

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, January 9, 1991

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Sister Kathleen Kuntz, St. Vincent Nursing Home, Bismarck.

The roll was called and all members were present except Senators O. Hanson and Keller.

A quorum was declared by the President.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Committee on Appropriations introduced:

SCR 4009: A concurrent resolution regarding the approval of state agency use of block grant funds, and authorizing the Budget Section of the Legislative Council to hold the required legislative hearings on state plans for the receipt and expenditure of new or revised block grants as passed by Congress.

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

Sens. Naaden, DeKrey, Mutch, Solberg, Streibel introduced.

SCR 4010: A concurrent resolution to create a new section to article XI of the Constitution of North Dakota, relating to the number of years a person may serve as a United States senator or a United States representative from North Dakota; and to amend section 4 of article IV, sections 3 and 12 of article V, and sections 7 and 9 of article VI of the Constitution of North Dakota, relating to the number of years a person may serve in the legislative assembly, executive branch offices, and judicial offices.

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

Sens. Streibel, Naaden introduced:

SCR 4011: A concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

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

## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

SCR 4012: A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

Was read the first time.

## MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that SCR 4012 not be printed, not be referred to committee, but be read in its entirety and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

## SENATE CONCURRENT RESOLUTION NO. 4012

A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

WHEREAS, Chris Simdorn, as quarterback of the North Dakota State University Bison football team, has led the Bison to two national NCAA Division II football championships within the past three seasons; and

WHEREAS, Chris Simdorn amassed the highest rushing yardage total for a quarterback in NCAA Division II history and the second highest rushing total for a quarterback in all of NCAA football history, with 3,313 yards over his regular season career; and

WHEREAS, Chris Simdorn's Bison career statistics, including 10 playoff games, show records of 4,186 yards rushing and 72 rushing touchdowns plus 2,529 passing yards and 24 passing touchdowns; and

WHEREAS, during his career the Bison won over 92 percent of the games in which they took the field with Chris Simdorn as their starting quarterback; and

WHEREAS, as further tribute to his leadership and athletic abilities, Chris Simdorn was named the winner of the 1990 Harlon Hill trophy as the nation's best player in NCAA Division II football;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Chris Simdorn for his outstanding achievements in the sport of collegiate football and wishes him well in his future endeavors; and

BE IT FURTHER RESOLVED, that the Secretary of State send enrolled copies of this resolution to Chris Simdorn, his family, and Bison coach Rocky Hager.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4012: A concurrent resolution congratulating Chris Simdorn on receiving the Harlon Hill trophy and for his nationally recognized athletic achievements.

The question being on the final adoption of the resolution, which has been read.

SCR 4012 was declared adopted on a voice vote.

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## FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

SCR 4013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

Was read the first time.

## MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that SCR 4013 not be printed, not be referred to committee, but be read in its entirety, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nalewaja, Kelly, Lindgren, Mathern, Peterson, Tennefos and Reps. R. Berg, Bernstein, Dorso, Gabrielson, Gorman, Kloubec, Larson, Payne, Pyle, Scherber, Schneider, Soukup introduced:

## SENATE CONCURRENT RESOLUTION NO. 4013

A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

WHEREAS, the North Dakota State University Bison football team, coached by native North Dakotan Rocky Hager, completed an undefeated, untied 1990 season with fourteen wins, culminating in an overwhelming and record-setting 51-11 victory over Indiana University of Pennsylvania in the NCAA Division II championship; and

WHEREAS, the Bison have achieved NCAA Division II national football championships by acclamation in 1965, 1968, and 1969 and in playoff competition in 1983, 1985, 1986, 1988, and 1990; and

WHEREAS, the 1990 Bison football team was comprised of very talented individuals, including NCAA Division II most valuable player Chris Simdorn and NCAA Division II playoff rushing yardage recordholder Tony Satter, and the skills of the many talented individuals on this team were molded into a complete team success by dedication, hard work, and skilled coaching; and

WHEREAS, the Bison football program is the most successful program in NCAA Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

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

That the Fifty-second Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State University Bison football team, head coach Rocky Hager and his staff, and North Dakota State University its heartiest congratulations for excellence in dedication and performance, resulting in another national championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and head coach Rocky Hager and his staff.

## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning the NCAA Division II football championship for the eighth time.

The question being on the final adoption of the resolution, which has been read.

SCR 4013 was declared adopted on a voice vote.

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## MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4012 and SCR 4013 be messaged to the House immediately, which motion prevailed.

## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4012, SCR 4013.

## MOTIONS

SEN. WOGSLAND MOVED that SB 2100, SB 2154, SB 2165, SB 2167, SB 2176, SB 2206, SB 2246, SB 2254, SB 2255, and SB 2265 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2100, SB 2154, SB 2165, SB 2167, SB 2176, SB 2206, SB 2246, SB 2254, SB 2255, and SB 2265 were rereferred.

SEN. O'CONNELL MOVED that SB 2217 be returned to the Senate floor from the Committee on Education for the purpose of withdrawal, which motion prevailed.

#### REQUEST

SEN. O'CONNELL REQUESTED the unanimous consent of the Senate to withdraw SB 2217. There being no objection, it was so ordered by the President.

#### MOTION

SEN. WOGSLAND MOVED that the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, the Senate stand in recess until 12:45 p.m., at which time it will meet in the House Chamber for a Joint Session, and after the Joint Session the Senate stand adjourned until 1:00 p.m., Thursday, January 10, 1991, which motion prevailed.

#### FIRST READING OF SENATE BILLS

Sen. Stenehjem and Reps. Clayburgh, Kretschmar, Wentz introduced:

SB 2268: A BILL for an Act to amend and reenact sections 14-05-23, 14-06-02, subsection 1 of section 14-14-15, sections 14-14-16, 14-14-17, subsections 4 and 5 of section 50-01-09, and sections 50-03-07 and 50-06-05.1 of the North Dakota Century Code, relating to references to family courts; and to repeal chapter 27-05.1 of the North Dakota Century Code, relating to the establishment of family courts.

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

Sen. Stenehjem introduced:

SB 2269: A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code, relating to support for children after majority.

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

Sens. Stenehjem, Maxson introduced:

SB 2270: A BILL for an Act to amend and reenact section 14-09-07 of the North Dakota Century Code, relating to an exemption to the requirement of a court order to change the residence of a child.

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

Sen. Graba and Rep. Hanson introduced:

SB 2271: A BILL for an Act to amend and reenact section 20.1-03-01.2 of the North Dakota Century Code, relating to hunter safety instruction requirements for obtaining bighorn sheep, moose, or elk hunting licenses.

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

Sens. Robinson, Thane, Yockim and Reps. Byerly, Kolbo, Myrdal introduced:

SB 2272: A BILL for an Act to amend and reenact section 57-15-56 of the North Dakota Century Code, relating to state matching funds for services and programs for senior citizens; and to provide an appropriation.

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

Sens. Heinrich, Mushik and Reps. Clayburgh, Kolbo, Myrdal introduced:

SB 2273: A BILL for an Act to amend and reenact subsection 25 of section 57-15-06.7 and subsection 26 of section 57-15-10 of the North Dakota Century Code to provide an increase in the mill levy limit for city and county tax levies for services and programs for senior citizens; and to provide an effective date.

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

Sen. Stenehjem introduced:

SB 2274: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to residency requirements for the granting of divorce and separation decrees.

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

Sens. Stenehjem, Tallackson, Maxson and Reps. Clayburgh, Schneider, Byerly introduced:

SB 2275: A BILL for an Act to create and enact a new chapter to title 51 of the North Dakota Century Code, relating to telemarketing transactions; to amend and reenact sections 51-15-04, 51-15-05, 51-15-06.1, 51-15-07, 51-15-08, and 51-15-11 of the North Dakota Century Code, relating to the authority of the attorney general and enforcement of remedies; and to provide a penalty.

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

Sens. Naaden, Streibel, Solberg and Reps. Dorso, Wald introduced:

SB 2276: A BILL for an Act to amend and reenact sections 40-57.1-01, 40-57.1-02, 40-57.1-03, 40-57.1-04, 40-57.1-04.1, 40-57.1-04.3, 40-57.1-06, 40-57.1-07, and 40-57.1-08 of the North Dakota Century Code, relating to property, sales, and income tax exemptions for new industries; to repeal section 40-57.1-05 of the North Dakota Century Code, relating to discretion of the state board of equalization to reconsider applications for tax exemptions for new industries; and to provide for transition.

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

Sens. Naaden, Streibel, Nelson and Reps. Dorso, Howard, Wald introduced:

SB 2277: A BILL for an Act to create and enact a new section to chapter 54-35 and a new subsection to section 54-44.1-03 of the North Dakota Century Code, relating to budget section revenue estimates and revenue comparison reports; to amend and reenact subsection 5 of section 54-44.1-03 and sections 54-44.1-12 and 54-44.1-13.1 of the North Dakota Century Code, relating to the budget allotment process and budget reductions resulting from an initiative or referendum action.

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

Sens. Naaden introduced:

SB 2278: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the designation of a state horse.

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

Sens. Streibel, Ingstad, Naaden and Reps. Byerly, Wardner introduced:

SB 2279: A BILL for an Act to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to definitions for purposes of the oil extraction tax, conditions affecting the rate of the oil extraction tax, and conditions affecting exemptions to the oil extraction tax.

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

Sens. Streibel, Bowman, DeKrey, Mutch, Naaden introduced:

SB 2280: A BILL for an Act to amend and reenact sections 11-10-04 and 16.1-12-03 of the North Dakota Century Code, relating to prohibition of an individual seeking election or serving simultaneously as a county commissioner and a member of the legislative assembly.

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

#### MOTION

SEN. WOGSLAND MOVED that the absent members be excused, which motion prevailed.

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

MARION HOUN, Secretary