

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 10, 1995

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

The prayer was offered by Rev. Darlene Perkins, All Nations United Church of Christ, Bismarck.

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

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 2077, SB 2119, SB 2120, SB 2156, SCR 4008.

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 1079, HB 1093.

MOTION

SEN. GOETZ MOVED that SB 2231 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 2231 was rereferred.

SECOND READING OF SENATE BILL

SB 2117: A BILL for an Act to amend and reenact sections 14-03-10, 14-03-11, 14-03-17, 14-03-19, 14-03-20, 14-03-21, 14-03-22, 14-03-24, 30.1-02-06, and 57-37.1-12 of the North Dakota Century Code, relating to clerk of district court duties concerning marriage licenses, probate matters, and access to safety deposit boxes.

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; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nelson, G.; Tomac

SB 2117 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2125: A BILL for an Act to amend and reenact section 15-09-04 of the North Dakota Century Code, relating to the valuation and sale of school lands for public purposes.

ROLL CALL

The question being on the 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; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nelson, G.; Tomac

SB 2125 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2128: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to a staggered registration system for certain vehicles; and to amend and reenact section 39-04-06 of the North Dakota Century Code, relating to checks for registration fees returned to the department of transportation.

ROLL CALL

The question being on the 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; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nelson, G.; Tomac

SB 2128 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution directing the Legislative Council to study the coroner system in the state, the issuance of death certificates, and whether certain information in death certificates should be exempt from open records requirements.

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

SCR 4017 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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, January 11, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2064: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2064 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2078: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2109: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2109 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 49-22-04 and 49-22-05.1 of the North Dakota Century Code, relating to energy conversion and transmission facility inventories of exclusion and avoidance areas.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 49-22-04 of the North Dakota Century Code is amended and reenacted as follows:

49-22-04. Ten-year plans - Contents. Every utility which ~~that~~ owns or operates, or plans within the next ten years to own, operate, or start construction on any facility shall annually develop a ten-year plan as specified in this section. On or before July first of each year, ~~every such~~ the utility shall submit its ten-year plan to the commission. The ten-year plan may be appropriate portions of a single regional plan or may be jointly prepared and submitted by two or more utilities and ~~shall~~ must contain the following information:

1. A description of the general location, size, and type of all facilities to be owned or operated by the utility during the ensuing ten years, as well as those facilities to be removed from service during the ten-year period.
2. An identification of the location of the tentative preferred site for all energy conversion facilities and the tentative location of all transmission facilities on which construction is intended to be commenced within the ensuing five years and such other information as may be required by the commission. ~~The site and corridor identification shall be made in compliance with the inventory published by the commission pursuant to section 49-22-05.1.~~
3. A description of the efforts by the utility to coordinate the plan with other utilities so as to provide a coordinated regional plan for meeting the utility needs of the region.
4. A description of the efforts to involve environmental protection and land-use planning agencies in the planning process, as well as other efforts to identify and minimize environmental problems at the earliest possible stage in the planning process.
5. A statement of the projected demand for the service rendered by the utility for the ensuing ten years and the underlying assumptions for the projection, with ~~such~~ that information being as geographically specific as possible, and a description of the manner and extent to which the utility will meet the projected demands.

6. Any other relevant information as may be requested by the commission.

Upon receipt of the ten-year plans the commission shall proceed to assess the impact of the development proposed within the state of North Dakota, to ensure that energy conversion facilities and transmission facilities will be sited in an orderly manner compatible with environmental preservation and efficient use of resources.

SECTION 2. AMENDMENT. Section 49-22-05.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

49-22-05.1. ~~Inventory of exclusion~~ Exclusion and avoidance areas - Criteria.

1. ~~The commission shall assemble and publish an energy conversion and transmission facility inventory of exclusion and avoidance areas. The commission shall have a continuing responsibility to evaluate, update, and publish its inventory.~~
2. The commission shall develop criteria which shall to be used in identifying exclusion and avoidance areas and which shall to guide the site, corridor, and route suitability evaluation and designation process. Except for transmission lines in existence before July 1, 1983, areas within five hundred feet [152.4 meters] of an inhabited rural residence must be designated avoidance areas. This criterion does not apply to a water pipeline. The five hundred foot [152.4 meter] avoidance area criteria for an inhabited rural residence may be waived by the owner of the inhabited rural residence in writing. The criteria may also include an identification of impacts and policies or practices which may be considered in the evaluation and designation process."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2132: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2140: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2145: Natural Resources Committee (Sen. Traynor, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Sixth order on the calendar.

Page 1, line 12, after "application" insert "fee"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2150: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2153: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends

DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2153 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2155: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2155 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 6, overstrike "a fifteen-day" and insert immediately thereafter "an"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2158: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2158 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "amend and reenact section 47-04-01 of the North Dakota Century Code, relating to jurisdiction over property in the state; and to" and remove ", 47-04-01,"

Page 1, line 3, remove ", jurisdiction over property in this state,"

Page 1, after line 5, insert:

"SECTION 1. AMENDMENT. Section 47-04-01 of the North Dakota Century Code is amended and reenacted as follows:

47-04-01. Jurisdiction - State laws — ~~Federal laws~~. Real property within this state is governed by the law of this state, ~~except when the title is in the United States.~~"

Page 1, line 6, remove ", 47-04-01,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2160: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2161: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2161 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2162: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2162 was placed on the Sixth order on the calendar.

Page 2, line 25, replace "meters" with "meter"

Page 5, line 6, overstrike "the" and insert immediately thereafter "reason of"

Page 5, line 7, overstrike "of the" and remove "holder of the contract or policy"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2207: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2207 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2213: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2213 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Mutch and Rep. Timm introduced:

SB 2258: A BILL for an Act to repeal section 39-04-20 and chapter 49-18 of the North Dakota Century Code, relating to motor carriers.
Was read the first time and referred to the **Transportation Committee**.

Sens. Yockim, Mushik, Scherber, Thane and Reps. Coats, Price introduced:

SB 2259: A BILL for an Act to provide an appropriation for a protective services program for vulnerable adults.
Was read the first time and referred to the **Appropriations Committee**.

Sen. Lee and Reps. Koppelman, Maragos introduced:

SB 2261: A BILL for an Act to amend and reenact subsection 2 of section 11-33.2-12, and sections 57-27-02, 57-28-05, 57-28-06, and 57-28-18 of the North Dakota Century Code, relating to the notice requirements for subdivision approval and expiration of the period of redemption for a tax certificate.

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

Sens. Christmann, Kelsch and Rep. Boehm introduced:

SB 2262: A BILL for an Act to amend and reenact subsection 2 of section 39-06.1-06 and section 39-10-46.1 of the North Dakota Century Code, relating to the statutory fees for overtaking and passing a schoolbus; and to provide a penalty.

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

Sens. W. Stenehjem, Tallackson, Traynor and Reps. Hagle, Kelsch, Mahoney introduced:

SB 2263: A BILL for an Act to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to an automated fingerprint identification system by the bureau of criminal investigation.

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

Sen. W. Stenehjem and Rep. Wilkie introduced:

SB 2264: A BILL for an Act to create and enact a new chapter to title 12.1, a new subsection to section 12.1-34-02, a new section to chapter 26.1-40, four new sections to chapter 27-20, a new subsection to section 27-20-31, and a new section to chapter 39-06 of the North Dakota Century Code, relating to criminal street gangs and street crime, fair treatment of victims and witnesses in juvenile court proceedings, a juvenile's loss of driving privileges, loss of driving privileges by delinquent children, juvenile court's exercise of contempt authority over parents ordered to participate in the treatment of a child, authority of the juvenile court to order the parents of a juvenile adjudicated delinquent to make restitution to the victim, disclosure of identifying information about a juvenile, disposition of a delinquent child, and a juvenile delinquent's loss of driving privileges; to amend and reenact subsections 1 and 2 of section 12.1-06.1-01, sections 12.1-06.1-02 and 12.1-06.1-03, subsection 1 of section 12.1-32-02, subsection 5 of section 27-20-02, sections 27-20-26, 27-20-34, 27-20-51, 27-20-52, and 27-20-53 of the North Dakota Century Code, relating to criminal associations and racketeering, leading a criminal association, illegal control of an enterprise, sentencing alternatives, definition of a deprived child,

right to counsel for juveniles under the Uniform Juvenile Court Act, transfer of juveniles to other courts, inspection of court files and records, law enforcement records, and fingerprinting and photographing of juveniles; to repeal section 29-01-28 of the North Dakota Century Code, relating to exclusion of spectators from trials of minors; and to provide a penalty.

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

Sens. St. Aubyn, Lee, Watne and Reps. Berg, DeImore, Nottestad introduced:

SB 2265: A BILL for an Act to amend and reenact section 39-18-08 of the North Dakota Century Code, relating to the sale by real estate brokers or salespeople of used mobile homes.

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

Sens. Nalewaja, Grindberg, Scherber and Reps. Kelsch, Price introduced:

SB 2266: A BILL for an Act to create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the suspension of an early childhood facility license during a child abuse or neglect investigation.

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

Sens. W. Stenehjem, Traynor and Rep. Kretschmar introduced:

SB 2267: A BILL for an Act to amend and reenact section 54-55-01 of the North Dakota Century Code, relating to membership on the commission on uniform state laws.

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

Sen. Bowman introduced:

SB 2268: A BILL for an Act to amend and reenact subsection 7 of section 57-39.2-01 and subsection 8 of section 57-40.2-01 of the North Dakota Century Code, relating to application of sales and use taxes to tire retreading services.

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

Sen. Wogsland introduced:

SB 2269: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to novelty number plates; and to provide a penalty.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Heinrich and Rep. Rydell introduced:

SCR 4018: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to exchanges of state land and mineral rights.

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

FIRST READING OF HOUSE BILLS

HB 1079: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to approval of custodians for safekeeping securities pledged in place of depository bonds.

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

HB 1093: A BILL for an Act to amend and reenact section 39-01-16 of the North Dakota Century Code, relating to hearings on alleged violations by motor vehicle dealers.

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

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

William C. Parker, Secretary