

JOURNAL OF THE SENATE

Fifty-fifth Legislative Assembly

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Bismarck, January 13, 1997

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

The prayer was offered by Sister Renee Zastoupil, Chaplin, St. Alexius Medical Center, Bismarck.

The roll was called and all members were present except Senators Bowman and Yockim.

A quorum was declared by the President.

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 1104.

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 2044, SB 2073, SB 2085, SB 2094, SB 2106, SB 2110, SCR 4002.

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 2006, SB 2071, SB 2081, SB 2089, SB 2120.

CONSIDERATION OF AMENDMENTS

SB 2031: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 59 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. O'CONNELL REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2031, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2031, the roll was called and there were 28 YEAS, 19 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Cook; Fischer; Freborg; Goetz; Grindberg; Holmberg; Klein; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjerm, B.; Stenehjerm, W.; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Berg; DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Tallackson; Thompson; Tomac; Wogsland

ABSENT AND NOT VOTING: Bowman; Yockim

The motion to adopt the amendments to SB 2031 passed.

CONSIDERATION OF AMENDMENTS

SCR 4001: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ page 60 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

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 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heitkamp; LaFountain; Solberg; Stenehjem, B.

ABSENT AND NOT VOTING: Bowman; Yockim

SB 2010 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2035: A BILL for an Act to repeal sections 38-14.1-04.1, 38-14.1-04.2, and 38-14.1-04.3 of the North Dakota Century Code, relating to the reclamation research advisory committee.

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, 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin; Yockim

SB 2035 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2104: A BILL for an Act to amend and reenact section 61-02-08 of the North Dakota Century Code, relating to meetings of the state water commission.

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, 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin; Yockim

SB 2104 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2105: A BILL for an Act to amend and reenact section 61-02-64.1 of the North Dakota Century Code, relating to the purpose of the contract fund.

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, 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin; Yockim

SB 2105 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2107: A BILL for an Act to repeal section 38-08-06.1 of the North Dakota Century Code, relating to the industrial commission's responsibilities pursuant to the Natural Gas Policy Act of 1978.

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, 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.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Bowman; Redlin; Yockim

SB 2107 passed and the title was agreed to.

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 1:00 p.m., Tuesday, January 14, 1997, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2086: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2086 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2087: Political Subdivisions Committee (Sen. Andrist, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sens. Urlacher, Goetz and Reps. Skarphol, Wardner introduced:

SB 2155: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-51-06 of the North Dakota Century Code, relating to the filing of well production reports by electronic media and waiver of the requirement to file producer's reports.

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

Sens. Urlacher, Goetz and Reps. Skarphol, Wardner introduced:

SB 2156: A BILL for an Act to amend and reenact section 57-51-09 of the North Dakota Century Code, relating to the time allowed for assessment of gross production and oil extraction tax and the audit of returns.

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

Sen. Tomac introduced:

SB 2157: A BILL for an Act to amend and reenact section 21-04-09 of the North Dakota Century Code, relating to pledges to secure public deposits.

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

Sens. Watne, Schobinger introduced:

SB 2158: A BILL for an Act to amend and reenact sections 16.1-11-18 and 16.1-12-08 of the North Dakota Century Code, relating to filling election candidate vacancies.

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

FIRST READING OF HOUSE BILL

HB 1104: A BILL for an Act to amend and reenact subdivision h of subsection 1 of section 57-38-01.2, subsection 5 of section 57-38-04, and subsection 2 of section 57-38-60 of the North Dakota Century Code, relating to allocation and apportionment of nonresident income and employer income tax withholding return requirements; and to provide an effective date.

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