

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 2, 1995

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

The prayer was offered by Rev. Dean F. Rothchild, Our Savior's Lutheran Church, Bottineau.

The roll was called and all members were present except Senators Holmberg, Langley, and Nething.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2040, SB 2054, SB 2224.

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 1016, HB 1019, HB 1020, HB 1026, HB 1247, HB 1280, HB 1300, HB 1312, HB 1318, HB 1339, HB 1340, HB 1343, HB 1348, HB 1361, HB 1482.

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

MADAM PRESIDENT: The House has passed unchanged and the emergency clause carried on: SB 2071.

CONSIDERATION OF AMENDMENTS

SB 2290: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 290 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2307: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 290 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2314: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 290-291 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2341: SEN. URLACHER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 293-294 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2394: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 291-292 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2418: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 292 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2426: SEN. KINNOIN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 292-293 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4007: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ page 294 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

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; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Langley; Nothing

Engrossed SB 2010 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2063: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments for special education; and to amend and reenact subsection 3 of section 15-40.1-06, subsection 6 of section 15-40.2-08, sections 15-59-02.1, 15-59-06, and 15-59-07 of the North Dakota Century Code, relating to school district liability for special needs students.

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 28 YEAS, 17 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Freborg; Goetz; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Stenehjem, B.; Thane; Tomac; Urlacher; Wanzenk; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; DeMers; Grindberg; Krebsbach; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Traynor; Watne

ABSENT AND NOT VOTING: Holmberg; Langley; Nothing; Tallackson

Engrossed SB 2063 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2060: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to per student payments for special education; and to amend and reenact sections 15-59-06, 15-59-06.2, and 15-59-07 of the North Dakota Century Code, relating to school district liability for special education.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

SB 2060 lost.

SECOND READING OF SENATE BILL

SB 2072: A BILL for an Act to amend and reenact subsections 3, 5, 7, and 8 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and landowner preference hunting licenses.

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, 1 NAY, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

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

NAYS: Christmann

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

Engrossed SB 2072 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2326: A BILL for an Act to amend and reenact subsection 8 of section 20.1-03-11 of the North Dakota Century Code, relating to licenses issued to lessees or landowners to hunt moose.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

SB 2326 lost.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to provide a penalty for hazing.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

Engrossed SB 2315 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2427 be placed at the bottom of the calendar, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2391 and SCR 4025 be moved to the top of the Eleventh order, which motion prevailed.

MOTION

SEN. W. STENEHJEM MOVED that SB 2332, which is on the Eleventh order, be rereferred to the Judiciary Committee, which motion prevailed. Pursuant to Sen. W. Stenehjem's motion, SB 2332 was rereferred.

SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new section to chapter 54-44.2 of the North Dakota Century Code, relating to access to computer data maintained by state agencies.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

SB 2391 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution directing the Legislative Council to study

access to computer data bases or electronically filed or stored information by state agencies.

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

SCR 4025 was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2166: A BILL for an Act to create and enact a new subsection to section 54-09-04 of the North Dakota Century Code, relating to fees charged by the secretary of state for access to computer data.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething; Tallackson

SB 2166 lost.

SECOND READING OF SENATE BILL

SB 2186: A BILL for an Act to amend and reenact section 50-06-14.3 of the North Dakota Century Code, relating to basic care facility ratesetting methodology.

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

YEAS: Bowman; Christmann; Krebsbach; Nalewaja; Nelson, G.; Stenehjem, B.; Thane; Watne

NAYS: Andrist; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2186 lost.

SECOND READING OF SENATE BILL

SB 2193: A BILL for an Act to repeal chapter 15-64 of the North Dakota Century Code, relating to the compact for education; 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 24 YEAS, 22 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kelsh; Kinnoin; Krebsbach; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Krauter; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Streibel; Tallackson; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2193 lost for want of a Constitutional majority.

SECOND READING OF SENATE BILL

SB 2220: A BILL for an Act to amend and reenact subsection 7 of section 55-08-05, sections 55-08-06, and 55-08-06.2 of the North Dakota Century Code, relating to motor vehicle and senior citizen passport park entrance fees.

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

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

NAYS: Bowman; DeMers; Mushik; O'Connell

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2220 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2228: A BILL for an Act to amend and reenact section 54-46-08.1 of the North Dakota Century Code, relating to preservation of archival records.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2228 lost.

SECOND READING OF SENATE BILL

SB 2232: A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests.

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 20 YEAS, 26 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Freborg; Goetz; Grindberg; Kelsh; Kringstad; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Traynor; Watne; Yockim

NAYS: Andrist; Christmann; DeMers; Heinrich; Heitkamp; Kinnoin; Krauter; Krebsbach; LaFountain; Lee; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Solberg; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wanzek; Wogsland

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2232 lost.

SECOND READING OF SENATE BILL

SB 2258: A BILL for an Act to repeal section 39-04-20 and chapter 49-18 of the North Dakota Century Code, relating to motor carriers.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2258 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2266 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2270: A BILL for an Act to create and enact five new sections to chapter 43-29 of the North Dakota Century Code, relating to licensure of veterinary technicians, veterinary technician services, and automatic licensure for certified veterinary technicians; and to amend and reenact section 43-29-09 of the North Dakota Century Code, relating to the adoption of rules by the board of veterinary medical examiners.

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 25 YEAS, 21 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Krebsbach; Lee; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Sand; Schobinger; Solberg; Streibel; Tennefos; Traynor; Urlacher; Wanzenk; Watne; Yockim

NAYS: Andrist; Heinrich; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mushik; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Wogsland

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2270 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to repeal chapter 54-35.2 of the North Dakota Century Code, relating to the advisory commission on intergovernmental relations; and to provide for 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 15 YEAS, 31 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Heitkamp; Kinnoin; Mutch; Naaden; Nalewaja; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor

NAYS: DeMers; Freborg; Goetz; Grindberg; Heinrich; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Urlacher; Wanzenk; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Holmberg; Langley; Nething

SB 2274 lost.

MOTION

SEN. WOGSLAND MOVED that SB 2537 be returned to the Senate floor from the Finance and Taxation Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2537. There being no objection, it was so ordered by the President.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 3, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2039: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2079: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2079 was placed on the Sixth order on the calendar.

Page 1, line 12, after the period insert "The regulatory reform review commission may review the effect of taxation laws on North Dakota telecommunications law during the interims between the 1995 and 1999 legislative sessions and may include any findings and recommendations with respect to its review of the effect of taxation laws on North Dakota telecommunications law in the report to the legislative council in 1996 and 1998."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2149, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2149 was placed on the Sixth order on the calendar.

Page 2, line 12, after "which" insert "become the responsibility of the accepting agency or political subdivision and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2229: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2238: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Sixth order on the calendar.

Page 2, line 26, after "e." insert "b.", remove the overstrike over "A", after "sale" insert "transfer", and remove the overstrike over "~~where the grantor and the grantee are of the same family~~"

Page 2, line 27, remove the overstrike over the period and insert immediately thereafter:

"c. A sale or transfer between corporate affiliates."

Page 2, line 28, remove the overstrike over "d."

Page 3, line 6, after "A1" insert "A", remove the overstrike over "~~transfer~~", and after "a" insert "made by"

Page 3, line 7, remove the overstrike over "~~quitclaim deed~~" and insert immediately thereafter "for the purpose of correcting a title" and remove the overstrike over the period

Page 3, line 8, replace "b." with "e."

Page 3, line 10, after "f." insert "f.", remove the overstrike over "A transfer", after "is" insert "made", and remove the overstrike over "~~pursuant to a judgment.~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2254: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2254 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2260: 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 2260 was placed on the Sixth order on the calendar.

Page 1, line 8, after "to" insert "consider or"

Page 1, line 9, replace "and" with ". The committee may"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2263: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2263 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2280: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2280 was placed on the Sixth order on the calendar.

Page 2, line 5, after "township" insert ", if the person is not employed by the township in any other capacity"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2293: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2293 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2317: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2330: Finance and Taxation Committee (Sen. Tennesos, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2330 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2343: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2343 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2344: 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 2344 was placed on the Sixth order on the calendar.

Page 1, line 11, remove the second "and" and after "penalty" insert "; and to declare an emergency"

Page 37, after line 5, insert:

"7. A general partnership that registers as a limited liability partnership is not deemed to have dissolved as a result of the registration."

Page 37, line 14, after "state" insert "or any other words or abbreviations as may be authorized or required under the laws of the jurisdiction of original registration"

Page 40, line 24, after the underscored period insert "A registration or renewal registration remains in effect until revoked by the secretary of state pursuant to section 45-22-16."

Page 41, line 9, after "partnerships" insert "taking into account the differences between corporations and partnerships"

Page 49, line 13, replace "not withstanding" with "notwithstanding"

Page 50, line 26, after "arising" insert "in this state"

Page 57, line 26, replace "45-22-03" with "45-22-02"

Page 57, line 28, replace "45-22-03" with "45-22-02"

Page 58, after line 5, insert:

"SECTION 31. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2379: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 9, remove "proposed"

Page 2, line 23, replace "seven" with "thirty"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2387 was placed on the Sixth order on the calendar.

Page 1, line 22, after "of" insert "selected"

Page 2, line 1, replace "classification system" with "classifications"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2389: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2389 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-40.2-02.1 of the North Dakota Century Code, relating to the imposition of a use tax on premium channel and pay-per-view cable television services; and to amend and reenact subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code, relating to the imposition of sales tax on premium channel and pay-per-view cable television services.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 1 of section 57-39.2-02.1 of the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes and for sales of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes and except as otherwise expressly provided in this chapter, there is imposed a tax of five percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the state of North Dakota of the following to consumers or users:
 - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes.
 - b. The furnishing or service of communication services or steam other than steam used for processing agricultural products.
 - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the furnishing of bingo cards and the playing of any machine for amusement or entertainment in response to the use of a coin. The tax imposed by this section applies only to eighty

percent of the gross receipts collected from coin-operated amusement devices.

- d. Magazines and other periodicals.
- e. The leasing or renting of a hotel or motel room or tourist court accommodations.
- f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
- g. Charges for premium channel and pay-per-view cable television services.

SECTION 2. A new subsection to section 57-40.2-02.1 of the North Dakota Century Code is created and enacted as follows:

An excise tax is imposed on charges for premium channel and pay-per-view cable television services."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2397: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2397 was placed on the Sixth order on the calendar.

Page 1, line 10, remove "forced"

Page 1, line 11, after "activity" insert "compelled by physical force"

Page 1, line 12, remove "forced" and after "activity" insert "compelled by physical force"

Page 2, line 19, remove the overstrike over "~~a crime involving~~"

Page 2, line 20, remove "complaints of" and remove the overstrike over "~~may not threaten, suggest, or~~"

Page 2, remove the overstrike over lines 21 through 25

Page 2, line 26, remove the overstrike over "~~involved, to determine whether to seek an arrest warrant~~" and remove "from two"

Page 2, remove lines 27 through 29

Page 3, remove lines 1 through 6

Page 3, line 7, remove "d. Whether one of the persons acted in self-defense"

Page 3, line 8, remove "A law enforcement officer may not:"

Page 3, remove lines 9 through 15

Page 3, line 16, remove "4."

Page 4, line 21, after "or" insert "specified"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2411: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2411 was placed on the Sixth order on the calendar.

Page 2, after line 16, insert:

- "5. To receive, from the first day of eligibility, a tax exemption or the reduction on production for which any other tax exemption or rate reduction may apply, the industrial commissioner's certification must be submitted to the tax commissioner within eighteen months of the completion, recompletion, or other qualifying date."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2416: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2416 was placed on the Sixth order on the calendar.

Page 1, line 10, after "certificate" insert "or a completed bill of sale"

Page 1, line 14, after "certificate" insert "or a completed bill of sale"

Page 1, line 15, after the underscored period insert "If a seller's certificate is not provided at the time of registration, the motor vehicle excise tax must be determined through a used vehicle buying guide."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2454: Human Services Committee (Sen. Thane, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2454 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2462: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2462 was placed on the Sixth order on the calendar.

Page 2, line 8, overstrike "Benefits for the coverage may be limited to a lifetime maximum of"

Page 2, line 9, overstrike "two thousand dollars for"

Page 2, line 10, overstrike "nonsurgical treatment."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2474: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2474 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 create and enact a new section to chapter 39-04 of the North

Dakota Century Code, relating to the issuance of distinctive license plates; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Special license plates. Upon the payment of an additional fee of twenty-five dollars per registration period, the director may provide for the issuance of distinctive license plates to any organization that has three hundred or more members that have committed to the purchase of the distinctive license plates. As used in this section, "organization" includes a college, a university, an alumni organization, a veterans' organization, and a fraternal organization. The director shall provide for the issuance and display of the generally recognized logo or emblem of the organization on the license plate. The license plates authorized in this section must be similar in color and design to other license plates issued by the department pursuant to subsection 1 of section 39-04-12. Except as otherwise provided in this section, fees from the issuance of these license plates must be credited to the highway tax distribution fund. If the department authorizes under this section the issuance of distinctive license plates bearing the logo or emblem of any college or university located in this state, the director shall refund fifteen dollars of the fee authorized by this section to that college's or university's alumni organization or development office. If the department authorizes under this section the issuance of distinctive license plates bearing the logo or emblem of any veterans' organization, the director shall refund fifteen dollars of the fee authorized by this section and transfer that refund to the state treasurer who shall credit the refund to the veterans cemetery maintenance fund.

SECTION 2. EFFECTIVE DATE. This Act becomes effective on July 1, 1996."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2504: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2504 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2516: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2516 was placed on the Eleventh order on the calendar.

FIRST READING OF HOUSE BILLS

HB 1016: A BILL for an Act making an appropriation for defraying the expenses of the children's services coordinating committee; to repeal chapter 54-56 of the North Dakota Century Code, relating to the children's services coordinating committee; and to provide an effective date.

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

HB 1019: A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota.

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

HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the office of administrative hearings.

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

- HB 1026:** A BILL for an Act to amend and reenact section 54-06-04 of the North Dakota Century Code, relating to the requirement of biennial reports.
Was read the first time and referred to the **Government and Veterans Affairs Committee.**
- HB 1247:** A BILL for an Act to amend and reenact sections 6-05-01, 6-05-04, and 59-04-21 of the North Dakota Century Code, relating to the formation of trust companies, surety deposits of trust companies, and expenses and attorney's fees for a trust estate.
Was read the first time and referred to the **Industry, Business and Labor Committee.**
- HB 1280:** A BILL for an Act to amend and reenact section 28-34-01 and subsection 2 of section 40-47-11 of the North Dakota Century Code, relating to appeals of decisions of the governing body of a city.
Was read the first time and referred to the **Political Subdivisions Committee.**
- HB 1300:** A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to burial of the dead by county social service boards.
Was read the first time and referred to the **Political Subdivisions Committee.**
- HB 1312:** A BILL for an Act to create and enact a new section to chapter 49-06 of the North Dakota Century Code, relating to when electric rates may not be increased.
Was read the first time and referred to the **Natural Resources Committee.**
- HB 1318:** A BILL for an Act to provide for a comprehensive trauma and emergency medical system; and to provide an appropriation.
Was read the first time and referred to the **Appropriations Committee.**
- HB 1339:** A BILL for an Act to amend and reenact subsection 1 of section 47-16-07.1 of the North Dakota Century Code, relating to real property and dwelling security deposits.
Was read the first time and referred to the **Industry, Business and Labor Committee.**
- HB 1340:** A BILL for an Act to create and enact a new subsection to section 33-06-01 of the North Dakota Century Code, relating to maintenance of eviction actions; and to amend and reenact section 33-06-02 of the North Dakota Century Code, relating to service of notice of intention to evict.
Was read the first time and referred to the **Judiciary Committee.**
- HB 1343:** A BILL for an Act to amend and reenact section 4-10.6-02 of the North Dakota Century Code, relating to membership elections of the North Dakota corn utilization council.
Was read the first time and referred to the **Agriculture Committee.**
- HB 1348:** A BILL for an Act to create and enact a new section to chapter 15-41 of the North Dakota Century Code, relating to the approval of nonpublic high schools; and to amend and reenact subsection 1 of section 15-34.1-03 of the North Dakota Century Code, relating to compulsory attendance.
Was read the first time and referred to the **Education Committee.**
- HB 1361:** A BILL for an Act to amend and reenact sections 43-07-20 and 43-07-21 of the North Dakota Century Code, relating to employment preferences for North Dakota residents and veterans and to the withholding of a portion of a public contract price.
Was read the first time and referred to the **Government and Veterans Affairs Committee.**

HB 1482: A BILL for an Act to provide for a transfer of profits of the Bank of North Dakota to the beginning farmer revolving loan fund.
Was read the first time and referred to the **Appropriations Committee**.

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

William C. Parker, Secretary