

## JOURNAL OF THE SENATE

## Fifty-fifth Legislative Assembly

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Bismarck, January 16, 1997

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

The prayer was offered by Pastor Rick Ackerman, Riverwood Baptist Church, Bismarck.

The roll was called and all members were present except Senators Bowman, Lips, and Redlin.

A quorum was declared by the President.

## CORRECTION AND REVISION OF THE JOURNAL

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

Page 77, replace lines 13 through 32 with the following:

## REPORT OF STANDING COMMITTEE

**SB 2032: 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 2032 was placed on the Sixth order on the calendar.

Page 1, line 2, after "marshal" insert "or the state fire marshal's designee"

Page 1, line 10, after "marshal" insert "or the state fire marshal's designee"

Page 1, line 11, replace ". The state fire" with an underscored comma

Page 1, line 12, remove "marshal shall", after "report" insert an underscored comma, and remove "categorize each noted deficiency."

Page 1, line 13, remove "The state fire marshal shall"

Page 1, line 15, remove "noted" and remove "related to a school's design, it must be corrected"

Page 1, remove lines 16 and 17

Page 1, line 18, remove "b. If a", remove "deficiency is related to fire safety", replace "building principal" with "superintendent of the school district", and remove "remedy"

Page 1, remove line 19

Page 1, line 20, after "marshal" insert "or the state fire marshal's designee and shall remedy the deficiency"

Page 1, line 21, after "marshal" insert "or the state fire marshal's designee" and remove "The plan must be approved by the state"

Page 1, remove line 22

Page 1, line 23, replace "c" with "b", replace "a noted deficiency is" with "the report discloses", and replace "may" with "or the state fire marshal's designee shall immediately notify the school district board, the superintendent of the school district, and"

Page 1, remove line 24

Page 2, line 1, remove "recommend to", after "instruction" insert "of", and replace "immediate closure" with "hazard. Upon the recommendation by the superintendent of public instruction for immediate closure, the school district board and the superintendent of the school district may immediately close"

Page 2, line 2, remove the first " of"

Renumber accordingly

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

**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 1044, HB 1045, HB 1079, HB 1085, HB 1107.

**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 2103, SB 2117, SB 2123, SB 2134.

**CONSIDERATION OF AMENDMENTS**

**SB 2032: SEN. COOK (Education Committee) MOVED** that the amendments on SJ pages 81-82 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2070: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED** that the amendments on SJ page 77 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2096: SEN. WOGSLAND (Political Subdivisions Committee) MOVED** that the amendments on SJ page 78 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2067:** A BILL for an Act to amend and reenact section 58-02-31 of the North Dakota Century Code, relating to the duty of county auditors upon dissolution of townships.

**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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin; Tallackson

Engrossed SB 2067 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2075:** A BILL for an Act to amend and reenact sections 49-22-03 and 49-22-07 of the North Dakota Century Code, relating to transmission facilities and power emergencies.

**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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin; Tallackson

Engrossed SB 2075 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to provide for extradition proceedings regarding those subject to tribal arrest warrants; and to declare an emergency.

**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; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

Engrossed SB 2112 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2076:** A BILL for an Act to amend and reenact subsection 6 of section 49-02-02 of the North Dakota Century Code, relating to the employment and compensation of expert help and assistance for hearings or investigations regarding gas or electric public utilities.

**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 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Berg; DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Tallackson; Thompson; Tomac; Yockim

**NAYS:** Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

**ABSENT AND NOT VOTING:** Bowman; Redlin

Engrossed SB 2076 lost.

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**SECOND READING OF SENATE BILL**

**SB 2095:** A BILL for an Act to amend and reenact section 15-38-19 of the North Dakota Century Code, relating to complaints against teachers and school administrators.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2095 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2129:** A BILL for an Act to amend and reenact subsection 2 of section 6-06-08 and sections 6-06-15 and 6-06-19 of the North Dakota Century Code, relating to credit union examinations, credit union supervisory committee audits, and borrowing of money by credit unions.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Berg; Christmann; Cook; DeMers; Fischer; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mutch; Mutzenberger; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Bowman; Redlin

SB 2129 passed and the title was agreed to.

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**SECOND READING OF SENATE CONCURRENT RESOLUTION**

**SCR 4003:** A concurrent resolution urging the State Board of Higher Education to continue to pursue collaborative efforts with the South Dakota Board of Regents.

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

SCR 4003 was declared adopted on a voice vote and the title was agreed to.

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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, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 17, 1997, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2024: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2024 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2033: 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 2033 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "regional" with "national"

Page 1, line 15, after "three-semester" insert "hour"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2038: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2054: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2054 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2059: Human Services Committee (Sen. Thane, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2059 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2063: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2063 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2072: Finance and Taxation 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 2072 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 5, after "tax" insert "; and to repeal sections 57-37.1-12, 57-37.1-13, and 57-37.1-14 of the North Dakota Century Code, relating to inventory of safety deposit boxes upon the death of the lessor, the notice of transfer of a decedent's assets, and penalties for violating the duties of a depository"

Page 2, after line 15, insert:

**"SECTION 4. REPEAL.** Sections 57-37.1-13 and 57-37.1-14 of the North Dakota Century Code and section 57-37.1-12 of the 1995 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2078: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2079: Natural Resources Committee (Sen. Traynor, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2079 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2083: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2100: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2100 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2143: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2143 was placed on the Sixth order on the calendar.

Page 2, line 23, after "employee" insert "has a signed contract accepting an employment position but does not start employment," and after "voluntarily" insert an underscored comma

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1104: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1104 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. W. Stenehjem, Holmberg and Reps. Kretschmar, Stenehjem introduced:

**SB 2184:** A BILL for an Act to amend and reenact subsection 2 of section 16.1-08.1-03.1 of the North Dakota Century Code, relating to campaign contribution statements required of persons promoting passage or defeat of initiated or referred measures.

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

Sens. Lee, Grindberg, Kringstad and Reps. Price, Svedjan, Thoreson introduced:

**SB 2185:** A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to pawnbrokers and secondhand stores; and to provide a penalty.

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

Sens. O'Connell, Freborg, St. Aubyn and Reps. Glassheim, Monson, Torgerson introduced:

**SB 2186:** A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to tuition payments for noneducational placements.

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

Sens. W. Stenehjem, Mathern, G. Nelson and Reps. Boucher, Dorso introduced:

**SB 2187:** A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to the use of state telephones by state appointed and elected officials and state employees.

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

Sens. St. Aubyn, W. Stenehjem and Reps. Delmore, Nottestad introduced:

**SB 2188:** A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, relating to used oil disposal notices.

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

Sens. LaFountain, Mathern introduced:

**SB 2189:** A BILL for an Act to create and enact a new section to chapter 16.1-08.1 of the North Dakota Century Code, relating to limitations on campaign contributions; and to provide a penalty.

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

Sens. St. Aubyn, Robinson, B. Stenehjem and Reps. Fairfield, R. Kelsch, Nottestad introduced:

**SB 2190:** A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-01 and subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the appointment of election judges and clerks.

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

Sens. Holmberg, W. Stenehjem, Traynor introduced:

**SB 2191:** A BILL for an Act to amend and reenact subsection 3 of section 57-02-08.3, sections 57-38-49, and 57-38-50 of the North Dakota Century Code, relating to filing of tax liens; and to provide an effective date.

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

Sen. Lips introduced:

**SB 2192:** A BILL for an Act to amend and reenact subsection 2 of section 40-05.1-06 of the North Dakota Century Code, relating to powers of home rule cities.

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

**FIRST READING OF HOUSE BILLS**

**HB 1044:** A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-15 of the North Dakota Century Code, relating to offender registration.

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

**HB 1045:** A BILL for an Act to create and enact a new subsection to section 27-20-34 of the North Dakota Century Code, relating to district court jurisdiction over certain adults who committed an offense as a child.

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

**HB 1079:** A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to the penalty for unauthorized use of a law enforcement officer's firearm.

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

**HB 1085:** A BILL for an Act to amend and reenact subsection 5 of section 19-03.1-37 of the North Dakota Century Code, relating to subpoenas by the defendant in a controlled substance proceeding.

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

**HB 1107:** A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-01-02 of the North Dakota Century Code, relating to the use of electronic funds transfers for the payment of taxes.

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

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

**William C. Parker, Secretary**