

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, January 27, 1995

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

The prayer was offered by Rev. Larry C. Jahnke, New Song Community Church, Bismarck.

The roll was called and all members were present except Senators Kringstad, Scherber, Tallackson, and Yockim.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Sand, Chairman) has carefully examined the Journal of the Eighteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 235, line 50, replace "Sen." with "Sens." and after "Krebsbach" insert ", Traynor and Reps. Klein, Kretschmar, Poolman"

SEN. SAND MOVED that the report be adopted, which motion prevailed.

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 2034, SB 2037, SB 2073, SB 2092, SB 2103, SB 2109, SB 2143, SB 2148, SB 2152, SB 2165, SB 2208, SB 2252, SB 2262, SB 2287, SB 2299, SCR 4001, SCR 4003, SCR 4005.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1093.

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 1054, HB 1103, HB 1163.

CONSIDERATION OF AMENDMENTS

SB 2050: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 232 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2054: SEN. KELSH (Education Committee) MOVED that the amendments on SJ pages 232-233 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. W. STENEHJEM MOVED that SB 2396 be returned to the Senate floor from the Human Services Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. W. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2396. There being no objection, it was so ordered by the President.

MOTION

SEN. GOETZ MOVED that SB 2446 be returned to the Senate floor from the Political Subdivisions Committee and be rereferred to the Judiciary

Committee, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2446 was rereferred.

MOTION

SEN. URLACHER MOVED that SB 2275, which is on the Eleventh order, be rereferred to the Political Subdivisions Committee, which motion prevailed. Pursuant to Sen. Urlacher's motion, SB 2275 was rereferred.

SECOND READING OF SENATE BILL

SB 2215: A BILL for an Act to amend and reenact sections 44-06-02, 44-06-04, 44-06-11, and 44-06-13.1 of the North Dakota Century Code, relating to a notary public's change of address, bond, notarial seal, revocation of commission, and notarizing of a spouse's or notary's signature.

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

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

ABSENT AND NOT VOTING: Kringstad; Scherber; Tallackson

Engrossed SB 2215 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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 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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

Engrossed SB 2253 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2278: A BILL for an Act to provide for the care and treatment of persons with intractable pain by the use of controlled substances.

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 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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

Engrossed SB 2278 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to vote requirements for certain school bond issues; and to amend and reenact subsection 3 of section 21-03-10.1 and section 57-15-16 of the North Dakota Century Code, relating to school bond issues and tax levies for school district building funds.

MOTION

SEN. LIPS MOVED that SB 2053 be amended as follows:

Page 1, line 11, replace "a majority" with "fifty-five percent"

Page 1, line 18, remove the overstrike over "of", after "~~sixty~~" insert "fifty-five", remove the overstrike over "~~percent~~", and remove "by a majority"

Page 2, line 7, after "~~sixty~~" insert "fifty-five", remove the overstrike over "~~percent~~", and remove "a"

Page 2, line 8, remove "majority"

Page 3, line 3, remove the overstrike over "of", after "~~sixty~~" insert "fifty-five", remove the overstrike over "~~percent~~", and remove "by a majority"

Page 4, line 3, remove the overstrike over "of", after "~~sixty~~" insert "fifty-five", remove the overstrike over "~~percent~~", and remove "by a majority"

Renumber accordingly

REQUEST

SEN. LIPS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2053, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2053, the roll was called and there were 19 YEAS, 28 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Heinrich; Holmberg; Kinnoin; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mushik; Nelson, C.; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Thane; Wogsland; Yockim

NAYS: Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Kelsh; Krauter; Krebsbach; Langley; Lee; Mutch; Naaden; Nalewaja; Nelson, G.;

Nething; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Scherber; Tallackson

The proposed amendments to SB 2053 failed.

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 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Holmberg; Kringstad; LaFountain; Lips; Mathern; Mushik; Nelson, C.; Redlin; Stenehjem, W.; Thane; Yockim

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

ABSENT AND NOT VOTING: Scherber; Tallackson

SB 2053 lost.

SECOND READING OF SENATE BILL

SB 2084: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to prohibiting advertising and promoting of games of chance by any means that emanates or originates within the state; and to provide a penalty.

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 9 YEAS, 37 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Heitkamp; Kinnoin; Lindaas; O'Connell; Redlin; Sand; Streibel; Tennefos

NAYS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson; Thane

SB 2084 lost.

REQUEST

SEN. THANE REQUESTED that the Journal reflect that he intended to vote NAY on SB 2084, which request was granted.

SECOND READING OF SENATE BILL

SB 2182: A BILL for an Act to create and enact a new section to chapter 12-46 of the North Dakota Century Code, relating to school district liability for the cost of educating students at the state industrial school.

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, 47 NAYS, 0 EXCUSED, 2 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

SB 2182 lost.

SECOND READING OF SENATE BILL

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.

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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

SB 2267 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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.

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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

SB 2289 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

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.

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.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Scherber; Tallackson

SB 2295 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2303: A BILL for an Act to amend and reenact subsection 2 of section 5-01-01 and subsection 3 of section 5-01-02 of the North Dakota Century Code, relating to the definition of alcoholic beverages and exceptions to alcoholic beverage regulations.

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2303 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2318: A BILL for an Act to amend and reenact subsection 4 of section 57-40.3-01 of the North Dakota Century Code, relating to motor vehicle manufacturers' rebates as a deduction for motor vehicle excise tax purposes; 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 12 YEAS, 34 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Langley; Mathern; Mushik; O'Connell; Redlin; Robinson; Tomac; Wogsland; Yockim

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2318 lost.

SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to amend and reenact section 34-08-14 of the North Dakota Century Code, relating to mediation of labor disputes by the commissioner of labor.

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 38 YEAS, 8 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Heitkamp; Mathern; Mushik; O'Connell; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2321 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2322: A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to inclusion of school board and township representatives in deliberations on granting property tax exemptions or payments in lieu of taxes for new industries; and to provide an expiration 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; 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; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2322 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2336: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to property exempted from a homestead exemption waiver.

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2336 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to amend and reenact section 30.1-24-05 of the North Dakota Century Code, relating to orders concerning the appointment of a foreign personal representative.

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2337 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to amend and reenact section 1-04-01 of the North Dakota Century Code, relating to validation of recorded instruments.

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2338 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2346: A BILL for an Act to repeal section 29-21-12.1 of the North Dakota Century Code, relating to the admissibility of confessions.

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

ABSENT AND NOT VOTING: Goetz; Scherber; Tallackson

SB 2346 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2376: A BILL for an Act to amend and reenact subsection 2 of section 11-09.1-05 and subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to limitations on the rate of sales and use taxes imposed by a county or city under home rule authority and exemption from county or city sales and use taxes for sales or use of farm machinery, farm machinery repair parts, and agricultural equipment; 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 21 YEAS, 24 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Naaden; O'Connell; Redlin; Robinson; Sand; Stenehjem, B.; Streibel; Tomac; Urlacher; Wogsland

NAYS: Bowman; Christmann; Grindberg; Holmberg; Krebsbach; Lee; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tennefos; Thane; Traynor; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: DeMers; Goetz; Scherber; Tallackson

SB 2376 lost.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to create and enact a new subsection to section

43-11-02 of the North Dakota Century Code, relating to exemptions from cosmetology regulations.

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 42 YEAS, 1 NAY, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

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

NAYS: Nalewaja

ABSENT AND NOT VOTING: DeMers; Goetz; Langley; Scherber; Stenehjem, W.; Tallackson

SB 2404 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act to provide for immediate payment of manufacturer's rebate.

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, 41 NAYS, 0 EXCUSED, 6 ABSENT AND NOT VOTING.

YEAS: Mushik; O'Connell

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

ABSENT AND NOT VOTING: DeMers; Goetz; Nething; Scherber; Stenehjem, W.; Tallackson

SB 2409 lost.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to amend and reenact section 13-05-05 of the North Dakota Century Code, relating to transferability of collection agency licenses.

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

ABSENT AND NOT VOTING: DeMers; Goetz; Scherber; Stenehjem, W.; Tallackson

SB 2431 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION ON CONSENT CALENDAR

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.

The question being on the final adoption of the resolution, which has been read.

SCR 4020 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. HOLMBERG MOVED that the absent members be excused, which motion prevailed.

MOTION

SEN. G. NELSON 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., Monday, January 30, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2040: 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 2040 was placed on the Sixth order on the calendar.

Page 3, line 7, after "years" insert "if the additional period of probation is in conjunction with a commitment to a sexual offender treatment or aftercare program"

Page 3, line 11, after "years" insert "if the additional period of probation is in conjunction with a commitment to a sexual offender treatment or aftercare program"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2049: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2049 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2051: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2051 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2052: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING). SB 2052 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2097: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Sixth order on the calendar.

Page 8, line 26, after the underscored period insert "A physician is not subject to civil or criminal liability or discipline for unprofessional conduct for administering a lethal intravenous injection under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2098: Education Committee (Sen. Freborg, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2098 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2105: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2105 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2106: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2106 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2121: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 3, line 25, remove "were" and replace "close" with "closed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2122: 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 2122 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact subsections 1 and 7 of section 28-32-09 of the North Dakota Century Code, relating to subpoenas, discovery, and protective orders in administrative proceedings.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 1 and 7 of section 28-32-09 of the North Dakota Century Code are amended and reenacted as follows:

1. Any hearing officer may issue subpoenas, discovery orders, and protective orders in accordance with the North Dakota Rules of Civil Procedure. A motion to quash or modify, or any other motion relating to subpoenas, discovery, or protective orders must be made to the hearing officer. The hearing officer's rulings on these motions may be appealed under section 28-32-15 after issuance of the final order by the agency.
7. Subpoenas, discovery orders, protective orders, and other orders issued under this section may be enforced by applying to any judge of the district court for an order requiring the attendance of a witness, the production of all documents and objects described in the subpoena, or otherwise enforcing an order. Failure of a witness or other person to comply with the order of the district court is contempt of court which is

punishable by the district court, upon application. The judge may award attorney's fees to the parties seeking enforcement of a subpoena under this subsection."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2170: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2170 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2171: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2171 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2172: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2172 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2173: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2173 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2174: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2174 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2190: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2220: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2220 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2224: 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 2224 was placed on the Sixth order on the calendar.

Page 1, line 19, after "decisions" insert ", unless a court of competent jurisdiction specifically authorizes a guardian to make medical decisions for the incapacitated person"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2228: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2228 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2258: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2258 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2270: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT

PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2270 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2266: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2266 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2276: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2276 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2284: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2284 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2286: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2286 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2333: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2333 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2385: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2414: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2424: Education Committee (Sen. Freborg, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2424 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4006: Education Committee (Sen. Freborg, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Wogsland, Kelsh, Tomac and Rep. Sitz introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study the effects of blackbirds on agricultural crop production, the level of depredation in the state, and the short-term and long-term effects of continued depredation on the species, the environment, and rural North Dakota in general.

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

FIRST READING OF HOUSE BILLS

HB 1054: A BILL for an Act to require every state agency and institution to prepare a written analysis documenting the decision to acquire the use of any asset as the result of a lease; and to create and enact a new subsection to section 54-44.1-06 of the North Dakota Century Code, relating to the contents of budget data prepared by the director of the budget.

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

HB 1103: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state employee travel reimbursement.

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

HB 1163: A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the requirement of safety belts for people with medical or physically disabling conditions.

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