

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 19, 1995

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

The prayer was offered by Pastor Janet Hernes Mathistad, Bethany Lutheran Church, Minot.

The roll was called and all members were present except Senator Lips.

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 2069, SB 2070, SB 2191, SB 2261.

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 4004.

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 1032, HB 1044, HB 1087, HB 1098, HB 1100, HB 1102, HB 1106, HB 1107, HB 1108, HB 1112, HB 1116, HB 1122, HB 1125, HB 1126, HB 1127, HB 1128, HB 1130, HB 1139, HB 1162.

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HCR 3015.

MOTION

SEN. BOWMAN MOVED that SB 2127, which is on the Sixth order, be rereferred to the Agriculture Committee, which motion prevailed. Pursuant to Sen. Bowman's motion, SB 2127 was rereferred.

MOTION

SEN. GOETZ MOVED that SB 2029 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2068: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 148 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2089: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 148-149 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2101: SEN. W. STENHJEM (Judiciary Committee) MOVED that the amendments on SJ page 149 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2133: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 149-150 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2135: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 150 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2142: SEN. TRAYNOR (Natural Resources Committee) MOVED that the amendments on SJ pages 150-151 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2163: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 151 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2169: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 151 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2239: SEN. SCHERBER (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 151-152 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 146-148 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2265 be returned to the Senate floor from the Industry, Business and Labor Committee and be rereferred to the Finance and Taxation Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2265 was rereferred.

MOTION

SEN. GOETZ MOVED that SB 2373 be returned to the Senate floor from the Government and Veterans Affairs Committee and be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2373 was rereferred.

MOTION

SEN. GOETZ MOVED that SB 2408 be returned to the Senate floor from the Government and Veterans Affairs Committee and be rereferred to the Political Subdivisions Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2408 was rereferred.

MOTION

SEN. G. NELSON MOVED that he was notifying the Senate of his blanket objection to any Legislative Council resolution being placed on the Consent Calendar without a committee recommendation that it be placed on the Consent Calendar, as stated in Joint Rule 206, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact subsections 1, 3, and 4 of section 54-06-14.1 and subsections 1 and 3 of section 54-06-14.2 of the North Dakota Century Code, relating to the state annual leave and sick leave sharing programs.

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 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

Engrossed SB 2095 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2157: A BILL for an Act to amend and reenact section 55-01-01 of the North Dakota Century Code, relating to the composition of the state historical board.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; 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; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Heinrich; Mushik; O'Connell

Engrossed SB 2157 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to composite tax returns; and to provide an effective date.

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 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

Engrossed SB 2184 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2185: A BILL for an Act to create and enact a new subsection to section 57-38-14 of the North Dakota Century Code, relating to the filing of combined reports and consolidated income tax returns by domestic corporations; and to provide an effective date.

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 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

Engrossed SB 2185 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2201: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to purchase of loans by the Bank of North Dakota; and to amend and reenact subsection 3 of section 6-09-15 of the North Dakota Century Code, relating to participation in loans by the Bank of North Dakota.

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 2201 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2223: A BILL for an Act to amend and reenact subsection 2 of section 39-21-44 of the North Dakota Century Code, relating to the transportation of hazardous materials by fertilizer or agricultural chemical retailers.

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 2223 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact three new sections to chapter 43-11 of the North Dakota Century Code, relating to continuing education requirements for cosmetologists.

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

YEAS: Heinrich; Mushik; Nalewaja; Tennefos

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

SB 2226 lost.

MOTION

SEN. G. NELSON MOVED that SB 2027, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2036: A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota Century Code, relating to the responsibility of the department of human services to receive and distribute child support payments in the state; to amend and reenact section 14-09-08.1 of the North Dakota Century Code, relating to child support payments to the department and the enforcement responsibility of the clerks of court; 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 NOT PASS, the roll was called and there were 11 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kelsh; Mathern; Mushik; Redlin; Robinson; Scherber; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne

SB 2036 lost.

SECOND READING OF SENATE BILL

SB 2102: A BILL for an Act to amend and reenact section 14-09-09.7 of the North Dakota Century Code, relating to requirements of the child support guidelines; and to provide for retroactive application.

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, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

MAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; 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

ABSENT AND NOT VOTING: Lindaas

SB 2102 lost.

SECOND READING OF SENATE BILL

SB 2129: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 26.1-31.2-01 of the North Dakota Century Code, relating to credit allowed a domestic ceding insurer; 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 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 2129 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2136: A BILL for an Act to repeal section 57-39.2-03.4 of the North Dakota Century Code, relating to sales taxes on carpet and drapes.

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 2136 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2204: A BILL for an Act to create and enact a new subsection to section 61-02-02 and a new section to chapter 61-02 of the North Dakota Century Code, relating to definitions and revenues and funds available to pay water development revenue bonds; to amend and reenact sections

61-02-46, 61-02-47, 61-02-48, 61-02-51, 61-02-52, 61-02-53, 61-02-54, 61-02-55, 61-02-56, 61-02-57, 61-02-58, 61-02-59, 61-02-61, 61-02-62, 61-02-63, 61-02-64, and 61-02-64.1 of the North Dakota Century Code, relating to water development revenue bonds; and to repeal sections 61-02-66, 61-02-67, and 61-02-68 of the North Dakota Century Code, relating to bond funds and payments.

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 2204 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2222: A BILL for an Act to amend and reenact subsection 1 of section 10-15-20 and section 10-15-21 of the North Dakota Century Code, relating to the rate of dividends upon stock issued by a cooperative association and the issuance of stock certificates by a cooperative association; 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 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 2222 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

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.

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 2 YEAS, 47 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: O'Connell; Tallackson

NAYS: 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; Redlin;

Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn;
Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac;
Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

SB 2246 lost.

SECOND READING OF SENATE BILL

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.

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 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.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Wogsland

SB 2268 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to amend and reenact section 9-06-04 of the North Dakota Century Code, relating to contracts that must be in writing.

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, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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; Yockim

ABSENT AND NOT VOTING: Wogsland

SB 2271 lost.

MOTION

SEN. MUSHIK MOVED that SB 2123 be returned to the Senate floor from the Government and Veterans Affairs Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MUSHIK REQUESTED the unanimous consent of the Senate to withdraw SB 2123. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that the absent member 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 12:30 p.m., Friday, January 20, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2083: Finance and Taxation Committee (Sen. Tennesos, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2091: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2091 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2096: 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 2096 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "McGruff safe" with "block"

Page 1, line 3, replace "McGruff safe" with "Block" and replace "'McGruff" with "'block"

Page 1, line 4, remove "safe" and replace "the "McGruff"" with "a recognized"

Page 1, line 5, remove "with the phrase "McGruff House"

Page 1, line 8, replace "McGruff safe" with "Block" and replace "department of human" with "attorney general, through the state bureau of criminal investigation"

Page 1, line 9, remove "services" and after the first comma insert "and"

Page 1, line 10, replace "a McGruff" with "block"

Page 1, line 11, remove "safe" and replace "program" with "programs"

Page 1, line 12, replace "Design or adopt a" with "Adopt" and replace "symbol and sign" with "symbols or signs"

Page 1, line 13, replace "McGruff safe" with "block" and after "The" insert "symbol or"

Page 1, line 14, after "The" insert "symbols or"

Page 1, line 15, replace "and be made available at cost to local law" with a period

Page 1, remove lines 16 and 17

Page 1, line 19, replace "McGruff safe" with "block"

Page 2, line 2, replace "Cooperate with local law enforcement agencies" with "Assist"

Page 2, line 4, replace "McGruff safe" with "block" and after "house" insert "in a block house program"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2141: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to provide an appropriation"

Page 1, remove lines 20 through 22

Page 2, remove lines 1 through 3

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2176: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Sixth order on the calendar.

Page 1, line 11, overstrike "cities, townships" and insert immediately thereafter "city fire departments"

Page 3, line 9, remove "In July of each year, one-half"

Page 3, line 10, remove "of the amount appropriated by the legislative assembly from" and overstrike "the"

Page 3, overstrike line 11

Page 3, line 12, overstrike "homeowner's multiple peril, farmowner's multiple peril,"

Page 3, line 13, overstrike "commercial multiple peril", remove ", and crop hail", overstrike "insurance", and insert immediately thereafter "In July of each year, one-half of the amount appropriated by the legislative assembly for distribution under section 18-04-05"

Page 3, line 15, remove "revenue from the tax"

Page 3, line 16, remove "imposed upon these lines of insurance" and overstrike "as well as"

Page 3, line 17, overstrike "other"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2188: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2188 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2203: Finance and Taxation Committee (Sen. Tennesfos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2203 was placed on the Sixth order on the calendar.

Page 5, line 11, after "authority" insert "for operation and maintenance"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2244: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS,

0 NAYS, 0 ABSENT AND NOT VOTING). SB 2244 was placed on the Sixth order on the calendar.

Page 1, line 6, after "intersection" insert "not controlled by an official traffic control device"

Page 1, line 10, replace "required to turn" with "of the vehicle on the terminating street or highway"

Page 1, line 11, replace "cross traffic" with "vehicle on the continuing street or highway"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2247: Transportation Committee (Sen. B. Stenehjelm, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2247 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2250: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2250 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4005: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Sixth order on the calendar.

Page 1, line 11, after "including" insert "alternatives to property taxes and"

ReNUMBER accordingly

FIRST READING OF SENATE BILLS

Sens. Lee, Grindberg and Reps. Mickelson, Rydell introduced:

SB 2446: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to name rotation on ballots.

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

Sens. Lee, Grindberg and Reps. Mickelson, Rydell introduced:

SB 2447: A BILL for an Act to amend and reenact sections 45-11-02 and 45-11-04.1 of the North Dakota Century Code, relating to the content and renewal of fictitious name certificates filed with the secretary of state.

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

Sens. Streibel, Mutch, Robinson and Reps. Carlson, Huether, Olson introduced:

SB 2448: A BILL for an Act to amend and reenact section 54-02-01 of the North Dakota Century Code, relating to use of the great seal.

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

Sens. Mushik, DeMers, Kelsh, Mathern, Scherber, Tomac introduced:

SB 2449: A BILL for an Act to amend and reenact subsections 1 and 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to determining weekly unemployment compensation benefits and maximum potential unemployment compensation benefits.

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

Sens. Urlacher, Christmann and Reps. Brown, Galvin, Jacobs, Mahoney introduced:

SB 2450: A BILL for an Act to create and enact a new section to chapter 61-24.3 of the North Dakota Century Code, relating to the southwest pipeline project.

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

Sens. B. Stenehjem, Mathern, St. Aubyn and Reps. Carlson, Hanson, D. Henegar introduced:

SB 2451: A BILL for an Act to create and enact a new section to chapter 20.1-02 of the North Dakota Century Code, relating to funding of the motorboat programs and safety account from the highway tax distribution fund.

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

Sens. W. Stenehjem, C. Nelson and Reps. Mahoney, Maragos introduced:

SB 2452: A BILL for an Act to amend and reenact sections 57-36.1-01 and 57-36.1-12 of the North Dakota Century Code, relating to the imposition of the controlled substances tax.

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

Sens. Schobinger, B. Stenehjem and Reps. Maragos, Poolman introduced:

SB 2453: A BILL for an Act to amend and reenact section 16.1-12-02.2 of the North Dakota Century Code, relating to certificates of candidacy by write-in candidates.

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

Sens. Scherber, Mathern, Watne and Reps. Kelsch, Maragos, Price introduced:

SB 2454: A BILL for an Act to prohibit female genital mutilation; and to provide a penalty.

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

Sens. Watne, Bowman, Krebsbach, C. Nelson, Scherber introduced:

SB 2455: A BILL for an Act to amend and reenact section 16.1-01-07, subsections 1 and 2 of section 16.1-01-09, sections 16.1-01-10, 16.1-06-09, and 44-08-21 of the North Dakota Century Code, relating to initiative, referendum, and recall petitions; and to repeal section 16.1-06-09.1 of the North Dakota Century Code, relating to statements of intent on constitutional amendments.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Thane, Lips and Rep. Stenehjem introduced:

SCR 4026: A concurrent resolution directing the Legislative Council to study the present and future role of the State Mill and Elevator.

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

FIRST READING OF HOUSE BILLS

HB 1032: A BILL for an Act to create and enact a new chapter to title 14 and a new section to chapter 14-09 of the North Dakota Century Code, relating to the establishment of paternity; and to amend and reenact section 14-17-11 of the North Dakota Century Code, relating to the use of genetic tests in paternity proceedings.

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

HB 1044: A BILL for an Act to amend and reenact sections 15-40.2-04, 15-40.2-05, and 15-40.3-05 of the North Dakota Century Code, relating to the transportation of students participating in open enrollment and other nonresident students; and to repeal section 15-34.2-02 of the North Dakota Century Code, relating to agreements for transportation of nonresident students.

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

HB 1087: A BILL for an Act to amend and reenact subsection 2 of section 15-10-19.1 of the North Dakota Century Code, relating to the definition of resident student for higher education tuition purposes.

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

HB 1098: A BILL for an Act to repeal section 54-01-17.2 of the North Dakota Century Code, relating to the North Dakota-Saskatchewan-Manitoba boundary advisory committee.

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

HB 1100: A BILL for an Act to amend and reenact sections 1-08-04.1, 48-10-01, and 48-10-03 of the North Dakota Century Code, relating to duties of the council on the arts and membership and duties of the capitol grounds planning commission; to repeal chapter 48-11 of the North Dakota Century Code, relating to the capitol arts and historic preservation advisory committee; and to transfer the balance of the capitol arts and historic preservation advisory committee special operating fund to the general fund.

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

HB 1102: A BILL for an Act to amend and reenact section 43-07-12 of the North Dakota Century Code, relating to exemptions from contractor's bid requirements.

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

HB 1106: A BILL for an Act to amend and reenact section 20.1-08-04.5 of the North Dakota Century Code, relating to the governor's proclamation concerning the hunting of deer with muzzleloading firearms.

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

HB 1107: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to nonresident paddlefish license fees; to amend and reenact subsection 24 of section 20.1-03-12 of the North Dakota Century Code, relating to paddlefish license fees; and to declare an emergency.

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

HB 1108: A BILL for an Act to amend and reenact subsection 17 of section 20.1-02-05 of the North Dakota Century Code, relating to acting as a guide or outfitter without a license; and to provide a penalty.

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

HB 1112: A BILL for an Act to amend and reenact section 15-62.1-01, subsection 1 of section 15-62.1-02, sections 15-62.1-03 and 15-62.1-05 of the North Dakota Century Code, relating to a state guarantee student loan program.

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

HB 1116: A BILL for an Act to amend and reenact section 18-09-02, subsection 2 of section 23-13-02.3, sections 23-13-03.2, 23-13-03.3, and 23-13-16 of the North Dakota Century Code, relating to liquefied petroleum gas regulations, self-service motor fuel dispensing facilities, unauthorized filling, transfer, or covering of identification marks on liquefied petroleum gas containers, unauthorized possession of liquefied petroleum gas containers, and limitations on aboveground petroleum storage tanks.

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

HB 1122: A BILL for an Act to amend and reenact sections 40-21-06 and 40-21-08 of the North Dakota Century Code, relating to statements of principles on city election ballots.

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

HB 1125: A BILL for an Act to amend and reenact subsection 2 of section 52-09-06 and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the investment of funds and the calculation

of primary insurance benefits under the old-age and survivor insurance system.

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

HB 1126: A BILL for an Act to create and enact three new sections to chapter 54-52.1 and four new subsections to section 54-52.1-02 of the North Dakota Century Code, relating to dental, vision, long-term care, and employee assistance benefits coverage under the uniform group insurance program; and to amend and reenact subsection 6 of section 54-52-04 of the North Dakota Century Code, relating to the authority of the retirement board.

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

HB 1127: A BILL for an Act to amend and reenact subsection 8 of section 54-52-01 of the North Dakota Century Code, relating to definitions for purposes of the public employees retirement system.

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

HB 1128: A BILL for an Act to amend and reenact subdivision b of subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to the computation of benefits for participants in the judges' system under the public employees retirement system.

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

HB 1130: A BILL for an Act to amend and reenact section 2-05-06.5 of the North Dakota Century Code, relating to state assistance for public airports.

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

HB 1139: A BILL for an Act to amend and reenact section 20.1-03-12 of the North Dakota Century Code, relating to resident fishing license fees; to repeal section 20.1-03-10.1 of the North Dakota Century Code, relating to trout and salmon license stamps; and to provide an effective date.

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

HB 1162: A BILL for an Act to amend and reenact section 50-06-06.11 of the North Dakota Century Code, relating to child care provider payments; and to repeal section 50-06-06.12 of the North Dakota Century Code, relating to withholding from child care provider reimbursement payments.

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

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

William C. Parker, Secretary