on page 1027 of the Senate Journal and page 1079 of the House Journal and that Engrossed Senate Bill No. 2016 be amended as follows:

Page 1, line 12, replace "125,565" with "124,027"

Page 1, line 13, replace "3,003" with "2,970"

Page 1, line 16, replace "1,137,918" with "1,136,347"

Page 1, line 18, replace "700,918" with "699,347"

Page 3, line 7, after "APPROPRIATION" insert "- TRANSFER"

Page 3, line 9, replace "\$100,000" with "\$80,000" and replace "\$25,000" with "\$40,000"

Page 3, line 12, after "state" insert "for the biennium beginning July 1, 1993, and ending June 30, 1995. Notwithstanding the provisions of chapter 54-16, subject to budget section approval, the legislative council chairman may request the director of the office of management and budget to transfer appropriation authority from the appropriation made pursuant to this section to the children's services coordinating committee"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 160 - LEGISLATIVE COUNCIL

CONFERENCE COMMITTEE - This amendment reduces the funding provided for hiring a consultant to assist with a Legislative Council children's services' interim study by \$5,000, from \$125,000 to \$120,000. General fund support is reduced by \$20,000, and other funds are increased by \$15,000.

A section is added providing that the Legislative Council may transfer any unspent funds remaining after the study is complete to the Children's Services Coordinating Committee, subject to Budget Section approval.

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

CONFERENCE COMMITTEE - The salaries and wages line item is reduced by \$1,538 from the general fund to reflect the state employee salary increase provisions of House Bill No. 1018.

The information services line item is reduced by \$33 from the general fund in accordance with provisions of House Bill No. 1018.

Engrossed SB 2016 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SEN. MUSHIK MOVED that the conference committee report on Engrossed SB 2016 be adopted, which motion prevailed.

Engrossed SB 2016, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee; and to provide an appropriation to the legislative council.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Grindberg; Nothing

SB 2016 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 1389, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1389: Sens. Lindaas, Tallackson, Lips.

REPORT OF STANDING COMMITTEE

HB 1515: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1515 was placed on the Fourteenth order on the calendar.

SECOND READING OF HOUSE BILL

HB 1515: A BILL for an Act to repeal section 15 of chapter 404 of the 1987 Session Laws of North Dakota, relating to the expiration date of legislation concerning tort liability; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Schoenwald

ABSENT AND NOT VOTING: Grindberg; Nothing

HB 1515 passed, the title was agreed to, and the emergency clause was declared carried.

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

MADAM PRESIDENT: The Speaker has appointed Rep. Gorman to replace Rep. Dorso on the conference committee on: HB 1017.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1028, HB 1158, HB 1179, HB 1222, HB 1256, HB 1467.

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

MADAM PRESIDENT: The Speaker has signed: SB 2028, SB 2083, SB 2088, SB 2096, SB 2101, SB 2227, SB 2277, SB 2295, SB 2367.

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

MADAM PRESIDENT: The Speaker has signed the veto certification on SB 2003.

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

MADAM PRESIDENT: The House has not adopted the conference committee report on HB 1416.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 4:30 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 President has appointed as a conference committee to act with a like committee from the House on:

HB 1389: Sens. Lindaas; Tallackson; Lips

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bill was delivered to the Secretary of State for his filing at the hour of 1:34 p.m., April 16, 1993: SB 2003.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:54 p.m., April 16, 1993: SB 2028, SB 2083, SB 2088, SB 2096, SB 2101, SB 2227, SB 2277, SB 2295, SB 2367.

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, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Monday, April 19, 1993, which motion prevailed.

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2010, SB 2015, SB 2016.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1515.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3072: A concurrent resolution directing the Legislative Council to study charitable gaming laws and rules.

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

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

CAROL SIEGERT, Secretary