

## JOURNAL OF THE SENATE

## Fifty-sixth Legislative Assembly

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Bismarck, January 21, 1999

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

The prayer was offered by Pastor Stephen Wisthoff, First Baptist Church, 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 1045, HB 1080, HB 1100, HB 1149, HB 1171, HB 1174.

**CORRECTION AND REVISION OF THE JOURNAL**

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

Page 108, line 51, replace "**Government and Veterans Affairs**" with "**Political Subdivisions**"

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

**CONSIDERATION OF AMENDMENTS**

**SB 2037: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ page 121 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. ST. AUBYN MOVED** that SB 2037, as amended, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, Engrossed SB 2037 was rereferred.

**CONSIDERATION OF AMENDMENTS**

**SB 2078: SEN. WATNE (Judiciary Committee) MOVED** that the amendments on SJ page 121 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2087: SEN. LYSON (Judiciary Committee) MOVED** that the amendments on SJ page 121 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2113: SEN. DEMERS (Human Services Committee) MOVED** that the amendments on SJ page 121 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2114: SEN. FISCHER (Human Services Committee) MOVED** that the amendments on SJ pages 121-122 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2194: SEN. D. MATHERN (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 122-124 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2104:** A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12, subsection 1 of section 57-39.2-12.1, subsection 7 of section 57-40.2-07, and subsection 1 of section 57-40.2-07.1 of the North Dakota Century Code, relating to the

monthly filing of sales and use tax returns in the event of a business reorganization and reimbursement of administrative expenses for monthly filing of sales and use tax returns.

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

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Kelsh; O'Connell

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2104 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2157:** A BILL for an Act to authorize the department of human services to convey certain land in Stutsman County, North Dakota.

**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, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; 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.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2157 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2158:** A BILL for an Act to amend and reenact section 39-13-09 of the North Dakota Century Code, relating to tourist-oriented directional signs.

**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 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Andrist; DeMers; Heitkamp; Mutzenberger; Nething; O'Connell; Robinson; Thompson

**ABSENT AND NOT VOTING:** Tallackson

Engrossed SB 2158 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2173:** A BILL for an Act to prohibit gambling advertisements on government vehicles.

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

**YEAS:** Andrist; Bowman; Cook; Freborg; Heitkamp; Holmberg; Kinnoin; Klein; Mutch; Naaden; Nelson, C.; Redlin; Sand; Solberg; Thane; Tomac; Traynor

**NAYS:** Bercier; Christmann; DeMers; Fischer; Flakoll; Grindberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thompson; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2173 lost.

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**SECOND READING OF SENATE BILL**

**SB 2054:** A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to inclusion of a production cost factor in the formula for valuation and assessment of agricultural land for property tax purposes; 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 35 YEAS, 14 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christmann; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner

**NAYS:** Cook; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Krebsbach; Kringstad; Lee; Nething; Sand; Schobinger; Stenehjem, B.; Watne

SB 2054 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2065:** A BILL for an Act to provide for the issuance and sale of self-liquidating, tax-exempt bonds for renovating and expanding the student union at Dickinson state university; to provide an appropriation; 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 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; Kroeplin; 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 2065 passed, the title was agreed to, and the emergency clause was declared carried.

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**MOTION**

**SEN. ST. AUBYN MOVED** that SB 2279 be returned to the Senate floor from the **Transportation Committee** and be rereferred to the **Human Services Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2279 was rereferred.

**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 2067, SB 2107, SB 2116, SB 2120, SB 2128, SB 2136, SB 2184.

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

**MR. SPEAKER:** The Senate has passed unchanged: HB 1106, HB 1109.

**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 12:30 p.m., Friday, January 22, 1999, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2042: Education Committee (Sen. Freborg, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 9, after "bank" insert "or a paying agent" and after "instruction" insert ", in writing."

Page 1, line 11, replace "sold to, or which support any bonds sold by, the bond bank" with "issued"

Page 1, line 12, after "bank" insert "or the paying agent"

Page 1, line 14, remove ", upon written notification"

Page 1, line 15, remove "from the bond bank,"

Page 1, line 17, replace "trustee, if any, for the bond bank's" with "paying agent"

Page 1, line 18, remove "bondholders" and after "bank" insert "or the paying agent"

Page 1, line 19, after "bank" insert "or the paying agent"

Page 1, line 20, after the underscored period insert "The notification must include information required by the superintendent of public instruction. State funds available to a school district under chapter 15-40.1 are not subject to withholding under this section unless the withholding is authorized by resolution of the district's school board."

Page 1, line 23, after the first "bank" insert "or the paying agent" and after the second "bank" insert "or the paying agent"

Page 2, line 2, replace "to any trustee for the bank's bondholders" with "the paying agent"

Page 2, line 3, after "bank" insert "or a paying agent"

Page 2, line 7, replace "trustee, if any" with "paying agent"

Page 2, line 9, after "bank" insert "or a paying agent"

Page 2, line 14, replace "interest rate" with "debt service payments"

Page 2, line 16, after "section" insert "or construction loans made to school districts under the state school construction program established by section 11 of chapter 2 of the 1989 Session Laws"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2048: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2048 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2056: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2056 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2072: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2072 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2095: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2095 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2097: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2097 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2108: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2108 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2140: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2140 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2163: Education Committee (Sen. Freborg, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2163 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2180: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2180 was rereferred to the **Appropriations Committee**.

**REPORT OF STANDING COMMITTEE**

**SB 2187: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2187 was placed on the Sixth order on the calendar.

Page 3, line 25, overstrike "within the period of limitation given by general"

Page 3, line 26, overstrike "law governing other claims for relief of like character" and insert immediately thereafter "if the action is commenced within six years after the sum is deposited"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2190: Agriculture Committee (Sen. Wanzek, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2219: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2219 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2226: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2226 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2229: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2231: Political Subdivisions Committee (Sen. Lee, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4006: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4006 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE BILLS**

Sens. Mutch, Naaden and Reps. Boehm, Kerzman, B. Thoreson introduced:

**SB 2375:** A BILL for an Act to amend and reenact section 23-16-14 of the North Dakota Century Code, relating to participation in abortions and other procedures.

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

Sens. Cook, Christmann and Reps. Grosz, Keiser introduced:

**SB 2376:** A BILL for an Act to create and enact a new section to chapter 26.1-41 of the North Dakota Century Code, relating to noneconomic loss for serious, accidental bodily injury.

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

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

**WILLIAM C. PARKER, Secretary**