

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FOURTH DAY

Bismarck, January 9, 1987

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

The prayer was offered by Reverend Lynn Smith-Roberts, Bismarck-Mandan Unitarian Fellowship Church, Bismarck.

Let us pray:

Spirit of Life, in whom we live and move and have our being, we pray for the wisdom, strength, and vision to discharge our duties faithfully. We recognize that lodged with us is a sacred trust to the people of the state of North Dakota, and we will do what we can for the benefit of all. As we sit or stand within these halls, we know our feet are firmly planted upon a floor, but we are also reminded that we are standing in the rich brown-black soil that is North Dakota. And as we are here, we can feel the warmth of the human beings around us, fellow-citizens of North Dakota. Let us be mindful of these two treasures of our state, her land, and all that it nourishes, and her people. These are the holders of our sacred trust. May they feed the wellsprings of our own inner strength so that we may face the difficult decisions that lie before us. Spirit of Life, hear our prayer and walk with us through these sacred halls. So be it. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Nething and Vosper.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Third day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 152, after line 30, insert the following:

"REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2104 has had the same under consideration and recommends that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2104 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 2111 has had the same under consideration and recommends that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2111 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 2138 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. HILKEN, Chairman

SB 2138 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2139 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. HILKEN, Chairman

SB 2139 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2155 has had the same under consideration and recommends that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2155 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 2264 has had the same under consideration and recommends that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2264 was placed on the Eleventh order of business on the calendar for the succeeding legislative day."

On page 144, after line 40, insert the following:

"THE SENATE RECONVENED pursuant to recess taken, with President Meiers presiding."

SEN. J. MEYER, Chairman

MOTIONS

SEN. HEIGAARD MOVED that the reading of the report of the Committee on Revision and Correction be waived, which motion prevailed.

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

COMMUNICATION

Doctor of the Day Schedule

January 12: Joseph Luger, M.D., Bismarck
Family Practice
January 13: Robert Roswick, M.D., Bismarck
Family Practice
January 14: Jeffrey Smith, M.D., Bismarck
Family Practice
January 15: Richard Kraft, M.D., Bismarck
Family Practice
January 16: Curtis Juhala, M.D., Bismarck
Plastic Surgeon

MOTION

SEN. HEIGAARD MOVED that the names of the Doctors of the Day for the entire Session be printed in the Journal, which motion prevailed.

REPORT OF STANDING COMMITTEE

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2107 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the word "Dakota" insert the words "and declaring an emergency"

On page 1, after line 27, insert the following new section:

"SECTION 4. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines and pages accordingly

SEN. LANGLEY, Chairman

SB 2107 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. TALLACKSON MOVED that SB 2001 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

SEN. TALLACKSON MOVED for unanimous consent to withdraw SB 2001, which motion failed.

SEN. HEIGAARD MOVED that SB 2001 be laid on the table, which motion prevailed.

SEN. D. MEYER MOVED that SB 2275 and SB 2281 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. D. MEYER MOVED that SB 2275 and SB 2281 be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SEN. HEIGAARD MOVED that the reading of the amendments on the Sixth order of business be waived for the Session, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. FREBORG MOVED that the amendments to SB 2118 as recommended by the Committee on Education as printed on pages 141-142 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2118 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2209 as recommended by the Committee on Education as printed on page 142 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2209 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2211 as recommended by the Committee on Education as printed on page 142 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2211 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. HEIGAARD MOVED that SB 2138 and SB 2139 be placed on the Tenth order of business and laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2104: A BILL for an Act to repeal section 47-19-37 of the North Dakota Century Code, relating to the requirement that the clerk of district court certify to the signature of a county judge when a document that has been notarized or certified by the county judge is used in a county other than the county in which the judge resides.

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; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nething; Vosper

SB 2104 passed and the title was agreed to.

SB 2111: A BILL for an Act to amend and reenact sections 4-33-01, 4-33-02, and 4-33-12 of the North Dakota Century Code, relating to control of plant pests.

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; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Meyer, D.; Nething; Vosper

SB 2111 passed and the title was agreed to.

SB 2155: A BILL for an Act to amend and reenact section 24-01-06 of the North Dakota Century Code, relating to abandonment of highways.

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; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Moore; Nething; Vosper

SB 2155 passed and the title was agreed to.

SB 2264: A BILL for an Act to amend and reenact subsection 9 of section 11-11.1-03 of the North Dakota Century Code, relating to the powers and duties of job development authorities.

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; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Nething; Vosper

SB 2264 passed and the title was agreed to.

RECOGNITION

THE PRESIDENT ANNOUNCED that a former Senator was in the chambers, and requested that the Senate recognize former Senator I. E. "Eskey" Solberg, and former Senator Solberg was thereupon recognized.

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 and the Ninth order of business, and after the reading of SB 2112, SB 2118, SB 2138, SB 2139, SB 2140, SB 2147, SB 2153, SB 2154, SB 2209, and SB 2211 that the Senate stand adjourned until 1:30 p.m., Monday, January 12, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2112 has had the same under consideration and recommends that the same DO PASS.

SEN. W. MEYER, Chairman

SB 2112 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 2140 has had the same under consideration and recommends that the same DO PASS.

SEN. HILKEN, Chairman

SB 2140 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 2147 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. W. MEYER, Chairman

SB 2147 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 2153 has had the same under consideration and recommends that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2153 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 2154 has had the same under consideration and recommends that the same DO PASS.

SEN. DOTZENROD, Chairman

SB 2154 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sens. Moore, Mutch introduced:

SB 2289: A BILL for an Act to provide for a credit for purchase of certain personalized motor vehicle number plates.

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

Sen. Wogsland introduced:

SB 2290: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to temporary motor vehicle registration and display of evidence of temporary registration; and to provide a penalty.

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

Sen. Heigaard introduced:

SB 2291: A BILL for an Act to create and enact a new subsection to section 27-02-05.1 of the North Dakota Century Code, relating to authority of the supreme court to adopt rules for payments to counties for services performed by county judges on assignment to district court proceedings.

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

Sens. Lashkowitz, David and Rep. Oban introduced:

SB 2292: A BILL for an Act to create and enact a new section to chapter 23-06.1 of the North Dakota Century Code, relating to establishing procedures for the request of anatomical gifts.

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

Sens. Stenehjem, Lashkowitz and Rep. Kretschmar introduced:

SB 2293: A BILL for an Act to amend and reenact sections 54-55-01 and 54-55-05 of the North Dakota Century Code, relating to the commission on uniform state laws.

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

Sens. Peterson, Yockim and Reprs. Solberg, A. Olson, V. Olson introduced:

SB 2294: A BILL for an Act to amend and reenact sections 43-13-01 and 43-13-13.1 of the North Dakota Century Code, relating to definitions and the authority of the board of optometry.

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

Sen. Nalewaja and Rep. Wald introduced:

SB 2295: A BILL for an Act to amend and reenact sections 11-18-05 and 35-08-04 of the North Dakota Century Code, relating to fees of the register of deeds and filing fees for motor fuel liens.

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

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

PERRY GROTBORG, Secretary