

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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THIRTEENTH DAY

Bismarck, January 22, 1987

The Senate convened at 1:00 p.m., with President Meiers presiding.

The prayer was offered by Reverend Rob Storer, Assembly of God Church, Regan.

Let us bow our hearts in prayer. Heavenly Father, we pause deliberately at the beginning of today's session of the Senate to acknowledge You, to declare our dependence on You, to ask for Your help. You are the single source of wisdom, and it is wisdom we need as we face the steady demand of choices that are our responsibility. We have much to be thankful for, Father - families, right to life, measure of health we enjoy, occupations we are proud of, a nation we are privileged to serve, and Your near presence and guidance which we do not deserve. We have so much to be thankful for. We have problems too - daily problems. In fact, we acknowledge this afternoon that our biggest problem is that we often think that problems are bad. Today, remind and teach us through our problems that personal character is critical, that You will make it worth our while if we will place our dependence on You daily for salvation and guidance and for creativity. Father, do give creative and upright solutions to these men and women as they lean on You. Answer the prayers of Your people in government, and under government. If need be, change their prayers into prayers that You can answer with a "yes". Continue to develop the lives of these leaders into the state's persons You intend and desire them to be, who, in turn, will be a credit to North Dakota and the United States of America, one nation under God, in Jesus' name. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators David and Freborg.

A quorum was declared by the President.

CORRECTION AND REVISION OF THE JOURNAL

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

On page 315, line 3, delete the words "51 NAYS" and insert in lieu thereof "50 NAYS"

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 1058, HB 1061, HB 1063, HB 1086, HB 1092, HB 1119,
HB 1138, HB 1139, HB 1156, HB 1174, HB 1209, HB 1216,
HB 1217, HB 1311, HCR 3006, HCR 3008, HCR 3010

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 2048, SB 2069, SB 2070, SB 2075, SB 2087, SB 2096,
SB 2110, SB 2114, SB 2126, SB 2142, SB 2200

PERRY GROTEBERG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2014 has had the same under consideration and recommends by a vote of 6 YEAS, 3 NAYS, 5 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, delete the numerals "45,089" and insert in lieu thereof the numerals "44,309"

On page 1, line 14, delete the numerals "107,369" and insert in lieu thereof the numerals "106,589"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Civil Air Patrol

The general fund compensation increases of \$780 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2081 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. HILKEN, Chairman

SB 2081 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2085 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 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to provide mill levy authority for support of parks and recreational facilities.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:**

SECTION 1. Tax levy for parks and recreational facilities. A board of park commissioners may levy taxes annually, in addition to other levies, up to five mills for a fund for the purpose of acquiring real estate as a site for public parks, construction of recreational facilities, renovation and repair of recreational facilities, and the furnishing of recreational facilities. The tax is to be levied, spread, and collected in the same manner as are other taxes in the park district. The question of whether the levy is to be discontinued shall be submitted to the qualified electors at the next regular election upon petition of twenty-five percent of the qualified electors voting in the last regular park district election, if the petition is filed not less than sixty days before the election. If the majority of the qualified electors vote to discontinue the levy, it may not again be levied without a majority vote of the qualified electors at a later regular election on the question of relevying the tax, which question may be submitted upon petition as above provided or by decision of the governing board."

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

SB 2085 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was rereferred SB 2103 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 and be rereferred to the Committee on Appropriations:

On page 1, line 1, delete the word "subsection" and insert in lieu thereof the word "subsections" and after the numeral "1" insert the word and numeral "and 3"

On page 1, line 2, after the numerals "57-36-25" insert the words and numerals ", subsections 1 and 2 of section 57-36-26, and subsection 1 of section 57-36-28"

On page 1, line 3, after the word "tax" insert the words "and consumer's use tax" and after the word "products" insert the words "; and to provide an appropriation"

On page 1, line 6, delete the word "Subsection" and insert in lieu thereof the word "Subsections" and after the numeral "1" insert the word and numeral "and 3"

On page 1, line 7, delete the word "is" and insert in lieu thereof the word "are"

On page 1, after line 28, insert the following subsection and sections:

- "3. All moneys received by the tax commissioner under provisions of this section shall be transmitted to the state treasurer at the end of each month and deposited in the state treasury ~~to the credit of the general fund.~~ Of the revenue from the tax on cigars, snuff, and other tobacco products sold in this state, the first fifty thousand dollars of each year is allocated to the North Dakota health department for the purpose of development and implementation of a program of education on the health hazards of smokeless and other tobacco products.

SECTION 2. AMENDMENT. Subsections 1 and 2 of section 57-36-26 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

1. There is hereby levied and assessed upon all cigars, snuff, and other tobacco products, purchased in another state and brought into this state by a dealer for the purpose of sale at retail, an excise tax at the rate of ~~eleven~~ twenty-five percent of the wholesale purchase price at the time such products were brought into this state. For the purposes of this section the

term "wholesale purchase price" shall mean the established price for which a manufacturer sells cigars, snuff, or other tobacco products to a distributor exclusive of any discount or other reduction; provided, that the dealer may elect to report and remit the tax on his cost price of such products rather than on the wholesale purchase price. The proceeds of such tax, together with such forms of return and in accordance with such rules and regulations as the tax commissioner may prescribe, shall be remitted to the tax commissioner by the dealer on a calendar quarterly basis on or before the tenth day of the month following the quarterly period for which it is paid. The tax commissioner shall have the authority to place any dealer on an annual remittance basis when in the judgment of the tax commissioner the operations of the dealer merit such a remittance period. In addition, the tax commissioner shall have the authority to permit the consolidation of the filing of a dealer's return when the dealer has more than one location and thereby would be required to file more than one return.

2. If cigars or snuff or other tobacco products have been subjected already to a tax by any other state in respect to their sale in an amount less than the tax imposed by this section, the provisions of this section shall apply, but at a rate measured by the difference only between the rate fixed in this section and the rate by which the previous tax upon the sale was computed. If the tax imposed in such other state is eleven twenty-five percent of the wholesale purchase price or more, then no tax shall be due on such article. The provisions of this subsection shall apply only if such other state allows a tax credit with respect to the excise tax on cigars, snuff, and other tobacco products imposed by this state which is substantially similar in effect to the credit allowed by this subsection.

SECTION 3. AMENDMENT. Subsection 1 of section 57-36-28 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A tax is hereby imposed upon the use or storage by consumers of cigars, snuff, and other tobacco products in this state, and upon such consumers, at the rate of eleven twenty-five percent of the cost to the consumer of such products.

SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the North Dakota health department for the purpose of development and implementation of a program of education on the health hazards of smokeless and other tobacco products allocated every year."

And renumber the lines, sections, and pages accordingly

SEN. SATROM, Chairman

SB 2103 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2164 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 17, delete the words "gross volume of claims administered and"

On page 1, line 20, delete the words "in return for"

On page 1, line 21, delete the words "consideration of any kind"

On page 2, line 8, delete the word "and"

On page 2, line 9, delete the word "one-half"

On page 2, line 11, delete the words "a minimum of"

And renumber the lines accordingly

SEN. SATROM, Chairman

SB 2164 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2201 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 2201 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2213 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 30, delete the words "A hospital, hotel, motel, or similar place of temporary" and insert in lieu thereof the words "The purchase and resale of telecommunications service."

On page 2, delete lines 31 through 33

And renumber the lines accordingly

SEN. SATROM, Chairman

SB 2213 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2216 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 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 12, delete the words "six and one-half" and insert in lieu thereof the word "seven"

And renumber the lines accordingly

SEN. SATROM, Chairman

SB 2216 was placed on the Sixth 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 2242 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 NOT PASS.

SEN. J. MEYER, Chairman

SB 2242 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 2270 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. HILKEN, Chairman

SB 2270 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 rereferred SB 2281 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 2281 was placed on the Eleventh order of business calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was rereferred SB 2289 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. HILKEN, Chairman

SB 2289 was rereferred to the Committee on Appropriations.

CONSIDERATION OF AMENDMENTS

SEN. HOLMBERG MOVED that the amendments to SB 2235 as recommended by the Committee on Judiciary as printed on page 305 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2235 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. TENNEFOS MOVED that the amendments to SB 2250 as recommended by the Committee on State and Federal Government as printed on page 304 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2250 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LODOEN MOVED that the amendments to SB 2266 as recommended by the Committee on State and Federal Government as printed on page 305 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2266 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. STENEHJEM MOVED that the amendments to SB 2292 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 305-306 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2292 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. KRAUTER MOVED that SB 2035 and SB 2347 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

SEN. KRAUTER MOVED that SB 2035 be rereferred to the Committee on Agriculture and that SB 2347 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2095, SB 2269, SB 2381, SB 2383, SB 2397, SB 2439, and SB 2457 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2381, SB 2383, SB 2439, and SB 2457 be rereferred to the Committee on Finance and Taxation, SB 2397 be rereferred to the Committee on Agriculture, SB 2269 be rereferred to the Committee on Human Services and Veterans Affairs, and SB 2095 be rereferred to the Committee on Transportation, which motion prevailed.

CONFIRMATION SESSION

SEN. HEIGAARD MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nomination for Director of Institutions do advise and consent to the appointment of:

Mr. Richard L. Rayl, Bismarck

SEN. MUSHIK, Chairman

SEN. MUSHIK MOVED that the report be adopted.

ROLL CALL

The question being "Will the Senate advise and consent to the nomination of Mr. Richard L. Rayl, Bismarck, for the Director of Institutions", the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Tweten; Waldera; Wogslund; Yockim

NAYS: Bakewell; David; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Freborg

The Senate advises and consents to the nomination of Richard L. Rayl for Director of Institutions.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nomination for Commissioner of Banking and Financial Institutions do advise and consent to the appointment of:

Mr. Gary L. Preszler

SEN. REDLIN, Chairman

SEN. REDLIN MOVED that the report be adopted.

ROLL CALL

The question being "Will the Senate advise and consent to the nomination of Mr. Gary D. Preszler, Bismarck, for the Commissioner of Banking and Financial Institutions", the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; 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: Meyer, W.

ABSENT AND NOT VOTING: Freborg

The Senate advises and consents to Gary D. Preszler for Commissioner of Banking and Financial Institutions.

MOTION

SEN. HEIGAARD MOVED that the Confirmation Session be dissolved, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2151: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 16.1-01-09 of the North Dakota Century Code, relating to requirements for initiative or referendum petitions.

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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; 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; Vosper; Waldera;
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Lashkowitz; Tweten

SB 2151 passed and the title was agreed to.

SB 2271: A BILL for an Act to require insurance companies to file their annual statements with the national association of insurance commissioners to monitor solvency.

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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod;
 Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;
 Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;
 Lodoen; Maixner; Mathern; 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; Vosper;
 Waldera; Wogsland; Wright; Yockim

NAYS: Maxson

ABSENT AND NOT VOTING: Freborg; Tweten

SB 2271 passed and the title was agreed to.

SB 2077: A BILL for an Act to amend and reenact subsections 4 and 24 of section 57-39.2-04 of the North Dakota Century Code, relating to limitations upon exemptions of certain sales from sales taxes when in competition with retailers.

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; 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; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Heigaard; Tweten

SB 2077 passed and the title was agreed to.

SB 2090: A BILL for an Act to amend and reenact subsection 5 of section 19-03.1-36 and section 54-12-14 of the North Dakota Century Code, relating to property forfeited for violation of controlled substances laws.

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; 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; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Heigaard; Tweten

SB 2090 passed and the title was agreed to.

SB 2102: A BILL for an Act to create and enact chapter 30.1-08.3 of the North Dakota Century Code, relating to adoption of the Uniform Statutory Will Act, which provides for a statutory will that may be incorporated by reference in whole or in part in a testator's will.

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; 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; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Tweten

SB 2102 passed and the title was agreed to.

MOTIONS

SEN. LASHKOWITZ MOVED that SB 2105, which is on the Eleventh order, be rereferred to the Committee on Judiciary, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 2:25 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

SECOND READING OF SENATE BILLS

SB 2143: A BILL for an Act to amend and reenact sections 19-03.1-05, 19-03.1-07, 19-03.1-09, 19-03.1-11, and 19-03.1-13 of the North Dakota Century Code, relating to controlled substances.

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; Heigaard; 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: Freborg; Heinrich; Richard

SB 2143 passed and the title was agreed to.

SB 2144: A BILL for an Act to amend and reenact section 16.1-06-04 of the North Dakota Century Code, relating to instructions placed on ballots for voters.

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; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; 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: Freborg; Lashkowitz; Richard

SB 2144 passed and the title was agreed to.

SB 2148: A BILL for an Act to amend and reenact sections 24-01-12.1 and 24-01-12.2 of the North Dakota Century Code, relating to harvesting hay on state highway right of way.

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 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson;

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

NAYS: Heinrich; Meyer, D.; Nelson

ABSENT AND NOT VOTING: Freborg

SB 2148 passed and the title was agreed to.

SB 2179: A BILL for an Act to amend and reenact sections 54-12-14 and 54-12-16 of the North Dakota Century Code, relating to a criminal investigation cash fund and powers of drug enforcement unit personnel.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; 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; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Nothing

ABSENT AND NOT VOTING: Freborg

SB 2179 passed and the title was agreed to.

SB 2180: A BILL for an Act to amend and reenact subsection 1 of section 38-08-14 of the North Dakota Century Code, relating to the procedure for appealing an order of the industrial commission to the district court.

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; 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: Freborg

SB 2180 passed and the title was agreed to.

MOTION

SEN. D. MEYER MOVED that SB 2195, which is on the Eleventh order, be rereferred to the Committee on State and Federal Government, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2206: A BILL for an Act to amend and reenact sections 19-13.1-04 and 19-16.1-03 of the North Dakota Century Code, relating to the labeling of commercial feed and registration of antifreeze.

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; 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: Freborg

SB 2206 passed and the title was agreed to.

SB 2230: A BILL for an Act to create and enact two new sections to chapter 29-30.3 of the North Dakota Century Code, relating to inquiry into the guilt or innocence of an

accused upon extradition and to the payment of expenses of an extradition.

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; 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: Freborg

SB 2230 passed and the title was agreed to.

SB 2233: A BILL for an Act to create and enact a new section to chapter 51-15 of the North Dakota Century Code, relating to the adoption of administrative rules by the attorney general.

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 3 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heinrich; Hilken; Wogsland

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; 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; Wright; Yockim

ABSENT AND NOT VOTING: Freborg; Heigaard

SB 2233 lost.

MOTION

SEN. MAIXNER MOVED that SB 2253, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2254: A BILL for an Act to amend and reenact subsection 7 of section 54-52-04 and sections 54-52.2-01, 54-52.2-02, and 54-52.2-03 of the North Dakota Century Code, relating to administration of the deferred compensation plan for public employees; and to repeal section 54-52.2-03.1 of the North Dakota Century Code, relating to staffing and administrative expenses of the deferred compensation plan.

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; 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: Freborg; Heigaard; Vosper

SB 2254 passed and the title was agreed to.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Eleventh order of business, and at the conclusion of the Eleventh order of business, and after the reading of SB 2081, SB 2201, SB 2235, SB 2242, SB 2250, SB 2266, SB 2270, SB 2281, and SB 2292 that the Senate stand adjourned until 12:30 p.m., Friday, January 23, 1987, which motion prevailed.

FIRST READING OF SENATE BILLS

Sens. Stenehjem, Olson, Heigaard and Reps. Mertens, Strinden introduced:

SB 2479: A BILL for an Act to create and enact a new section to chapter 16.1-01 of the North Dakota Century Code, relating to the calling of a special election by the governor; and to declare an emergency.

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

Sens. Adams, Tallackson and Reps. Dalrymple, Shide introduced:

SB 2480: A BILL for an Act to create and enact a new section to chapter 6-08 of the North Dakota Century Code, relating to the sale of banks and bank holding companies owned by charitable trusts; and to declare an emergency.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wogsland, Tennesfos, Wright and Reps. Rydell, O'Connell, J. DeMers introduced:

SCR 4021: A concurrent resolution directing the Legislative Council to study the problems faced by and the funding of the North Dakota emergency medical services system and, in particular, volunteer ambulance services and the Division of Emergency Health Services of the State Department of Health.

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

FIRST READING OF HOUSE BILLS

HB 1163: A BILL for an Act to create and enact a new subsection to section 55-11-09 of the North Dakota Century Code, relating to the adoption of rules for protection, care, and use of state nature preserves and state natural areas; and to provide a penalty.

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

HB 1195: A BILL for an Act to amend and reenact subsection 8 of section 57-39.2-01 and subsection 6 of section 57-40.2-01 of the North Dakota Century Code, relating to collection of sales and use taxes by out-of-state retailers; to provide an effective date; and to declare an emergency.

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

HB 1240: 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 payments on overpayments of income tax; to amend and reenact subdivisions m and n of subsection 1 of section 57-38-01.2, section 57-38-35.1, subsection 2 of section 57-38-38, subsection 2 of section 57-38-40, subsection 3 of section 57-38-42, sections 57-38-64, 57-38-70, 57-38-71, 57-38-72, and 57-38-74 of the North Dakota Century Code,

relating to income tax procedures; and to repeal chapter 57-38.2 of the North Dakota Century Code, relating to income averaging.

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

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

PERRY GROTBORG, Secretary