

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 9, 1995

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

The prayer was offered by Chaplain Burnie Kunz, Medcenter One, Bismarck.

The roll was called and all members were present except Senators Mushik and Nething.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2071.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1023, HB 1024, HB 1030, HB 1056.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1117.

MOTION

SEN. MALEWAJA MOVED that SB 2099 be returned to the Senate floor from the Transportation Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MALEWAJA REQUESTED the unanimous consent of the Senate to withdraw SB 2099. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to amend and reenact subsection 4 of section 38-14.1-37 of the North Dakota Century Code, relating to reimbursement of the public service commission for small coal mine operator 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething

SB 2107 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2108: A BILL for an Act to create and enact a new subsection to section

38-14.2-03 of the North Dakota Century Code, relating to the powers and duties of the public service commission concerning abandoned mine reclamation projects.

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, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; 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: Mushik; Nething

SB 2108 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 15-19-01 of the North Dakota Century Code, relating to services provided to nonresidents by the division of independent study.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Mushik; Nething; Streibel

SB 2144 passed and the title was agreed to.

REQUEST

SEN. STREIBEL REQUESTED that his vote on SB 2144 be recorded as YEA, which request was granted.

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., Tuesday, January 10, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2117: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2117 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2125: Agriculture Committee (Sen. Bowman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2125 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2128: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2128 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4017: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4017 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Holmberg introduced:

SB 2251: A BILL for an Act to amend and reenact subsection 3 of section 14-02.4-10 of the North Dakota Century Code, relating to when physical and medical examinations of employees are discriminatory practices. Was read the first time and referred to the **Judiciary Committee**.

Sens. Holmberg, Nalewaja introduced:

SB 2252: A BILL for an Act to amend and reenact section 34-06.1-03 of the North Dakota Century Code, relating to the prohibition of discriminatory employment practices. Was read the first time and referred to the **Judiciary Committee**.

Sen. Urlacher and Reps. Brown, Martin introduced:

SB 2253: A BILL for an Act to amend and reenact sections 11-04-04 and 11-04-11 of the North Dakota Century Code, relating to petitions and elections for the removal of a county seat; and to repeal section 11-04-12 of the North Dakota Century Code, relating to removal of county seats not located on a railroad or interstate river. Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. Yockim, DeMers, Mathern, Thane and Reps. Gulleason, Price introduced:

SB 2254: A BILL for an Act to create and enact a new section to chapter 12.1-32 of the North Dakota Century Code, relating to the sentencing of sexual offenders; and to provide a penalty. Was read the first time and referred to the **Judiciary Committee**.

Sens. Langley, Bowman, Solberg and Rep. Nicholas introduced:

SB 2255: A BILL for an Act to amend and reenact section 36-15-21 of the North Dakota Century Code, relating to brucellosis vaccinations. Was read the first time and referred to the **Agriculture Committee**.

Sens. Mathern, Holmberg, Traynor and Reps. Lloyd, Kelsch, Delmore introduced:

SB 2256: A BILL for an Act to create and enact a new section to chapter 20.1-07 of the North Dakota Century Code, relating to the taking of fur-bearing animals. Was read the first time and referred to the **Natural Resources Committee**.

Sens. St. Aubyn, Grindberg and Reps. Delmore, Nottestad introduced:

SB 2257: A BILL for an Act to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to establishment of a college student intern program for executive branch agencies. Was read the first time and referred to the **Government and Veterans Affairs Committee**.

FIRST READING OF HOUSE BILLS

HB 1023: A BILL for an Act to amend and reenact section 54-35-02.6 of the North Dakota Century Code, relating to the duties of the administrative rules committee.

Was read the first time and referred to the **Government and Veterans Affairs Committee.**

HB 1024: A BILL for an Act to create and enact two new sections to chapter 28-32 of the North Dakota Century Code, relating to environmental rules adopted from federal guidelines.

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

HB 1030: A BILL for an Act to amend and reenact section 50-06-14.3 of the North Dakota Century Code, relating to basic care facility rates.

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

HB 1056: A BILL for an Act to amend and reenact sections 25-04-17 and 50-06.3-08 of the North Dakota Century Code, relating to the timing of reports by the department of human services on the reduction or writeoff of accounts receivable.

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

HB 1117: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to authorizing the attorney general to enter into agreements for criminal history record and identification purposes.

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

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

William C. Parker, Secretary