

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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TWENTY-FIRST DAY

Bismarck, February 3, 1987

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

The prayer was offered by Father Jeff Zwack, Corpus Christi Catholic Church, Bismarck.

Members of the Senate, let us pray for divine assistance. Loving God, as we begin today's session, send Your peace into our hearts. We are humbled by the trust Your people have placed in us as their elected representatives. May we always remember the privileged responsibility we have of serving the needs of Your people in the state of North Dakota.

To be in government is not easy, Lord. One is expected to satisfy so many. So give us prudence and insight to fulfill our duties as representatives of the people with a good conscience. Let us be honorable in all our dealings, pursuing the common good in all our deliberations, motivated by principle in all our actions. Let us seek Your aid more often in prayer. Send Your Holy Spirit to guide us particularly in those dark hours when the right course is not clearly evident. The lives and happiness of many depend on good representatives. There is much to do for good. Let us not compromise but be motivated by the love that You have shown us.

To You, God, our loving Father, we come to ask a blessing this day. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senator Teneffos.

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 Twentieth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

SEN. AXTMAN 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 1035, HB 1052, HB 1071, HB 1080, HB 1273, HB 1308,
HB 1310, HB 1343, HB 1380

ROY GILBREATH, Chief Clerk

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:

SB 2115, SB 2256, SB 2277, SB 2288, SB 2300, SB 2403,
SB 2412

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2047 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 9, delete the word "shall" and insert in lieu thereof the word "may"

On page 1, line 13, delete the word "shall" and insert in lieu thereof the word "may"

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

SB 2047 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 2207 has had the same under consideration and recommends by a vote of 5 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 3, after the second comma insert the word "and"

On page 1, line 4, delete the word and numerals ", and 15-07-20"

On page 1, line 5, after the comma insert the word "and"

On page 1, line 6, delete the words ", and to the maximum term of leases of nongrant lands"

On page 1, line 19, delete the word "fifty" and insert in lieu thereof the word "thirty"

On page 2, line 7, delete the word "fifty" and insert in lieu thereof the word "thirty"

On page 2, line 20, overstrike the words "In either case, the purchase price also must"

On page 2, overstrike lines 21 through 24

On page 3, delete lines 3 through 18

And renumber the lines, sections, and pages accordingly
SEN. HEINRICH, Chairman

SB 2207 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2306 has had the same under consideration and recommends by a vote of 7 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 11, overstrike the word "shall" and after the word "compensation" insert the word "may" and delete the word "receive" and insert in lieu thereof the words "be compensated"

On page 2, line 12, delete the words "as compensation"

On page 2, line 13, delete the word "shall" and insert in lieu thereof the word "may"

On page 2, line 25, after the period insert the words "A resolution of the board of recreation service district commissioners may not increase a tax levy under this section from the amount levied in the previous taxable year unless approved by a majority of the qualified voters, as defined in section 11-28.2-03, voting on the question at the annual meeting of the recreation service district."

And renumber the lines, sections, and pages accordingly
SEN. DOTZENROD, Chairman

SB 2306 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2415 has had the same under consideration and recommends by a vote of 7 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 3, after the word "residential" insert the words
"or commercial"

On page 1, line 8, after the word "residential" insert the words
"or commercial"

On page 1, line 9, delete the words "nor any county, city, or
township, or any agency,"

On page 1, line 10, delete the words "official, or employee of a
county, city, or township,"

On page 1, line 12, after the word "residential" insert the words
"or commercial"

And renumber the lines, sections, and pages accordingly

SEN. DOTZENROD, Chairman

SB 2415 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 2416 has had the same under consideration
and recommends by a vote of 7 YEAS, 0 NAYS, 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 21, remove the overstrike over the comma

On page 1, line 22, remove the overstrike over the words
"amendment, or repeal"

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

SB 2416 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 2429 has had the same under consideration and recommends by a
vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE
AMENDED AS FOLLOWS and when so amended, recommends the same DO
NOT PASS:

On page 2, line 1, delete the words "one year" and insert in lieu
thereof the words "ten years"

And renumber the lines, sections, and pages accordingly

SEN. HEINRICH, Chairman

SB 2429 was placed on the Sixth order of business on the calendar
for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2058 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2318 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. HEINRICH, Chairman

SB 2318 was placed on the Eleventh 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 2396 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2396 was placed on the Eleventh 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 2414 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2414 was placed on the Eleventh 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 2421 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2421 was placed on the Eleventh 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 2426 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2426 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

RECOGNITIONS

THE PRESIDENT PRO TEM ANNOUNCED that a former Senator and Representative was in the chamber and requested that the Senate recognize former Senator Claire A. Sandness, and Senator Sandness was thereupon introduced to the Senate.

THE PRESIDENT PRO TEM ANNOUNCED that a former Representative was in the chamber and requested that the Senate recognize former Representative Donald E. Lloyd, and Representative Lloyd was thereupon introduced to the Senate.

MOTION

SEN. MAIXNER MOVED that SB 2117 be placed at the foot of the Sixth order of business on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. KRAUTER MOVED that the amendments to SB 2239 as recommended by the Committee on Natural Resources as printed on pages 516-517 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2239 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2268 as recommended by the Committee on Natural Resources as printed on pages 517-518 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2268 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to SB 2117 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 516 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2117 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Langley and Reps. Starke, Klundt introduced:

SCR 4039: A concurrent resolution congratulating Colonel James Buchli and welcoming him on his upcoming visit to Bismarck. Was read the first time.

MOTION

SEN. LANGLEY MOVED that the rules be suspended, that SCR 4039 not be printed, 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. Langley and Reps. Starke, Klundt introduced:

SENATE CONCURRENT RESOLUTION NO. 4039

A concurrent resolution congratulating Colonel James Buchli and welcoming him on his upcoming visit to Bismarck.

WHEREAS, it is a custom of the Legislative Assembly to recognize and honor North Dakota citizens for their national accomplishments; and

WHEREAS, Colonel James Buchli was born in New Rockford, North Dakota, and grew up in Fargo, North Dakota, and served as a mission specialist on the January 1985 flight of the space shuttle Discovery; and

WHEREAS, Colonel Buchli will be visiting Bismarck, North Dakota, to present the state with memorabilia from the space shuttle Challenger; and

WHEREAS, Colonel Buchli will represent the National Aeronautics and Space Administration in presenting Governor George A. Sinner with a wooden plaque containing a likeness of the crew members and a miniature North Dakota flag that was recovered from the Challenger wreckage;

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 extends its heartiest congratulations to Colonel James Buchli on his recent accomplishments and welcomes him on his upcoming trip to Bismarck, North Dakota; and

BE IT FURTHER RESOLVED, that the Secretary of State send an enrolled copy of this resolution to Colonel James Buchli.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution congratulating Colonel James Buchli and welcoming him on his upcoming visit to Bismarck.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4039 was declared adopted on a voice vote.

MOTION

SEN. LANGLEY MOVED that the rules be suspended and that SCR 4039 be messaged to the House immediately, which motion prevailed.

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 4039

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILLS

SB 2039: A BILL for an Act to establish a children's coordinating cabinet to develop and implement a plan for a coordinated delivery of services to children and adolescents at risk; and to provide a continuing 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 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Freborg; Moore; Mutch; Streibel

ABSENT AND NOT VOTING: Tennefos

SB 2039 passed and the title was agreed to.

SB 2093: A BILL for an Act to amend and reenact subsections 1 and 9 of section 39-06-03.1, subsection 1 of section 39-06-14, and section 39-06-19 of the North Dakota Century Code, relating to nondriver photo identification cards and motor vehicle operator's licenses.

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 51 YEAS, 1 NAY, 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Shea

ABSENT AND NOT VOTING: Tennefos

SB 2093 passed and the title was agreed to.

SB 2362: A BILL for an Act to amend and reenact section 25-03.1-21 of the North Dakota Century Code, relating to alternatives to hospitalization for persons requiring treatment.

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; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2362 passed and the title was agreed to.

SB 2398: A BILL for an Act to amend and reenact section 4-22-22 of the North Dakota Century Code, relating to compensation of soil conservation district supervisors.

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 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Freborg; Heigaard; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nething; Olson; Redlin; Schoenwald; Stromme; Tallackson; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Dotzenrod; Holmberg; Ingstad; Lodoen; Maxson; Moore; Naaden; Nalewaja; Nelson; Peterson; Reiten; Richard; Satrom; Shea; Stenehjerm; Streibel; Thane; Todd; Tweten

ABSENT AND NOT VOTING: Tennefos

SB 2398 passed and the title was agreed to.

CONFLICT OF INTEREST

SEN. BAKEWELL STATED that he had a possible conflict of interest on SB 2398.

MOTION

SEN. STREIBEL MOVED that the Senate grant the courtesy of voting to Sen. Bakewell on SB 2398, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2202: A BILL for an Act to create and enact a new subsection to section 39-06.1-06, a new paragraph to subdivision a of subsection 3 of section 39-06.1-10, and a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to highway speed limits and sanctions for violation of highway speed limits; to amend and reenact subsection 3 of section 39-06.1-06 and paragraph 33 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to sanctions for violation of speed limits; to provide a penalty; and to provide a contingent effective date.

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 35 YEAS, 17 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson;

Nething; Olson; Peterson; Stenehjelm; Stromme;
Tallackson; Thane; Todd; Vosper; Waldera; Wogsland;
Wright

NAYS: Adams; Axtman; Bakewell; David; Krauter; Maxson;
Meyer, J.; Moore; Redlin; Reiten; Richard; Satrom;
Schoenwald; Shea; Streibel; Tweten; Yockim

ABSENT AND NOT VOTING: Tennefos

SB 2202 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that, as Harold Schafer and his wife, Sheila, are in the Senate Chamber, a committee of two be appointed to escort them to the rostrum, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee Sens. Lips and Satrom.

Harold and Sheila Schafer were escorted to the rostrum and introduced to the assembly.

REMARKS

by

Harold Schafer

Nobody can do this without feeling humble and feeling thankfulness. My wife and I do so thank you for honoring us today with recognition. I just told the chambers across the hall that I know absolutely nothing about the time and the mental torture that you folks go through trying to write these laws the rest of us have to live by. I know what it is to obey the laws of North Dakota. I know what it is to obey the laws of the nation.

It was my privilege back in the middle 1950's to write a tax law for America. I lobbied it around the House of Representatives in Washington. I lobbied it through the Senate and it was signed by President Eisenhower in 1956. It equalized taxes for little businesses in their fight against the big businesses of this nation. So I recognize the fact that, if there are injustices, human beings can correct them through this legal process. All of you are engaged in a process in which I have never participated. I must say I do not know the torture and the torments that you have when you are divided on opinions of how to reach a good goal. On the other hand, I know North Dakota people and I know how hard you work at your job and I think of you as I think of myself.

I am a salesman. I travel down the highways and byways originally of the City of Bismarck, later on in the Red River Valley, finally, the State of North Dakota. In 1947, I branched

out and went all the way from Duluth, Minnesota, to Salt Lake City, Utah. Then, in 1948, I took my business across America; in 1949, across Canada; and in 1949, also into Mexico.

As a salesman, I know there were a lot better salesmen than I was. There were probably salesmen who had better products to sell than I did. There were probably salesmen who had more education in sales and selling than I did. What I did, and I have talked about it, and it has been my motto: I believe in the word "work". It was engraved on the front of the building I used to own. It was the emblem of my company magazine that I sent to all of my employees. I believe in it and that is all I did. I did the best I could where I was with what I had. I had competitors that had more money, could spend more money, for one thing. There are other states that can spend more money for some things than we can. I did the best I could where I was with what I had.

I know that you have been in this chamber with all of the hard work that you do, with all of the thoughtful consideration you give the decisions you are making. I know that you are like I am. You are going to make a mistake once in a while. I know also that, upon longer effort and longer time, sometimes you are going to have an opportunity to correct it. I also know that sometimes we make mistakes that are noncorrectable.

I guess as I look out here and I say thank you, I want you to know that I share a lot of respect for you people and for what you do. I know you do the best you can where you are with what you have. I suppose there are men in the world who are more learned on every subject you are going to discuss. I suppose some place there is a student of some of the historical things you are going to discuss. I suppose some place there is an auditor that maybe knows more about the numbers or figures. I suppose some place there is a tax consultant or a lawyer that knows more about legal issues than any of you might know. He is not here and you are. I think the people in North Dakota are happy in the end with the work that you do because they know you as I do.

You do the best that you can where you are with what you have. I do the best I can where I am with what I have and, right now, I think I have the greatest thing there is alive in North Dakota and that is the history of Teddy Roosevelt. I think he was a dynamic figure. I think his name is in history more than any other human being I know of at this stage of the game.

There are many presidents of the United States that you could not tell me their names. There are many governors of North Dakota that you could not tell me their names. There are many former legislators in this chamber that you could not tell me their names. But you cannot go any place in the United States and find someone who does not know that Teddy Roosevelt was a great man and grew to be president of the United States.

I have dedicated the rest of my life to holler about that to the high heavens. All the people who come to North Dakota and, anything you do in the chambers here or in your personal life bringing people to Medora and seeing what is there in the memory of the spirit of Teddy Roosevelt, I know will be appreciated. I think it would be good for all of us. I think it would be good for the future of North Dakota.

Teddy Roosevelt did live here. He did say, if it was not for my life in North Dakota, I would never have been president. Now back of that was some really deep thought. He regained his physical health here. We all know that, but he came here in 1883, on Valentine's evening, after his wife and mother both died the same night within four hours of each other. I think maybe, out in western North Dakota in the Badlands, he regained his faith in God and in religion and in the good of life.

He did get stronger physically and in my heart and in my soul, I believe he got stronger mentally and that helped him. I think in his later years when he made that statement about North Dakota, somehow or another it gets me. I would like to know more about what he thought about when he was in the Badlands and that is why I want to walk that land more. I want to know what he projected in his mind when he said that statement. I am trying.

I invite you to join with me at any time. If there is anything we can do for you in Medora, North Dakota, or in North Dakota, please feel comfortable to contact me. My wife and I love North Dakota, we love Medora, we love the history of Teddy Roosevelt, and we thank you very, very much for honoring us so today.

MOTIONS

SEN. HEIGAARD MOVED that the remarks of Mr. Schafer be printed in the Journal, which motion prevailed.

SEN. HEIGAARD MOVED that a committee of two be appointed to escort Mr. and Mrs. Schafer from the rostrum, which motion prevailed.

REQUEST

THE PRESIDENT PRO TEM REQUESTED that Sens. Lips and Satrom escort Mr. and Mrs. Schafer from the chamber.

MOTIONS

SEN. MAIXNER MOVED that SB 2280 be amended as follows:

On page 3, line 3, after the word "motorboat" insert the words "over sixteen feet [4.88 meters] in length", delete the word "ten" and insert in lieu thereof the word "fifteen", and after the word "dollars" insert the words "and the fee for registration of each motorboat sixteen feet [4.88 meters] and under in length, and all canoes, regardless of length, powered by a motor, is five dollars"

On page 3, line 6, after the word "motorboat" insert the words "over sixteen feet [4.88 meters] in length"

On page 3, line 7, delete the word "ten" and insert in lieu thereof the word "fifteen", and after the word "dollars" insert the words "and the fee for initial registration of each motorboat sixteen feet [4.88 meters] and under in length, and all canoes, regardless of length, powered by a motor, registered after the first year of the two-year registration period is also five dollars"

On page 4, line 4, after the word "motorboats" insert the words "over sixteen feet [4.88 meters] in length"

On page 4, line 5, delete the word "eight" and insert in lieu thereof the word "thirteen"

On page 4, line 7, after the underscored period insert the words "Fees from the registration of motorboats sixteen feet [4.88 meters] and under in length, and all canoes, regardless of length, powered by a motor, must be deposited with the state treasurer who shall credit three dollars per registration to the game and fish fund and two dollars per registration to the highway tax distribution fund."

And renumber the lines, sections, and pages accordingly

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

SEN. MAIXNER MOVED that the rules be suspended and that SB 2280 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2280: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to the registration and titling of motorboats; to amend and reenact section 20.1-13-04 and subsection 78 of section 39-01-01 of the North Dakota Century Code, relating to the definition of vehicle and the licensing of watercraft for hire; to repeal subsection 22 and 23 of section 20.1-03-12 and sections 20.1-13-02, 20.1-13-03, and 20.1-13-06 of the North Dakota Century Code, relating to the operation of unlicensed motorcraft, licensing of motorcraft, and license fees for motorcrafts and motorcrafts for hire; to provide a penalty; and to provide an effective date.

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 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Freborg; Hilken; Mutch; Wright

ABSENT AND NOT VOTING: Tennefos

SB 2280 passed and the title was agreed to.

SB 2369: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to issuance of distinctive motor vehicle number plates to national guard members.

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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2369 passed and the title was agreed to.

SB 2462: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating

to primary insurance benefits under the North Dakota old-age and survivor insurance system.

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; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Tennefos

SB 2462 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the procedural Committee on Committees respectfully submit the name of Sen. Bakewell in lieu of Sen. Tennefos for the select committee to consider the Governor's nomination for the Board of Higher Education, which motion prevailed.

SEN. HEIGAARD MOVED that the absent Senator 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, and after the reading of SB 2058, SB 2117, SB 2239, SB 2268, SB 2318, SB 2396, SB 2414, SB 2421, and SB 2426, the Senate adjourn and convene at 1:00 p.m., Wednesday, February 4, 1987, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1038: A BILL for an Act to amend and reenact subsection 3 of section 12.1-06.1-01 and section 12.1-06.1-08 of the North Dakota Century Code, relating to computer fraud and computer crime classifications; and to provide a penalty. Was read the first time and referred to the Committee on Judiciary.

HB 1074: A BILL for an Act to amend and reenact sections 53-01-07, 53-01-09, 53-01-10, 53-01-12, 53-01-13, 53-01-15, 53-01-16, 53-01-18, and 53-01-19 of the North Dakota

Century Code, relating to removal of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions, and to removal of regulatory authority of the secretary of state over wrestling exhibitions; and to repeal sections 53-01-11 and 53-01-14 of the North Dakota Century Code, relating to the bond required and inspection of records for payment of the five percent gross receipts tax on boxing, sparring, and wrestling exhibitions.

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

HB 1269: A BILL for an Act to amend and reenact sections 26.1-13-15 and 26.1-25-02 of the North Dakota Century Code, relating to insurance policies issued by a county mutual insurance company.

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

HB 1270: A BILL for an Act to amend and reenact section 26.1-13-01 of the North Dakota Century Code, relating to the residence of persons forming a county mutual insurance company.

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

HB 1288: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to interest on overpayment of income taxes; and to provide an effective date.

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

HB 1299: A BILL for an Act to amend and reenact sections 15-45-01, 32-12.1-08, 40-55-08, 40-55-09, 52-09-08, 57-15-14, and 57-15-14.2 of the North Dakota Century Code, relating to kindergartens, the insurance reserve fund, recreation systems, old-age survivors' fund, tax levy limitations, and consolidation of school district mill levies; and to repeal section 57-15-14.3 of the North Dakota Century Code, relating to school district general fund mill levies.

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

HB 1300: A BILL for an Act to place Bismarck state community college under the jurisdiction of the university of North Dakota; and to amend and reenact section 15-10-01 of the North Dakota Century Code, relating to institutions administered by the state board of higher education.

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

HB 1370: A BILL for an Act to create and enact a new subsection to section 41-09-50 of the North Dakota Century Code, relating to disposition of motor vehicles under secured

transactions and liability of debtor for any deficiency; and to amend and reenact subsection 2 of section 41-09-50 of the North Dakota Century Code, relating to disposition of collateral by secured parties.

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

HB 1404: A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to the authority of credit unions to provide missing endorsements.

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

HB 1409: A BILL for an Act to amend and reenact section 6-06-20 of the North Dakota Century Code, relating to borrowings by officers, directors, and committee members of credit unions.

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

HB 1422: A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to loans by credit unions.

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

HB 1423: A BILL for an Act to create and enact a new subsection to section 6-06-06 of the North Dakota Century Code, relating to the powers of credit unions.

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

HB 1529: A BILL for an Act to create and enact a new subsection to section 57-15-17 of the North Dakota Century Code, relating to transfers by school districts of unobligated funds from the building fund to the general fund.

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

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

PERRY GROTEBERG, Secretary