

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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FIFTH DAY

Bismarck, January 12, 1987

The Senate convened at 1:30 p.m., with President Meiers presiding.

The prayer was offered by Father Leonard Eckroth, Chaplain, North Dakota State Penitentiary, Bismarck.

Let us pray. Lord God, we recognize that all law and authority ultimately comes from above and deserves our respect and adherence, as long as it is the law. Therefore, we pray that these properly elected legislative officials will enjoy the virtues of good government, wisdom, fairness, compromise, and a sense for the common good. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 Fourth day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MOTIONS

SEN. LASHKOWITZ MOVED that SB 2062, SB 2063, SB 2064, SB 2065, SB 2066, and SB 2067 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

SEN. LASHKOWITZ MOVED that SB 2062, SB 2063, SB 2064, SB 2065, SB 2066, and SB 2067 be rereferred to the Committee on Political Subdivisions, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2290 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2290. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2107 as recommended by the Committee on Industry, Business and Labor as printed on page 157 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

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

REPORT OF STANDING COMMITTEE

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2245 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 15, delete the word "five" and insert in lieu thereof the word "ten"

And renumber the lines accordingly

SEN. J. MEYER, Chairman

SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2118: A BILL for an Act to create and enact section 15-59.2-01.1 of the North Dakota Century Code, relating to the corporate powers and corporate names of multidistrict special education programs.

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 2118 passed and the title was agreed to.

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 1106, HB 1126, HB 1143, HB 1144, HB 1154

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 2119, SB 2120, SB 2217

PERRY GROTBORG, Secretary

SECOND READING OF SENATE BILLS

SB 2112: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the sale of certified varieties of seed protected by the Plant Variety Protection Act.

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 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 2112 passed and the title was agreed to.

SB 2140: A BILL for an Act to amend and reenact section 39-04-05 of the North Dakota Century Code, relating to grounds for refusing registration of a motor vehicle.

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 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 2140 passed and the title was agreed to.

SB 2147: A BILL for an Act to amend and reenact section 4-30-03.2 of the North Dakota Century Code, relating to dairy products regulation.

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 0 YEAS, 53 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: None

NAYS: 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

ABSENT AND NOT VOTING: None

SB 2147 was declared lost.

SB 2153: A BILL for an Act to amend and reenact subsection 27 of section 57-15-06.7 of the North Dakota Century Code, relating to exceptions to county tax levy limitations.

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 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 2153 passed and the title was agreed to.

SB 2154: A BILL for an Act to amend and reenact section 6-09.4-04 of the North Dakota Century Code, relating to the North Dakota municipal bond bank.

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 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 2154 passed and the title was agreed to.

SB 2209: A BILL for an Act to amend and reenact subsection 9 of section 15-27.2-04 of the North Dakota Century Code,

relating to the submission of annexation petitions to the state board of public school education.

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 2209 passed and the title was agreed to.

SB 2211: A BILL for an Act to amend and reenact subsection 8 of section 15-27.2-04 of the North Dakota Century Code, relating to the submission of annexation petitions to the county committee.

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 2211 passed and the title was agreed to.

RECOGNITION

THE PRESIDENT RECOGNIZED Leo Leidholm who is in the Senate chambers.

THE PRESIDENT RECOGNIZED Dr. Louise Murphy who is in the Senate chambers.

SECOND READING OF SENATE BILLS
ON CONSENT CALENDAR

SB 2138: A BILL for an Act to amend and reenact section 39-04-04 of the North Dakota Century Code, relating to retention of motor vehicle department records.

SB 2139: A BILL for an Act to amend and reenact section 39-04-15 of the North Dakota Century Code, relating to when motor vehicle registrations become due and delinquent.

Which have been read.

ROLL CALL

The question being on the final passage of the bills, 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

So the bills passed and the titles were agreed to.

MOTION

SEN. MAIXNER 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 2100, SB 2107, and SB 2218 that the Senate stand adjourned until 2:30 p.m., Tuesday, January 13, 1987, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2100 has had the same under consideration and recommends that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2100 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2218 has had the same under consideration and recommends that the same DO PASS.

SEN. LANGLEY, Chairman

SB 2218 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sen. Heigaard introduced:

SB 2296: A BILL for an Act to provide for certain reductions in general fund appropriation authority; to provide for a reduction in insurance tax to fire districts appropriation authority; to provide for a reduction in coal development impact fund appropriation authority; to provide for a transfer of fire and tornado funds; to provide for a transfer of coal development impact funds; to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code as contained in section 4 of Senate Bill No. 2904, as approved by the fiftieth legislative assembly, relating to educational support per pupil; to provide an effective date; and to declare an emergency.

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

Sen. Shea and Rep. Graba introduced:

SB 2297: A BILL for an Act to amend and reenact sections 23-15-01, 23-15-02, 23-15-03, and 23-15-06 of the North Dakota Century Code, relating to the sale and possession of fireworks and supervised public displays of fireworks; and to provide a penalty.

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

Sen. Shea and Rep. Graba introduced:

SB 2298: A BILL for an Act to amend and reenact section 26.1-41-03, subsection 2 of section 39-04-06, sections 39-04-08, 39-04-10, 39-04-10.3, 39-04-11, 39-04-14, subsection 1 of section 39-04-18, the introductory paragraph of subsection 2 of section 39-04-19, section 39-04-36, subsections 1, 2, and 3 of section 39-04-37, sections 39-04-39.4, 39-04-44, subsections 3 and 4 of section 39-06-42, paragraph 2 of subdivision a of subsection 3 of section 39-06.1-10, subsection 4 of section 39-08-01, section 39-22-02, subsection 4 of section

57-40.3-01, and section 57-55-05 of the North Dakota Century Code, relating to motor vehicle number plates. Was read the first time and referred to the Committee on Transportation.

Sen. Nalewaja and Rep. Skjerven introduced:

SB 2299: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a statement of purchase price and trade-in allowance for motor vehicles which must be furnished by a seller of a motor vehicle; and to amend and reenact section 57-40.3-05 of the North Dakota Century Code, relating to the motor vehicle purchaser's certificate which must be furnished to the motor vehicle registrar in transferring title to a motor vehicle.

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

Sen. Holmberg introduced:

SB 2300: A BILL for an Act to amend and reenact sections 40-49-05, 40-49-07, and 40-49-08 of the North Dakota Century Code, relating to coincidence of terms and election of office of park district commissioners and providing for sharing of costs of elections by cities and park districts.

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

Sens. Waldera, Holmberg and Reps. Ulmer, Anderson introduced:

SB 2301: A BILL for an Act to create and enact a new section to chapter 40-33 of the North Dakota Century Code, relating to municipal water utility systems.

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

Sen. Olson introduced:

SB 2302: A BILL for an Act to amend and reenact sections 29-26-22, 29-26-22.1, and 29-27-02 of the North Dakota Century Code, relating to assessing costs of prosecution, and docketing and enforcement of a judgment for a fine or costs in a criminal case.

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

MOTION

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

PERRY GROTEBERG, Secretary