

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, January 12, 1995

The Senate convened at 1:00 p.m., with President Pro Tempore Streibel presiding.

The prayer was offered by Bruce Caldwell, Rector, St. George's Episcopal Church, Bismarck.

The roll was called and all members were present.

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 2117, SB 2125, SB 2128.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4017.

## CONSIDERATION OF AMENDMENTS

SB 2149: SEN. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ pages 89-90 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

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

Mr. President: The House has passed and your favorable consideration is requested on: HB 1092, HB 1104, HB 1113.

## SECOND READING OF SENATE BILL

SB 2145: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to the authority of the state engineer to refund water permit application fees.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

Engrossed SB 2145 passed and the title was agreed to.

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## SECOND READING OF SENATE BILL

SB 2158: A BILL for an Act to amend and reenact section 47-04-01 of the North Dakota Century Code, relating to jurisdiction over property in the state; and to repeal sections 47-01-14 and 54-01-17 of the North Dakota Century Code, relating to ownership of land below ordinary high

watermark and granting of easements to the federal government on state-owned lands.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Stenehjem, W.

Engrossed SB 2158 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2162:** A BILL for an Act to create and enact a new subsection to section 26.1-22.1-06 of the North Dakota Century Code, relating to boiler inspection; and to amend and reenact subsection 10 of section 26.1-01-07, sections 26.1-01-07.5, 26.1-22.1-09, 26.1-22.1-13, 26.1-30-20, subsection 3 of section 26.1-31.2-02, subsection 5 of section 26.1-34-01, subsection 1 of section 26.1-36-05, subsection 27 of section 26.1-36.3-01, subsection 1 of section 26.1-36.3-07, and subdivision g of subsection 3 of section 26.1-38.1-01 of the North Dakota Century Code, relating to fees chargeable by the commissioner of insurance, fire district maps, boiler inspection, policy withdrawal, reinsurance, annuities, group health policies, the small employer health reinsurance program, and the life and health insurance guaranty association.

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

**NAYS:** Kelsh; Mushik; O'Connell; Tennefos; Yockim

Engrossed SB 2162 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2189:** A BILL for an Act to amend and reenact subsection 1 of section 57-38-62 of the North Dakota Century Code, relating to exemptions from estimated tax payment requirements; and to provide an effective date.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 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.; Nelson, G.; Nething; 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

SB 2189 passed and the title was agreed to.

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#### ANNOUNCEMENT

**SEN. G. NELSON ANNOUNCED** that the remarks of Senator Yockim regarding former Representative Jim Haugen will be printed in the Journal.

**SEN. YOCKIM:** Mr. President Pro Tempore: This week North Dakota lost a fine public servant. Jim Haugen served in the North Dakota Legislature in the 1987 and 1989 sessions. He also had a distinguished record of service to the city of Williston from 1978 until 1986.

I was privileged to serve with Jim as a city commissioner and as a legislator. He quickly gained my respect and admiration as he struggled with the challenges of a city facing a boom/bust cycle. He conducted himself with grace, he fought for the things he believed in with vigor, and he looked upon his state with the eyes of a builder.

Jim's active public life often led many of us to overlook his private and personal struggles and achievements. It seemed that Jim would deal with personal or family issues and then the next day would start off on some new project to build his community.

Jim ran for and was elected mayor twice. Jim could have been reelected again and again, but he saw it was time to retire and he chose to do it.

Jim ran for and was elected to the state legislature two times. I have no doubt he would have been reelected again if he had chosen to run. He decided for his own reasons to retire.

None of us will fully know or understand what led to Jim's tragic death this week. But, as was his custom, he chose the time and place on his own terms.

I remember Jim as a hardworking, generous public servant, a mentor to me, and a builder of his community and state. I'll remember him as a colleague and a friend.

He was an avid card player who was fond of saying that one has to play the hand he is dealt. Jim did that and he did it well.

I hope that wherever Jim is at this point that he is in a card game and the great card dealer is dealing him a good hand.

#### 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 12:30 p.m., Friday, January 13, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2048: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2100: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT**

PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2115: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2116: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2116 was placed on the Sixth order on the calendar.

Page 4, line 12, replace "will" with "may"

Page 5, line 23, remove "the department or"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

SB 2118: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2134: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SB 2199: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2199 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

SCR 4015: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4015 was placed on the Tenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

SCR 4016: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4016 was placed on the Tenth order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Nalewaja, G. Nelson, Streibel and Reps. Byerly, Payne, Wald introduced:  
 SB 2283: A BILL for an Act to amend and reenact subsection 7 of section 54-44.1-06 of the North Dakota Century Code, relating to the presentation of budget data to the legislative assembly.  
 Was read the first time and referred to the Appropriations Committee.

Sens. Mutch, Schobinger and Rep. Belter introduced:  
 SB 2284: A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to exceptions to vehicle length and width limitations for safety appurtenances.  
 Was read the first time and referred to the Transportation Committee.

Sens. Schobinger, Solberg, B. Stenehjem, Yockim and Reps. Poolman, Price introduced:  
 SB 2285: A BILL for an Act to amend and reenact section 14-02.4-02 of the North Dakota Century Code, relating to definitions for purposes of

discrimination and reasonable accommodation of individuals with disabilities.

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

Sen. Mutch and Rep. Belter introduced:

**SB 2286:** A BILL for an Act to amend and reenact section 39-04-44 of the North Dakota Century Code, relating to credits on the registration of motor vehicles withdrawn from fleet registration.

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

Sens. Tomac, St. Aubyn introduced:

**SB 2287:** A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to the borrowing of moneys by credit union directors and committee members.

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

Sens. Streibel, G. Nelson, Wogsland and Reps. Dalrymple, Dorso, Kaldor introduced:

**SB 2288:** A BILL for an Act to create and enact chapter 54-16.1 of the North Dakota Century Code, relating to approval of transfer authority or expanded expenditure authorization by the budget section of the legislative council; to repeal chapter 54-16 of the North Dakota Century Code, relating to the emergency commission; and to provide a penalty.

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

Sens. Nething, Wanzek and Reps. Hanson, Kroeber introduced:

**SB 2289:** A BILL for an Act to create and enact a new subsection to section 11-28-05 of the North Dakota Century Code, relating to powers of a board of county park commissioners; to amend and reenact sections 48-09-01 and 48-09-02 of the North Dakota Century Code, relating to granting of concessions by a board of county park commissioners; and to declare an emergency.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. W. Stenehjem, Grindberg, St. Aubyn and Reps. Delmore, Kliniske, Poolman introduced:

**SB 2290:** A BILL for an Act relating to the establishment of school safety patrols and immunity from liability; and to repeal sections 15-47-44 and 15-47-45 of the North Dakota Century Code, relating to the authorization and appointment of school safety patrols.

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

Sens. Yockim, Nalewaja, Thane and Reps. Gunter, Poolman introduced:

**SB 2291:** A BILL for an Act to amend and reenact section 43-41-05 of the North Dakota Century Code, relating to requirements necessary to practice social work.

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

Sens. Mathern, Goetz, Nalewaja and Reps. Olson, Gulleason, Sandvig introduced:

**SB 2292:** A BILL for an Act to amend and reenact subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract mental disorder coverage.

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

Sen. Mushik and Rep. Coats introduced:

**SB 2293:** A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the designation of Gold Star Mothers' Day.

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

Sens. Tallackson, Kinnoin, Lips and Reps. Coats, Maragos, Nichols introduced:

**SB 2294:** A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a fee on distribution, manufacture, or wholesale of soft drinks; to provide an appropriation; and to provide an effective date.

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

Sens. Wogsland, Andrist, Kelsh introduced:

**SB 2295:** A BILL for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to the authority of the electors of a township to transfer township funds to a rural ambulance service district.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. B. Stenehjem, Lips, Nalewaja and Reps. Keiser, Martinson, Nicholas introduced:

**SB 2296:** A BILL for an Act to create and enact two new sections to chapter 18-11 and a new subsection to section 18-11-15 of the North Dakota Century Code, relating to commencement of benefit payments, vesting, and benefit limitations under the alternate firefighters relief association plan; and to amend and reenact sections 18-11-13 and 18-11-19 of the North Dakota Century Code, relating to the alternate firefighters relief association plan state fund and treatment of forfeitures under the alternate firefighters relief association plan.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. B. Stenehjem, Lips, Nalewaja and Reps. Keiser, Martinson, Nicholas introduced:

**SB 2297:** A BILL for an Act to amend and reenact section 18-11-15 of the North Dakota Century Code, relating to qualifications for service pensions under the alternate firefighters relief association plan; and to provide for application of this Act.

Was read the first time and referred to the **Political Subdivisions Committee**.

Sens. LaFountain, Lips, Traynor and Reps. Boucher, Nichols, Kerzman introduced:

**SB 2298:** A BILL for an Act to provide financial assistance to tribally controlled community colleges; and to provide an appropriation.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Mushik, Goetz, Mathern and Rep. Hausauer introduced:

**SCR 4020:** A concurrent resolution directing the Legislative Council to study zoning and real estate tax laws to assess the desirability of enacting legislation relating to the housing needs and preferences of senior citizens.

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

#### FIRST READING OF HOUSE BILLS

**HB 1092:** A BILL for an Act to amend and reenact subsection 1 of section 39-06-14, section 39-06-27, subsection 4 of section 39-06-32, subsection 2 of section 39-06-33, sections 39-06.1-14, 39-16-03, 39-16-03.1, subsection 1 of section 39-16-05, section 39-16.1-07, subsection 1 of section 39-16.1-19, and subsection 2 of section 39-20-04 of the North Dakota Century Code, relating to photographs on motor vehicle operator's licenses, proof of driving offenses in other jurisdictions, refusal to submit to an implied consent chemical test in another state, rules for hearings on suspension or revocation, delivery of suspension orders, fees for copies of operating records, entries on driver record abstracts, time for filing proof of financial responsibility before suspension, proof of financial responsibility, and curing a refusal to take a chemical test.

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

HB 1104: A BILL for an Act to provide for an agricultural pesticide and pesticide container disposal program; and to provide an expiration date.

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

HB 1113: A BILL for an Act to amend and reenact subsection 3 of section 61-33-09 of the North Dakota Century Code, relating to meetings of the sovereign lands advisory board.

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

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

William C. Parker, Secretary