

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 6, 1995

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

The prayer was offered by Rev. David Biddle, Bismarck Alliance Church, Bismarck.

The roll was called and all members were present except Senators DeMers, Holmberg, Krauter, and Redlin.

A quorum was declared by the President.

MOTION

SEN. GOETZ MOVED that the Journal reflect that the Legislative Compensation Commission Report has been received by the Secretary of the Senate and has been filed with the Legislative Council, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2090 be returned to the Senate floor from the Human Services Committee and be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2090 was rereferred.

SECOND READING OF SENATE BILL

SB 2077: A BILL for an Act to repeal section 2 of chapter 565 of the 1993 Session Laws, relating to the expiration date for the sales and use tax exemption for recycling machinery and equipment; and to declare an emergency.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Holmberg; Krauter; Redlin

SB 2077 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2114: A BILL for an Act to amend and reenact sections 25-03.1-14, 25-03.1-17, 25-03.1-19, and subsection 1 of section 25-03.1-26 of the North Dakota Century Code, relating to mental health commitment proceedings and hearings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 45 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Holmberg; Krauter; Redlin

SB 2114 lost.

SECOND READING OF SENATE BILL

SB 2119: A BILL for an Act to repeal section 27-05-18 of the North Dakota Century Code, relating to judges holding consecutive jury terms.

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; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Holmberg; Kelsh; Krauter; Redlin

SB 2119 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2120: A BILL for an Act to amend and reenact section 29-01-01 of the North Dakota Century Code, relating to prosecution of crimes; and to declare an emergency.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Holmberg; Krauter; Redlin

SB 2120 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2156: A BILL for an Act to amend and reenact section 55-02-06 of the

North Dakota Century Code, relating to the location of state historical museums.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Holmberg; Krauter; Redlin

SB 2156 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution directing the Legislative Council to study the state's investment process and the investment of state funds.

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

SCR 4008 was declared adopted on a voice vote.

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 1:00 p.m., Monday, January 9, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2107: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2107 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2108: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2144: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2144 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Solberg, Bowman, Streibel and Reps. DeKrey, Gunter, Howard introduced:
SB 2243: A BILL for an Act to repeal section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.
 Was read the first time and referred to the Transportation Committee.

Sens. B. Stenehjem, Kinnoin, O'Connell and Reps. Belter, Grosz, Skarphol introduced:

SB 2244: A BILL for an Act to amend and reenact subsection 1 of section 39-10-22 of the North Dakota Century Code, relating to intersection right-of-way rules.

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

Sens. B. Stenehjem, Freborg, Mathern and Reps. Belter, Kretschmar, Skarphol introduced:

SB 2245: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to the posting of real estate mortgage payments.

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

Sen. Goetz and Rep. Glassheim introduced:

SB 2246: A BILL for an Act to create and enact a new subsection to section 43-19.1-08 of the North Dakota Century Code, relating to continuing education requirements for professional engineers and land surveyors.

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

Sens. Goetz, Kinnoin and Rep. Wald introduced:

SB 2247: A BILL for an Act to amend and reenact section 39-08-04 of the North Dakota Century Code, relating to the duty of a driver involved in a vehicle accident involving death or personal injury; and to provide a penalty.

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

Sens. Freborg, O'Connell and Rep. Delzer introduced:

SB 2248: 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 transportation payments in reorganized school districts; and to declare an emergency.

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

Sens. Traynor, Nething, W. Stenehjem and Reps. Aarsvold, Dalrymple, Kretschmar introduced:

SB 2249: A BILL for an Act to amend and reenact sections 61-09-10, 61-12-27, 61-16.1-28, and 61-21-23 of the North Dakota Century Code, relating to recording irrigation district, flood irrigation project, water resource district, and drainage project assessments.

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

Sens. Solberg, Christmann, O'Connell and Reps. Rennerfeldt, Schimke, Sitz introduced:

SB 2250: A BILL for an Act to amend and reenact section 36-09-10 of the North Dakota Century Code, relating to recording of canceled brands.

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