

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 23, 1995

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

The prayer was offered by Pastor Jim McEachran, Bethel Assembly of God Church, Mandan.

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

A quorum was declared by the President.

SECOND READING OF HOUSE BILL

HB 1063: A BILL for an Act to amend and reenact section 40-57.1-07 of the North Dakota Century Code, relating to the time of making application for new industry exemptions; 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 2 YEAS, 46 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Holmberg

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; 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: Mathern

HB 1063 lost.

SECOND READING OF HOUSE BILL

HB 1079: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to approval of custodians for safekeeping securities pledged in place of depository bonds.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

HB 1079 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1096: 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 the tax commissioner's use of certain information for income and withholding tax compliance purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

HB 1096 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to amend and reenact subsection 3 of section 5-01-01 of the North Dakota Century Code, relating to the alcohol content of beer for purposes of the regulation of alcohol.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

HB 1143 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1158: A BILL for an Act to repeal section 38-08-22 of the North Dakota Century Code, relating to regulation of oil and gas wellhead welders.

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

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

NAYS: O'Connell

ABSENT AND NOT VOTING: Mathern

HB 1158 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1197: A BILL for an Act to amend and reenact section 57-17-02 of the North Dakota Century Code, relating to the date of a special election to authorize an excess levy of taxes.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

HB 1197 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1438: A BILL for an Act to amend and reenact section 6-08-16.1 of the North Dakota Century Code, relating to issuing a check or draft without an account; 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 PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

HB 1438 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1480: A BILL for an Act to amend and reenact section 57-55-03 of the North Dakota Century Code, relating to the time during which a discount is allowed for payment of taxes on mobile homes; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

Engrossed HB 1480 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1184, HB 1233, HB 1274, HB 1315, HB 1373, and HB 1398 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Transportation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1184, HB 1233, HB 1274, HB 1315, HB 1373, and HB 1398 were rereferred.

MOTION

SEN. GOETZ MOVED that HB 1051 be returned to the Senate floor from the **Industry, Business and Labor Committee** and be rereferred to the **Judiciary Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, HB 1051 was rereferred.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth order of business and at the conclusion of that order, the Senate stand adjourned until 12:30 p.m., Friday, February 24, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SCR 4032: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4032 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1040, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1040 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1042: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1042 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1081: Agriculture Committee (Sen. Bowman, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1081 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1084, as engrossed: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1084 was placed on the Sixth order on the calendar.

Page 1, line 7, remove ", in the judgment of the"

Page 1, line 8, remove "commission,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1137, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1137 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1142, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1142 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1144: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1144 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1242: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1242 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1319 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1336: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1336 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "individuals" with "volunteers"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1357, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1357 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1364: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1364 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1410, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1410 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1483: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1483 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary