

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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EIGHTH DAY

Bismarck, January 15, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend Mike Kopp, Bible Chapel, Bismarck.

Father, we thank You for the privilege to come to You this afternoon through our Lord Jesus Christ. We have to admit, Lord, that when we consider who You are, and who we are, that You know a lot more about what's going on here than we do.

We also know that You are a God of order and organization. So, Father, help these Senators to conduct business in an orderly and organized manner.

We've got some tough social, political, and financial issues that these Senators will be working on. Their decisions will not please everyone. So, we ask that You will give these men and women the wisdom they need to reach the decisions that best suit Your eternal plans.

We ask this in the worthy and precious name of our Savior, the Lord Jesus Christ. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Dotzenrod, Naaden, and Waldera.

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Seventh Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1029, HB 1040, HB 1042, HB 1056, HB 1100, HB 1108,
HB 1111, HB 1112, HB 1113, HB 1124, HB 1157, HB 1173,
HB 1180, HB 1186, HB 1206, HB 1212, HB 1223, HCR 3004

ROY GILBREATH, Chief Clerk

PRESENTATION AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

January 12, 1987

The Honorable Ruth Meiers
Lieutenant Governor
State Capitol
Bismarck, North Dakota 58505

Dear Lieutenant Governor Meiers:

This is to advise that I have appointed Richard L. Rayl as Director of Institutions until December 14, 1988, pursuant to Section 54-21-06 of the North Dakota Century Code.

This appointment is submitted for consideration of Senate confirmation.

Sincerely,

GEORGE A. SINNER
Governor

State of North Dakota
EXECUTIVE OFFICE
Bismarck

January 12, 1987

The Honorable Ruth Meiers
Lieutenant Governor
State Capitol
Bismarck, North Dakota 58505

Dear Lieutenant Governor Meiers:

This is to advise that I have appointed Gary D. Preszler as Commissioner of Banking and Financial Institutions until June 30,

1989, pursuant to Section 6-01-08 of the North Dakota Century Code.

This appointment is submitted for consideration of Senate confirmation.

Sincerely,

GEORGE A. SINNER
Governor

MOTION

SEN. HEIGAARD MOVED that the communications from the Governor be printed in the Journal, which motion prevailed. It was so ordered by the President Pro Tem.

REPORTS OF PROCEDURAL COMMITTEES

MADAM PRESIDENT: Your procedural Committee on Committees respectfully submits the following committee to consider the nomination for Director of Institutions:

Sen. Corliss Mushik, Chairman
Sen. Floyd Stromme
Sen. Jerry Meyer
Sen. Walter Meyer
Sen. Russell Thane
Sen. Clayton Lodoen
Sen. Ray Holmberg

SEN. HEIGAARD, Chairman

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

MADAM PRESIDENT: Your procedural Committee on Committees respectfully submits the following committee to consider the nomination for Commissioner of Banking and Financial Institutions:

Sen. Rolland Redlin, Chairman
Sen. Allen Richard
Sen. Adam Krauter
Sen. Ben Axtman
Sen. Evan Lips
Sen. Chester Reiten
Sen. Jack Ingstad

SEN. HEIGAARD, Chairman

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

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that a former Representative was in the chamber and requested that the Senate recognize former

Representative Arnold J. Gronneberg, and Representative Gronneberg was thereupon introduced to the Senate.

CONSIDERATION OF AMENDMENTS

SEN. DAVID MOVED that the amendments to SB 2045 as recommended by the Committee on State and Federal Government as printed on page 184 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2045 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. PETERSON MOVED that the amendments to SB 2094 as recommended by the Committee on Education as printed on pages 184-185 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2094 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELLY MOVED that the amendments to SB 2109 as recommended by the Committee on Education as printed on page 185 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2109 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. HILKEN MOVED that SCR 4008 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

SEN. HILKEN MOVED that the rules be suspended, that SCR 4008 not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Hilken and Rep. Anderson introduced:

SENATE CONCURRENT RESOLUTION NO. 4008

A concurrent resolution urging Congress to reauthorize promptly the federal highway aid program.

WHEREAS, the Ninety-ninth Congress adjourned without reauthorizing the federal aid highway program and as a result that program ran out of new money on September 30, 1986; and

WHEREAS, by the end of 1986 this state had exhausted its remaining \$2.9 million in funds under that program; and

WHEREAS, this state has a short construction season, running generally from May through September; and

WHEREAS, delaying reauthorization of the federal aid highway program would jeopardize \$31.5 million worth of major highway projects during this state's 1987 construction season; and

WHEREAS, delaying these projects would cause the loss of many jobs in the construction industry throughout this state, would unnecessarily delay the benefits arising from that construction, and would result in increased traffic congestion and inconvenience to motorists; and

WHEREAS, among the projects threatened by the loss of federal funds during the 1987 construction year are major rehabilitations of North Dakota's two interstate highways, I-29 and I-94; rehabilitation of the main street of North Dakota's capital, Bismarck; rehabilitation of the main street in North Dakota's leading railroad terminal and oil refinery city, Mandan; regrading of part of North Dakota's Lewis and Clark Trail, State Highway 25; completion of paving of the "missing link" in the four-laning of U.S. Route 2, allowing four-lane travel between Grand Forks and Minot; and various and sundry other important highway projects; and

WHEREAS, the process involved in issuing highway contracts requires that reauthorization be passed by March 1 if the North Dakota highway construction season is to begin on time; and

WHEREAS, even if funding is eventually received, postponing projects until a later construction season would still result in irretrievable loss of jobs during 1987; and

WHEREAS, the economy of North Dakota is suffering from the effects of depressed prices in both the agricultural and energy sectors, and the further losses in the construction industry which will result if Congress does not promptly reauthorize the highway aid program will cause irreparable damage to the well-being of the people of this state;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fiftieth Legislative Assembly finds that an emergency situation exists and urges the Congress of the United States to reauthorize promptly the federal highway aid program; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the President of the United States, the Secretary of the United States Department of Transportation, the chairman of the House Transportation Committee, the chairman of the Senate Environment and Public Works Committee, and to the other two members of the North Dakota Congressional Delegation.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to reauthorize promptly the federal highway aid program.

Was read the second time.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Richard

SCR 4008 passed on a roll call vote.

MOTION

SEN. HILKEN MOVED that the rules be suspended and that SCR 4008 be messaged to the House, which motion prevailed.

The President Pro Tem so ordered it.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4008

PERRY GROTEBERG, Secretary

MOTIONS

SEN. LANGLEY MOVED that SB 2166 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. LANGLEY MOVED that SB 2166 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

SEN. DOTZENROD MOVED that SB 2063 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. DOTZENROD MOVED that SB 2063 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that a former Senator was in the chamber and requested that the Senate recognize former Senator William J. Thoreson, and Senator Thoreson was thereupon introduced to the Senate.

CONSIDERATION OF AMENDMENTS

SEN. BAKEWELL MOVED that the amendments to SB 2113 as recommended by the Committee on State and Federal Government as printed on page 185 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2113 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. NALEWAJA MOVED that the amendments to SB 2177 as recommended by the Committee on Judiciary as printed on page 185 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2177 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HOLMBERG MOVED that the amendments to SB 2182 as recommended by the Committee on Judiciary as printed on pages 185-186 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2182 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2048 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, after the word "adoption," insert the words "an adult abuse protection order,"

On page 1, line 15, after the word "order." insert the words "The tribal court judgment, decree, or order must be rendered by a judge who meets the qualifications for admission to practice law in this state."

And renumber the lines accordingly

SEN. D. MEYER, Chairman

SB 2048 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2069 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 8, after the word "with" insert the words "the state council on the arts with respect to the artistic value of monuments, memorials, or works of art to be constructed on the capitol grounds and with"

On page 2, line 11, delete the first word "and" and insert in lieu thereof the words ". The commission shall"

And renumber the lines accordingly

SEN. D. MEYER, Chairman

SB 2069 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2070 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "gifts of" and insert in lieu thereof the word "state"

On page 1, line 2, delete the words "to the state" and insert in lieu thereof the words "having historical or artistic significance"

On page 1, line 3, delete the word "gifts" and insert in lieu thereof the word "property"

On page 1, delete lines 10 through 28 and insert in lieu thereof the following:

"SECTION 1. State property having historical or artistic significance - Responsibilities of state historical board and council on the arts - Review and advice on property for exhibition. Except for the board of

higher education and state institutions under the jurisdiction of the board, every state official or entity that, on behalf of the state, holds, acquires, or receives property having historical or artistic significance shall document and inventory that property on forms furnished by the state historical board. One copy of the completed form must be retained in the office of that official or entity and one copy must be filed with the state historical board. The information filed with the board must include a description of the property, the identity of the donor if acquired by gift, the date the property was acquired or received, any conditions on acceptance of the property if given by gift, and appropriate evidence of ownership. The information must also indicate whether the property is intended for permanent or long-term exhibition on the capitol grounds or in public areas in the state capitol. With respect to property intended for permanent or long-term exhibition on the capitol grounds or in public areas in the state capitol, the state historical board shall notify the state council on the arts. The council on the arts shall advise the capitol grounds planning commission with respect to permanent or long-term exhibition of such property on the capitol grounds. The council on the arts shall advise the capitol arts and historic preservation advisory committee with respect to permanent or long-term exhibition of such property in public areas in the state capitol. Prior to transfer of ownership or other disposal of property documented and inventoried under this section, that property must be offered to the state historical board for inclusion in its historical collections."

On page 3, line 17, delete the words "every gift of"

On page 3, line 18, delete the words "to a state official or entity"

And renumber the lines and pages accordingly

SEN. D. MEYER, Chairman

SB 2070 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2096 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 6, delete the words "School boards"

On page 1, delete line 7

On page 1, delete line 8

And renumber the lines accordingly

SEN. HEINRICH, Chairman

SB 2096 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2110 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the first comma and insert in lieu thereof the word "and" and delete the words ", and a new section to"

On page 1, line 3, delete the words "chapter 4-09"

On page 1, line 4, delete the words "investment of state seed department moneys and"

On page 3, line 21, overstrike the words "Free tests -" and the word "additional"

On page 3, line 24, overstrike the word ", but" and delete the words "no more"

On page 3, line 25, delete the words "than six" and the words "per address" and overstrike the words "samples per year per person" and the words "shall be"

On page 3, line 26, delete the word "tested" and overstrike the words, "and reported on free of charge" and the word ", however,"

On page 3, line 28, overstrike the word "free"

On page 3, line 29, overstrike the word "in"

On page 3, line 30, overstrike the words "excess of" and delete the word "six"

On page 4, delete lines 5 through 20

And renumber the lines, sections, and pages accordingly

SEN. W. MEYER, Chairman

SB 2110 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2084: A BILL for an Act to amend and reenact subsection 5 of section 20.1-13-10 of the North Dakota Century Code, relating to requirements for boats towing water skiers or other persons.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Lashkowitz; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Heinrich; Langley; Lips; Maixner; Moore; Mushik; Richard; Shea; Thane

ABSENT AND NOT VOTING: Redlin

SB 2084 passed and the title was agreed to.

SB 2121: A BILL for an Act to create a vocational shop revolving fund at the state industrial school; and to provide an appropriation.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2121 passed and the title was agreed to.

MOTION

SEN. TENNEFOS MOVED that SB 2126, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2152: A BILL for an Act to create and enact a new section to chapter 15-05 of the North Dakota Century Code, relating to the authority of the board of university and school lands to lease gravel, scoria, sand, and construction aggregate; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David

SB 2152 passed, the title was agreed to, and the emergency clause carried.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4008

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2193: A BILL for an Act to amend and reenact section 38-08-13 of the North Dakota Century Code, relating to the procedure

for applying for a rehearing before the industrial commission.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2193 passed and the title was agreed to.

SB 2214: A BILL for an Act to amend and reenact section 47-21-08 of the North Dakota Century Code, relating to the tax levied on selling and licensing performing rights or music or dramatico-musical compositions; and to repeal sections 47-21-01, 47-21-02, 47-21-03, 47-21-04, 47-21-05, 47-21-06, 47-21-07, 47-21-09, and 47-21-10 of the North Dakota Century Code, relating to copyrights for musical and dramatico-musical compositions.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Vosper

SB 2214 passed and the title was agreed to.

SB 2225: A BILL for an Act to amend and reenact subsection 1 of section 52-06-02 of the North Dakota Century Code, relating to disqualification from unemployment compensation benefits.

Which has been read and has committee recommendation of DO PASS.

MOTIONS

SEN. TODD MOVED that SB 2225 be amended as follows:

On page 2, line 22, delete the word "emloyer" and insert in lieu thereof the word "employer"

SEN. TODD MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. TODD MOVED that the rules be suspended, that SB 2225 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Maikner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Heinrich; Lashkowitz; Schoenwald; Shea

ABSENT AND NOT VOTING: None

SB 2225 passed and the title was agreed to.

SB 2227: A BILL for an Act to amend and reenact sections 6-03-34 and 6-03-36 of the North Dakota Century Code, relating to the payment of dividends by a banking institution.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Richard

SB 2227 passed and the title was agreed to.

SB 2041: A BILL for an Act to amend and reenact subsection 7 of section 11-10-10, sections 27-07.1-01, 27-07.1-02, 27-07.1-04, 27-07.1-06, and subsection 4 of section 27-26-01 of the North Dakota Century Code, relating to the appointment of and salary paid to part-time county judges.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 2 YEAS, 51 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lips; Meyer, W.

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

SB 2041 lost.

SB 2046: A BILL for an Act to amend and reenact section 54-36-01 of the North Dakota Century Code, relating to the membership of the Indian affairs commission.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Holmberg; Schoenwald

SB 2046 passed and the title was agreed to.

SB 2052: A BILL for an Act to exempt public retirement benefits, assistance for dependent children, and crime victims reparations awards from all liabilities for debts of the person; and to repeal sections 15-39.1-13, 18-05-11, subsection 3 of section 28-22-03.1, sections 39-03.1-23, 40-45-23, 40-46-22, 50-09-15, 54-52-12, and subsection 4 of section 65-13-15 of the North Dakota Century Code, relating to the exemption of refunds and annuities paid by the teachers' fund for retirement, payments by a firemen's relief association, unmatured life insurance policy values, retirement, disability, or severance allowance from the highway patrolmen's retirement fund, pensions from a policemen's pension fund or city employees' pension fund, payments of aid to dependent children, benefits paid by the state retirement board, and awards of reparation for crime victims from execution of judgments.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;

Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lodoen

SB 2052 passed and the title was agreed to.

SB 2054: A BILL for an Act to provide for indemnification and legal defense for judicial officers.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Dotzenrod; Freborg; Hilken; Kelly; Lodoen; Mathern; Meyer, D.; Nelson; Shea; Tennefos; Thane; Vosper

ABSENT AND NOT VOTING: David

SB 2054 passed and the title was agreed to.

SB 2130: A BILL for an Act to amend and reenact section 52-06-32 of the North Dakota Century Code, relating to unemployment compensation claimant attorney fees.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Kelly; Langley; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson;

Peterson; Reiten; Satrom; Streibel; Stromme; Tennefos;
Thane; Todd; Vosper; Wright

NAYS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich;
Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter;
Lashkowitz; Maixner; Mathern; Maxson; Meyer, D.;
Meyer, J.; Meyer, W.; Mushik; Redlin; Richard;
Schoenwald; Shea; Stenehjem; Tallackson; Tweten;
Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: David

SB 2130 lost.

MOTION

SEN. NETHING MOVED that SB 2252 be moved behind SB 2137 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2137: A BILL for an Act to amend and reenact subsection 4 of section 52-10-04, subsection 4 of section 52-10-05, and subsection 4 of section 52-10-06 of the North Dakota Century Code, relating to contributions for purposes of administration of social security and old-age survivor insurance, delinquent social security payments, and disbursements for administrative expenses from the social security contribution fund; to provide an effective date; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;
Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;
Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;
Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;
Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja;
Nelson; Nething; Olson; Peterson; Redlin; Reiten;
Richard; Satrom; Schoenwald; Stenehjem; Streibel;
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Shea

SB 2137 passed, the title was agreed to, and the emergency clause carried.

SB 2252: A BILL for an Act to create and enact a new subsection to section 52-09-07 of the North Dakota Century Code, relating to moneys paid or deposited into the old-age survivors' fund; to amend and reenact sections 52-09-06 and 52-09-09 of the North Dakota Century Code, relating to investing and disbursing money in the old-age survivors' fund and rates of contributions for purposes of old-age and survivor insurance; to provide an effective date; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Kelly; Meyer, J.

SB 2252 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. HEIGAARD MOVED that the absent Senators be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, the Ninth order of business, and the Thirteenth order of business, and after the reading of SB 2043, SB 2045, SB 2060, SB 2073, SB 2080, SB 2087, SB 2094, SB 2109, SB 2113, SB 2114, SB 2116, SB 2160, SB 2162, SB 2177, SB 2182, SB 2189, SB 2241, and SB 2285 that the Senate stand adjourned until 12:30 p.m., Friday, January 16, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2043 has had the same under consideration and recommends by a

vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HEINRICH, Chairman

SB 2043 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2060 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2060 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2080 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2080 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2087 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2087 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was referred SB 2114 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. J. MEYER, Chairman

SB 2114 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2073 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2073 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2116 has had the same under consideration and

recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2116 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2160 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2160 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2162 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2162 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2189 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. DOTZENROD, Chairman

SB 2189 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2241 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2241 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2285 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2285 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sens. Nalewaja, Nething and Reps. Lautenschlager, Rydell introduced:

SB 2322: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to an adult basic education fund and uses of that fund; and to amend and reenact sections 53-06.1-12 and 53-06.1-12.1 of the North Dakota Century Code, relating to the games of chance tax rate and use of the tax proceeds.

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

Sen. Stromme and Rep. Kingsbury introduced:

SB 2323: A BILL for an Act to amend and reenact section 57-20-01 and subsection 2 of section 57-26-03 of the North Dakota Century Code, relating to the penalties and interest assessed for delinquent property taxes and redemption from real estate tax sales; and to provide an effective date.

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

Sens. Peterson, Dotzenrod and Reps. Moore, Frey introduced:

SB 2324: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to the confidentiality of the names of applicants for public employment.

Was read the first time and referred to the Committee on State and Federal Government.

Sens. Todd, Nething, Langley introduced:

SB 2325: A BILL for an Act to amend and reenact sections 43-34-02 and 43-34-05 of the North Dakota Century Code, relating to the composition of the board of examiners for nursing home administrators, and the annual licensing fee for nursing home administrators.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sen. Holmberg and Reps. Shaft, Rydell introduced:

SB 2326: A BILL for an Act to create and enact a new section to chapter 32-09.1 of the North Dakota Century Code, relating to notice requirements, recovery of damages, and eligibility for debt scheduling; and to amend and reenact sections 32-09.1-01 and 32-09.1-03 of the North Dakota Century Code, relating to garnishment of earnings.

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

Sen. Satrom introduced:

SB 2327: A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to fees for certain traffic infractions.

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

Sen. Satrom introduced:

SB 2328: A BILL for an Act to amend and reenact section 39-21-41.2 of the North Dakota Century Code, relating to child restraint devices.

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

Sen. Satrom introduced:

SB 2329: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to entries against a driving record for violation of the open bottle law; and to amend and reenact sections 39-06.1-09 and 39-21-01 of the North Dakota Century Code, relating to the definition of a moving violation and to when lighted lamps are required.

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

Sens. Stenehjem, Waldera and Reps. Kelly, Dalrymple introduced:

SB 2330: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the exchange and transfer of mental health records within the department of human services and agencies under contract with the department.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sen. Keller and Rep. Gunsch introduced:

SB 2331: A BILL for an Act to amend and reenact subsection 1 of section 57-27-02 of the North Dakota Century Code, relating to the period of redemption when a city holds a tax sale certificate because of delinquent special assessments.

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

Sen. Keller and Rep. Gunsch introduced:

SB 2332: A BILL for an Act to amend and reenact section 40-01-08 of the North Dakota Century Code, relating to the removal of a building when taxes and special assessments are due.

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

Sen. Keller and Rep. Gunsch introduced:

SB 2333: A BILL for an Act to amend and reenact section 57-55-10 of the North Dakota Century Code, relating to exemptions from the mobile home tax and providing for assessment of certain mobile homes as real property.

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

Sens. Waldera, Maixner, Streibel introduced:

SB 2334: A BILL for an Act to amend and reenact subsection 4 of section 43-17-18 of the North Dakota Century Code, relating

to qualifications of a foreign-trained applicant for a license to practice medicine.

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

Sens. Nalewaja, Adams introduced:

SB 2335: A BILL for an Act to amend and reenact section 39-07-09 of the North Dakota Century Code, relating to traffic offenses for which a person may be released upon promise to appear.

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

Sens. Waldera, Mushik and Reps. Wentz, J. DeMers introduced:

SB 2336: A BILL for an Act to provide for the establishment of an adult protective services demonstration project to be developed and managed by the department of human services; and to provide an expiration date.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sens. Heinrich, Stenehjem and Reps. Oban, Rydell introduced:

SB 2337: A BILL for an Act to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to privileged communications between a social worker and client.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sen. Heinrich and Rep. L. Hanson introduced:

SB 2338: A BILL for an Act to amend and reenact sections 44-10-02, 44-10-16, 44-11-01, and 44-11-02 of the North Dakota Century Code, relating to the removal of school board members from office.

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

Sens. D. Meyer, Lodoen, Heinrich and Rep. Gorman introduced:

SB 2339: A BILL for an Act to amend and reenact sections 12-48-03.1 and 12-48-06.1 of the North Dakota Century Code, relating to the operation of prison industries, the sale of prison-made products, and the prison industry advisory committee.

Was read the first time and referred to the Committee on State and Federal Government.

Sen. Nething introduced:

SB 2340: A BILL for an Act to provide for a reduction in general fund appropriation authority; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the Committee on Appropriations.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Nething introduced:

SCR 4009: A concurrent resolution directing the Governor, the Chief Justice of the Supreme Court, the State Board of

Higher Education, and appropriate officials of the legislative branch to take necessary action to reduce expenditures for the remainder of the current biennium. Was read the first time and referred to the Committee on Appropriations.

Sens. Waldera, Mushik and Reps. Wentz, J. DeMers introduced:

SCR 4010: A concurrent resolution directing the Legislative Council to study the need for providing protective services to vulnerable adults subject to abuse, neglect, self-neglect, and exploitation.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

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

PERRY GROTEBERG, Secretary