

**JOURNAL OF THE SENATE**

**Fifty-sixth Legislative Assembly**

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**Bismarck, January 13, 1999**

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

The prayer was offered by Rev. Larue Goetz, Executive Director, STEER, Inc., Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

**MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)**

**MADAM PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1054, HB 1138, HB 1140, HCR 3006, HCR 3007.

**MOTION**

**SEN. ST. AUBYN MOVED** that SB 2188 be returned to the Senate floor from the **Natural Resources Committee** and be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2188 was rereferred.

**SECOND READING OF SENATE BILL**

**SB 2090:** A BILL for an Act to repeal section 20.1-04-10 of the North Dakota Century Code, relating to the shell-holding capacity of shotguns used in taking game birds; 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 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** O'Connell

Engrossed SB 2090 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2051:** A BILL for an Act to amend and reenact section 40-57.1-03 of the North Dakota Century Code, relating to inclusion of school board and township representatives in deliberations on granting property tax exemptions or payments in lieu of taxes for new industries.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2051 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2098:** A BILL for an Act to amend and reenact section 43-23-08.2 of the North Dakota Century Code, relating to continuing education requirements for real estate brokers.

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

**YEAS:** Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Solberg; Stenehjem, B.

SB 2098 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2100:** A BILL for an Act to amend and reenact sections 23-15-01 and 57-15-01.1 of the North Dakota Century Code, relating to the removal of a reference to personal property taxes on fireworks and to delete a duplicate reference to mill levy limitations; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2100 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2112:** A BILL for an Act to create and enact section 26.1-45-08.1 of the North Dakota Century Code, relating to nonforfeiture benefits of long-term care insurance.

**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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

SB 2112 passed and the title was agreed to.

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**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 2041, SB 2064, SB 2076, SB 2094, SB 2138, SB 2139.

**MOTION**

**SEN. ST. AUBYN MOVED** that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Thursday, January 14, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2027: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2027 was placed on the Sixth order on the calendar.

Page 1, line 16, remove "an"

Page 1, line 17, remove "abbreviated newspaper publication notice must be", overstrike "published" and insert immediately thereafter "the agency shall request publication of an abbreviated newspaper publication notice", and overstrike "twice" and insert immediately thereafter "once"

Page 2, line 7, overstrike "second"

Page 2, line 10, overstrike "second"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2075: 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 2075 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "temporary educator's licenses" with "provisional teaching certificates"

Page 1, line 9, replace "temporary" with "provisional teaching"

Page 1, line 10, after "certificates" insert "which are valid for sixty days and"

Page 2, line 27, replace "temporary licenses" with "sixty-day provisional teaching certificates"

Page 2, line 28, replace "temporary license" with "provisional teaching certificate"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2088: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2088 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2099: 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 2099 was placed on the Sixth order on the calendar.

Page 2, line 9, overstrike "or managers"

Re-number accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2101: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2101 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2129: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2129 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over "~~firm, or corporation~~"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2134: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2141: 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 2141 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "college and university foundations and" with "board of higher education and university system officers or employees"

Page 1, line 3, remove "alumni associations"

Page 1, line 7, replace "college" with "board of higher education" and replace "foundations and alumni" with "system"

Page 1, line 8, remove "associations"

Page 1, line 9, remove "private foundation or"

Page 1, line 10, remove "alumni association affiliated with a state college or university or by a"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2142: Education Committee (Sen. Freborg, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2142 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2148: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

Page 2, remove the overstrike over lines 26 through 31

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2149: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2152: Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2176: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2176 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2183 Judiciary Committee (Sen. W. Stenehjem, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Heitkamp, DeMers, Kelsh and Reps. Cleary, Gulleason, Warner introduced:

**SB 2222:** A BILL for an Act to create and enact a new subsection to section 26.1-17-33.1 of the North Dakota Century Code, relating to the board of directors of a nonprofit mutual insurance company.

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

Sens. W. Stenehjem, C. Nelson and Reps. Cleary, DeKrey, Delmore introduced:

**SB 2223:** A BILL for an Act to amend and reenact subsection 2 of section 12.1-17-01, section 12.1-17-01.1, section 12.1-17-02, subdivision a of subsection 1 of section 12.1-32-15, and subsection 1 of section 14-09-22 of the North Dakota Century Code, relating to the crimes of simple assault, assault, aggravated assault, and abuse or neglect of a child; and to provide a penalty.

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

Sens. O'Connell, Watne, Urlacher and Reps. Boehm, Grande, S. Kelsh introduced:

**SB 2224:** A BILL for an Act to amend and reenact sections 23-06-03 and 43-10.1-02 of the North Dakota Century Code, relating to pre-need funeral service contracts.

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

Sen. Klein and Rep. Cleary introduced:

**SB 2225:** 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 fraudulent use of personal identifying information.

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

Sens. Lee, C. Nelson, Fischer and Reps. S. Kelsh, L. Thoreson, Glassheim introduced:

**SB 2226:** A BILL for an Act to repeal section 39-01-09 of the North Dakota Century Code, relating to removing the prohibition against parking meters.

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

Sens. Solberg, W. Stenehjem, Grindberg, O'Connell and Reps. Brandenburg, Byerly, Huether introduced:

**SB 2227:** A BILL for an Act to amend and reenact section 16.1-13-10 of the North Dakota Century Code, relating to filling a vacancy in a legislative office; and to repeal section 16.1-13-11 of the North Dakota Century Code, relating to the duty of the governor when a vacancy occurs in the legislative assembly.

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

Sens. O'Connell, Christmann, Mutch and Reps. Froseth, Rose, Tollefson introduced:

**SB 2228:** A BILL for an Act to amend and reenact subsection 3 of section 20.1-03-11 of the North Dakota Century Code, relating to gratis and preferential landowner licenses to hunt deer.

Was read the first time and referred to the **Natural Resources Committee**.

Sens. Freborg, Watne introduced:

**SB 2229:** A BILL for an Act to amend and reenact sections 35-21-02, 35-21-03, 35-21-04, and 35-21-05 of the North Dakota Century Code, relating to the release of a lien by an undertaking.

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

Sens. Naaden, Kroeplin and Reps. Brandenburg, Wikenheiser introduced:

**SB 2230:** A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the school district equalization factor.

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

Sens. B. Stenehjem, Kringstad and Reps. Carlisle, Henegar introduced:

**SB 2231:** A BILL for an Act to repeal sections 11-13-10 and 11-14-05 of the North Dakota Century Code, relating to certification of abstracts by county auditors and treasurers.

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

Sens. B. Stenehjem, Kringstad, Thompson and Reps. Carlisle, Hoffner, Cleary introduced:

**SB 2232:** A BILL for an Act to amend and reenact subsection 1 of section 16.1-05-02 of the North Dakota Century Code, relating to the qualifications of members of the board of election.

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

#### **FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Solberg, G. Nelson, Kinnoin and Reps. Carlson, Devlin, Meyer introduced:

**SCR 4010:** A concurrent resolution to create and enact a new section to article XI of the Constitution of North Dakota, relating to the collection of fees by nongovernmental entities.

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

**FIRST READING OF HOUSE BILLS**

**HB 1054:** A BILL for an Act to amend and reenact subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to application of the property tax exemption for farm buildings; and to provide an effective date.

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

**HB 1138:** 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 patient records at college and university student health services and university system clinics.

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

**HB 1140:** A BILL for an Act to amend and reenact sections 61-35-04, 61-35-07, 61-35-08, and subsection 1 of section 61-35-25 of the North Dakota Century Code, relating to payment of publication costs to create a water district, election of a board of a water district, and notice of dissolution or merger of a rural water corporation or cooperative.

Was read the first time and referred to the **Natural Resources Committee**.

**FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3006:** A concurrent resolution expressing legislative approval of the actions taken by the State Bar Association of North Dakota Joint Task Force on Family Law to facilitate and promote mediation as a method of addressing family law matters.

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

**HCR 3007:** A concurrent resolution directing the Legislative Council to continue its study of those provisions of Title 15 of the North Dakota Century Code which relate to elementary and secondary education.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

**WILLIAM C. PARKER, Secretary**