

## JOURNAL OF THE SENATE

## Fifty-fourth Legislative Assembly

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Bismarck, February 3, 1995

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

The prayer was offered by Sen. David E. Nething.

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

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 2024, SB 2088, SB 2146, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2177, SB 2197, SB 2198, SB 2257.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2071.

**CONSIDERATION OF AMENDMENTS**

SB 2079: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 305 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2149, as engrossed: SEN. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ page 305 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2238: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 305-306 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2260: SEN. SAND (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 306 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2280: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 306 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2344: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 307 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2379: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 307-308 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

SB 2387: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 308 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2389: SEN. TENNEFOS (Finance and Taxation Committee) MOVED** that the amendments on SJ pages 308-309 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS.

## REQUEST

**SEN. O'CONNELL REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2389, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendments to SB 2389, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek

**NAYS:** DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Holmberg; Langley

The motion to adopt the amendments to SB 2389 passed.

## MOTION

**SEN. G. NELSON MOVED** that Engrossed SB 2389 be rereferred to the Appropriations Committee, which motion prevailed. Pursuant to Sen. G. Nelson's motion, SB 2389 was rereferred.

## MOTION

**SEN. G. NELSON MOVED** that the remarks of Sen. O'Connell regarding SB 2389 be printed in the Journal, which motion prevailed.

**SEN. O'CONNELL:** Madam President, pursuant to rule 343, and to be fair to the other sponsors, they approached me last night and there was no way they wanted to be on the bill that was turned around. This involves people of both parties, Madam President. Their concern was that they didn't want the bill turned around and that's my concern too. This does just the opposite of what the sponsors had intended it to do. It was to try to make a way to stretch a lawsuit and I fear of the cable people not having a hearing. I felt that a bill like this should have been brought to the Delayed Bills Committee, rather than using another sponsor's name on it.

## CONSIDERATION OF AMENDMENTS

**SB 2397: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ page 309 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2411: SEN. KINNOIN (Finance and Taxation Committee) MOVED** that the amendments on SJ page 310 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2416: SEN. URLACHER (Finance and Taxation Committee) MOVED** that the amendments on SJ page 310 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2462: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED** that the amendments on SJ page 310 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

**MOTION**

**SEN. TRAYNOR MOVED** that SB 2249 be returned to the Senate floor from the Natural Resources Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

**SEN. TRAYNOR REQUESTED** the unanimous consent of the Senate to withdraw SB 2249. There being no objection, it was so ordered by the President.

**CONSIDERATION OF AMENDMENTS**

**SB 2474: SEN. B. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ pages 310-311 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2474: A BILL** 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.

**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 38 YEAS, 9 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Heinrich; Krauter; Lindaas; Mutch; Nething; Sand; Tennefos; Tomac; Wanzek

**ABSENT AND NOT VOTING:** Holmberg; Langley

Engrossed SB 2474 passed and the title was agreed to.

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**MOTION**

**SEN. NETHING MOVED** that the Senate reconsider its action whereby SB 2193 failed to pass for want of a Constitutional majority, which motion prevailed.

**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 25 YEAS, 22 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

**ABSENT AND NOT VOTING:** Holmberg; Langley

SB 2193 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

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**MOTION**

SEN. NETHING MOVED that the Senate reconsider its action whereby SB 2232 failed to pass, which motion prevailed.

**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 26 YEAS, 21 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Holmberg; Langley

SB 2232 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

SB 2276: A BILL for an Act to provide for motor vehicle number plates bearing fraternal organization logos.

**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; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

ABSENT AND NOT VOTING: Holmberg; Langley

SB 2276 lost.

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**SECOND READING OF SENATE BILL**

SB 2414: A BILL for an Act to provide for motor vehicle number plates bearing college or university logos.

**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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: O'Connell

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.; Nething; 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

SB 2414 lost.

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#### MOTION

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

#### SECOND READING OF SENATE BILL

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

#### 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; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

ABSENT AND NOT VOTING: Holmberg; Langley

Engrossed SB 2290 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to amend and reenact subsection 7 of section 15-40.1-08 of the North Dakota Century Code, relating to per student payments for kindergarten students; 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 NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

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

ABSENT AND NOT VOTING: DeMers; Holmberg; Langley

Engrossed SB 2307 lost.

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**SECOND READING OF SENATE BILL**

**SB 2314:** A BILL for an Act to amend and reenact sections 6-08.1-03, 21-04-09, and 21-06-07 of the North Dakota Century Code, relating to confidentiality of financial institution customer information and the pledge of securities and the investment of surplus funds by political subdivisions.

**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; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Langley

Engrossed SB 2314 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2394:** A BILL for an Act to create and enact a new subsection to section 57-39.2-12.1 and a new subsection to section 57-40.2-07.1 of the North Dakota Century Code, relating to sales and use tax deductions for administrative expenses; to amend and reenact subsection 1 of section 57-39.2-12.1 and subsection 1 of section 57-40.2-07.1 of the North Dakota Century Code, relating to a sales and use tax deduction for administrative expenses of retailers who file monthly 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 NOT PASS, the roll was called and there were 18 YEAS, 28 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

**YEAS:** Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Langley

Engrossed SB 2394 lost.

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**SECOND READING OF SENATE BILL**

**SB 2418:** A BILL for an Act to provide for the transporting of nonresident chemically dependent patients.

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; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

ABSENT AND NOT VOTING: DeMers; Holmberg; Langley

Engrossed SB 2418 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2426: A BILL for an Act to create and enact a new subsection to section 57-38-57 of the North Dakota Century Code, relating to delinquent income and sales taxes; to amend and reenact subsection 1 of section 57-39.2-18 and section 57-39.2-23 of the North Dakota Century Code, relating to delinquent income and sales taxes; 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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

ABSENT AND NOT VOTING: DeMers; Holmberg; Langley

Engrossed SB 2426 passed and the title was agreed to.

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SECOND READING OF SENATE BILL

SB 2043: 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 a state licensing authority for child care programs; to amend and reenact sections 50-11.1-02, 50-11.1-03, 50-11.1-04, 50-11.1-06, subsections 1 and 2 of section 50-11.1-07, sections 50-11.1-07.1, 50-11.1-07.2, and 50-11.1-07.5 of the North Dakota Century Code, relating to early childhood services; 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 14 YEAS, 30 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; Redlin; Robinson; Scherber; Tallackson; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Goetz; Grindberg; Heitkamp; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nelson, G.; Nething;

O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.;  
Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher;  
Wanzek; Watne

**ABSENT AND NOT VOTING:** DeMers; Freborg; Holmberg; Kinnoin; Langley

SB 2043 lost.

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**SECOND READING OF SENATE BILL**

**SB 2046:** A BILL for an Act to provide for a program of health education, life skills, and tobacco usage cessation education for public school students; and to create and enact two new sections to chapter 15-21 of the North Dakota Century Code, relating to the implementation of before and after school child care programs and to a youth crisis training program.

**MOTION**

**SEN. YOCKIM MOVED** that SB 2046 be amended as follows:

Page 1, line 1, remove "provide for a program of health education, life skills,"

Page 1, remove line 2

Page 1, remove lines 7 through 21

Page 2, remove lines 1 through 17

Page 2, line 21, after "a" insert "pilot" and replace "that" with "in four human service regions and on two Indian reservations in the state which"

Re-number accordingly

**REQUEST**

**SEN. YOCKIM REQUESTED** a recorded roll call vote on the motion to adopt the proposed amendments to SB 2046, which request was granted.

**ROLL CALL**

The question being on the motion to adopt the proposed amendments to SB 2046, the roll was called and there were 18 YEAS, 26 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

The proposed amendments to SB 2046 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 12 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Heinrich; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Mushik; O'Connell; Robinson; Scherber; Tallackson; Yockim

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenek; Watne

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

SB 2046 lost.

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#### SECOND READING OF SENATE BILL

**SB 2131:** A BILL for an Act to amend and reenact section 57-40.6-06 of the North Dakota Century Code, relating to emergency service communications systems data bases.

#### 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, 44 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**NAYS:** Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; 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; Wanzenek; Watne; Yockim

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

SB 2131 lost.

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#### SECOND READING OF SENATE BILL

**SB 2279:** A BILL for an Act to create and enact a new section to chapter 11-11 and a new section to chapter 39-04 of the North Dakota Century Code, relating to the authority of the board of county commissioners to establish a county motor vehicle fee and to a motor vehicle registration fee collection agreement.

#### MOTION

**SEN. TRAYNOR MOVED** that SB 2279 be amended as follows, which motion prevailed on a verification vote.

Page 2, line 1, remove "The resolution of the board of county commissioners may be referred"

Page 2, remove lines 2 through 15

Page 2, line 16, remove "sufficient number of qualified electors."

Page 2, line 17, remove "shall reconsider the referred resolution, and if the"

Page 2, line 18, remove "board does not repeal the resolution in its entirety,"

Page 2, line 24, after the comma insert "the resolution and"

Page 2, line 25, replace "is" with "become" and remove "becomes"

Page 2, line 26, replace "its" with "their" and remove "as if it had not been suspended"

Renumber accordingly

**MOTION**

**SEN. TENNEFOS MOVED** that Engrossed SB 2279 be amended as follows, which motion prevailed.

Page 1, line 20, replace "may" with "shall"

Renumber accordingly

**ROLL CALL**

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 12 YEAS, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Goetz; Krebsbach; Lee; Nelson, C.; Robinson; Sand; Scherber; Streibel; Tallackson; Traynor; Watne

**NAYS:** Bowman; Christmann; Freborg; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Kringstad; LaFountain; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Tomac; Urlacher; Wanzek; Yockim

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

Reengrossed SB 2279 lost.

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**SECOND READING OF SENATE BILL**

**SB 2284:** A BILL for an Act to amend and reenact section 39-12-04 of the North Dakota Century Code, relating to exceptions to vehicle length and width limitations for safety appurtenances.

**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; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; 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:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

SB 2284 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

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

**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; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; 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:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

SB 2286 passed and the title was agreed to.

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#### SECOND READING OF SENATE BILL

**SB 2329:** A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to confidentiality of records relating to permits to carry concealed weapons.

#### 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, 32 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

**YEAS:** Christmann; Kelsh; Lindaas; Mushik; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Thane; Wanzek

**NAYS:** Andrist; Bowman; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Scherber; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Watne; Yockim

**ABSENT AND NOT VOTING:** DeMers; Holmberg; Kinnoin; Langley; Wogsland

SB 2329 lost.

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#### 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 Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, February 6, 1995, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2057:** Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2057 was placed on the Sixth order on the calendar.

Page 1, line 22, remove "eight"

Page 2, line 2, replace "seventy-nine" with "three"

Re-number accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2059:** Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS,

0 ABSENT AND NOT VOTING). SB 2059 was placed on the Sixth order on the calendar.

Page 3, line 29, after "~~twenty-eight~~" insert "forty" and remove the overstrike over "~~cents~~"

Page 4, line 1, remove "one dollar"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2139: 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 2139 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 54-34.3 of the"

Page 1, remove line 2

Page 1, line 3, remove "Indian development fund; and to"

Page 1, remove lines 6 through 22

Page 2, remove lines 1 through 16

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2219: Agriculture Committee (Sen. Bowman, Chairman)** recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2234: 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 2234 was placed on the Sixth order on the calendar.

Page 2, line 1, after "due" insert "on the first day of January"

Page 2, line 5, after "due" insert "on the first day of January"

ReNUMBER accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2310: Human Services Committee (Sen. Thane, Chairman)** recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2311: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2319: Education Committee (Sen. Freborg, Chairman)** recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2319 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2331: Transportation Committee (Sen. B. Stenehjem, Chairman)** recommends DO NOT PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2331 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2360: 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 2360 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "fifteen" with "thirty"

Page 2, line 15, overstrike "petitioning" and insert immediately thereafter "domestic" and after "company" insert "if any of its policyholders are being reinsured or it is proposing to consolidate with another company"

Page 2, line 17, remove "less than thirty nor" and replace "forty-five" with "ninety"

Page 2, line 21, after the period insert "By mutual agreement between the petitioning company and the commissioner, the time frame set forth in this section may be modified, changed, or extended."

Page 2, line 27, replace "thirty" with "sixty"

Page 3, line 1, replace "contract" with "petition"

Page 3, line 3, after "contract" insert ", or any other material change contemplated in the business or corporate structure or management of the parties,"

Page 3, line 4, after "inequitable" insert ", unfair, or unreasonable"

Page 3, line 5, remove "and"

Page 3, line 8, replace the underscored period with ";and"

3. Whether the competence, experience, and integrity of the persons who would control the operation of the consolidated insurance company or the reinsuring company are such that it would not be in the interest of the policyholders of the company to permit the consolidation or reinsurance contract."

ReNUMBER accordingly

## REPORT OF STANDING COMMITTEE

SB 2364: 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 2364 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 section to chapter 6-01 of the North Dakota Century Code, relating to liability of bank officers and directors; and to provide for retroactive application.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

**SECTION 1.** A new section to chapter 6-01 of the North Dakota Century Code is created and enacted as follows:

**Liability of bank officers and directors.** No claim or action seeking to recover money damages may be brought by the federal deposit insurance corporation, resolution trust corporation, or other federal banking regulatory agency against any director or officer, including any former director or officer, of any insured financial depository institution unless the claim or action arises out of the gross negligence, or willful or intentional misconduct of the officer or

director during the term of office with the insured financial institution.

SECTION 2. RETROACTIVE APPLICATION OF ACT. This Act is retroactive in application."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2412: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2412 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2437: 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 2437 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2440: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2440 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2486: Education Committee (Sen. Freborg, Chairman) recommends DO PASS and BE REREFERRED to the Appropriations Committee (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2486 was rereferred to the Appropriations Committee.

REPORT OF STANDING COMMITTEE

SB 2503: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2503 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2519: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2519 was placed on the Sixth order on the calendar.

Page 3, line 24, replace "twenty-seven" with "twenty-six"

Page 3, line 25, remove ", thirty mills for the 1996-97 school year,"

Page 3, line 26, remove "thirty-three mills for the 1997-98 school year,"

Page 3, line 27, replace "thirty-six" with "twenty-eight" and overstrike "each year thereafter" and insert immediately thereafter "the 1996-97 school year"

Page 3, line 29, after the period insert "If the appropriation for foundation aid plus transportation aid in a succeeding biennium exceeds the previous biennium appropriation for foundation aid plus transportation aid by ten million dollars, but less than twenty million dollars, the number of mills to be used must increase by one for each school year in the biennium. If the appropriation for foundation aid plus transportation aid in a succeeding biennium exceeds the previous biennium appropriation for foundation aid plus transportation aid by twenty million dollars, but less than thirty million dollars, the number of mills to be used must increase by two for each school year in the biennium. In no event may the number of mills to be used under this subsection be more than thirty-two."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

**SB 2521:** Agriculture Committee (Sen. Bowman, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2521 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2530:** Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2530 was placed on the Eleventh order on the calendar.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Nething, Redlin introduced:

**SCR 4048:** A concurrent resolution directing the Legislative Council to study the implications of North Dakota tax policy on the telecommunications industry and to determine the need for tax reform in the telecommunications industry.

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

Sens. Tomac, W. Stenehjem and Reps. Boehm, Svedjan introduced:

**SCR 4049:** A concurrent resolution directing the Legislative Council to study issues relating to child support.

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