

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, January 11, 1991

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

The prayer was offered by Pastor Bob Albing, Trinity Lutheran Parish, Hannaford.

The roll was called and all members were present except Senators Maxson, Mutch, and Nalewaja.

A quorum was declared by the President.

REPORTS OF STANDING COMMITTEES

SB 2071: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "expenses" insert "; and to declare an emergency"

Page 1, after line 15, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2072: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and"

Page 1, line 5, after "house" insert "; and to declare an emergency"

Page 2, after line 5, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2073: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "Special committee -"

Page 1, line 16, remove the overstrike over "~~and the governor~~" and after the third overstruck comma insert "or the governor's designee"

Page 1, line 17, after "members" insert "and the governor"

Page 1, line 22, after "council" insert "and the governor"

ReNUMBER accordingly

- SB 2037: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2037 was placed on the Eleventh order on the calendar.
- SB 2040: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Eleventh order on the calendar.
- SB 2041: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2041 was placed on the Eleventh order on the calendar.
- SB 2042: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2042 was placed on the Eleventh order on the calendar.
- SB 2048: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2048 was placed on the Eleventh order on the calendar.
- SB 2049: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2049 was placed on the Eleventh order on the calendar.
- SB 2074: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2074 was placed on the Eleventh order on the calendar.
- SB 2117: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2117 was placed on the Eleventh order on the calendar.
- SB 2133: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133 was placed on the Eleventh order on the calendar.
- SB 2184: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.
- SB 2222: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2222 was placed on the Eleventh order on the calendar.

CONSIDERATION OF AMENDMENTS

- SB 2098: SEN. WOGSLAND (Committee on Finance and Taxation) MOVED that the amendments on SJ page 87 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTIONS

SEN. WOGSLAND MOVED that SCR 4006 be returned to the Senate floor from the Committee on Finance and Taxation and be rereferred to the Joint Constitutional Revision Committee, which motion prevailed. Pursuant to Sen. Wogsland's motion, SCR 4006 was rereferred.

SEN. MATHERN MOVED that SB 2120 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SB 2120. There being no objection, it was so ordered by the President.

MOTION

SEN. WOGSLAND MOVED that the Senate waive the reading of the title to SB 2050 and SB 2068, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2050: A BILL for an Act to amend and reenact section 4-01-17.1, subsection 3 of section 10-06-04.3, sections 20.1-01-02, 20.1-01-03, 20.1-01-04, 20.1-01-26, 20.1-01-28, subsection 3 of section 20.1-01-30, sections 20.1-02-01, 20.1-02-02, 20.1-02-03, 20.1-02-04, 20.1-02-05, 20.1-02-06, 20.1-02-07, 20.1-02-09, 20.1-02-10, 20.1-02-11, 20.1-02-14, 20.1-02-14.1, 20.1-02-15, 20.1-02-15.1, 20.1-02-16, 20.1-02-16.1, 20.1-02-16.2, 20.1-02-16.3, 20.1-02-17, subsection 1 of section 20.1-02-17.1, sections 20.1-02-18.1, 20.1-02-18.4, 20.1-02-19, 20.1-02-25, 20.1-03-01.1, 20.1-03-02, subsection 5 of section 20.1-03-06, subsections 5 and 6 of section 20.1-03-10, sections 20.1-03-12.1, 20.1-03-15, 20.1-03-16, 20.1-03-17, 20.1-03-18, 20.1-03-19, 20.1-03-21, 20.1-03-22, 20.1-03-23, subsection 3 of section 20.1-03-25, sections 20.1-03-27, 20.1-03-30, 20.1-03-31, 20.1-04-03, 20.1-04-04, 20.1-05-07, 20.1-06-04, 20.1-06-05, 20.1-06-07, subsections 1 and 2 of section 20.1-06-10, sections 20.1-06-12, 20.1-06-13, 20.1-06-14, 20.1-06-15, 20.1-06-16, 20.1-06-17, 20.1-07-02, subsection 4 of section 20.1-07-03.1, sections 20.1-07-05, 20.1-08-02, 20.1-08-04.5, 20.1-09-02, 20.1-09-03, 20.1-09-04, 20.1-09-05, 20.1-10-01, 20.1-10-04, 20.1-11-02, 20.1-11-04, 20.1-11-05, 20.1-11-06, 20.1-11-07, 20.1-11-08, 20.1-11-09, 20.1-11-10, 20.1-12-02, 20.1-12-03, 20.1-12-04, 20.1-12-05, 20.1-12-06, 20.1-12-07, 20.1-12-08, 20.1-12-09, 20.1-13-04, 24-02-37.1, 37-07.3-04, 55-01-01, 55-08-02.1, 55-11-10, 57-02-08.4, 57-02-08.6, 57-02.1-02, 57-02.1-03, 57-02.1-04, 57-02.1-05, subsection 2 of section 61-31-02, subsection 4 of section 61-31-05, sections 61-31-08, 61-31-10, 61-32-02, 61-32-03, 61-32-04, 61-32-05, 61-32-06, 61-32-09, and subsection 1 of section 61-33-09 of the North Dakota Century Code, relating to the director of the game and fish department.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin; Maxson; Nalewaja

SB 2050 passed and the title was agreed to.

SB 2064: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to the creation of a legislative council interim committee responsible for reviewing gaming activities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2064 passed and the title was agreed to.

SB 2067: A BILL for an Act to amend and reenact subsection 6 of section 15-27.2-04 and section 15-27.4-03 of the North Dakota Century Code, relating to tax credits for those who own property within dissolved and annexed school districts.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Traynor

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2067 passed and the title was agreed to.

SB 2068: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to a missing reference; and to amend and reenact subsection 5 of section 4-14.1-02, sections 6-09.9-07, 10-04-08, 12.1-20-16, 15-03-04.3, 23-09.3-01, subsection 1 of section 23-18.2-02, sections 23-21.1-03, 25-04-08.1, subsection 2 of section 26.1-03-17, section 26.1-15.1-02, subsection 2 of section 26.1-38.1-11, subsection 1 of section 26.1-40-02, sections 26.1-42-01, 27-05.1-06, subsection 1 of section 27-09.1-05, subsection 48 of section 30.1-01-06, section 43-31-07, subsection 2 of section 47-18-05.1, subsection 2 of section 47-30.1-20, subsection 1 of section 47-30.1-37, subsection 6 of section 50-11.1-04, sections 50-26-01, 50-26-03, 51-13-03, subsection 8 of section 53-06.1-06, subsection 1 of section 54-07-01.2, subsection 1 of section 57-62-02, subsection 6 of section 65-01-02, subsection 3 of section 65-05-29, and section 65-05.1-03 of the North Dakota Century Code, relating to improper, inaccurate, redundant, missing, or obsolete references.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2068 passed and the title was agreed to.

SB 2137: A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-07.2 and section 12.1-32-07.3 of the North Dakota Century Code, relating to the records and filing of papers of a person placed on probation and when a probationer is deemed an escapee or fugitive.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2137 passed and the title was agreed to.

SB 2155: A BILL for an Act to repeal section 23-01-17 of the North Dakota Century Code, relating to noise being harmful to health and safety, the power to regulate, and hearings, appeals, penalties, and injunctions concerning noise.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Heinrich; Ingstad; Schoenwald

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2155 passed and the title was agreed to.

SB 2220: A BILL for an Act to amend and reenact section 15-28-10 of the North Dakota Century Code, relating to payment for expenses of the notice of an annual school district election.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Nalewaja

SB 2220 passed and the title was agreed to.

MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate stand adjourned until 12:30 p.m., Monday, January 14, 1991, which motion prevailed.

FIRST READING OF SENATE BILLS

Sen. Thane and Rep. Hausauer introduced:

SB 2281: A BILL for an Act to amend and reenact subsections 3, 5, and 7 of section 19-03.1-05 of the North Dakota Century Code, relating to controlled substances.

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

Sens. Maxson, Graba, Holmberg and Reps. Tollefson, Wentz, Snyder introduced:

SB 2285: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 53-06.1-01 of the North Dakota Century Code, relating to eligible uses of charitable gaming net proceeds.

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

Sens. O. Hanson, Nalewaja, Meyer and Reps. D. Olsen, Belter, Dalrymple introduced:

SB 2286: A BILL for an Act to amend and reenact subsection 3 of section 49-04.1-02 of the North Dakota Century Code, relating to damages for bypassing, tampering, or unauthorized metering of utility services.

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

Sen. Marks and Rep. DeMers introduced:

SB 2287: A BILL for an Act to amend and reenact section 39-06-43 of the North Dakota Century Code, relating to extension of license suspension or revocation.

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

Sens. Evanson, Solberg, Streibel and Reps. Ritter, Oban, Carlisle introduced:

SB 2290: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to traffic regulations governing funeral processions; and to amend and reenact paragraph 16 of subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to point assessments for noncriminal traffic violations.

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

Sen. Satrom introduced:

SB 2292: A BILL for an Act to amend and reenact section 59-02-05.1 of the North Dakota Century Code, relating to investment of trust funds.

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

Sens. Tallackson, Thane, Lindaas and Reps. Nowatzki, Nicholas introduced:

SB 2296: A BILL for an Act to create and enact two new sections to chapter 4-10 of the North Dakota Century Code, relating to quality standards for seed potatoes and records of planting.

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

Sens. Mushik, Thane, Schoenwald and Reps. Oban, Meyer, A. Olson introduced:

SB 2297: A BILL for an Act to create and enact a new section to chapter 32-15 of the North Dakota Century Code, relating to the use of eminent domain for coal slurry pipeline purposes; and to amend and reenact

subsection 10 of section 32-15-02, subsection 5 of section 40-33.3-06, and section 49-19-12 of the North Dakota Century Code, relating to the use of eminent domain.

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

Sen. Stenehjem introduced:

SB 2298: A BILL for an Act to amend and reenact section 16.1-09-02 of the North Dakota Century Code, relating to filing of statement of interests of candidates for elective office.

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

Sen. Stenehjem introduced:

SB 2299: A BILL for an Act to amend and reenact sections 15-28-10 and 15-47-06 of the North Dakota Century Code, relating to school district elections.

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

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

SB 2300: A BILL for an Act to amend and reenact section 57-01-11 of the North Dakota Century Code, relating to the period within which the tax commissioner must schedule an administrative hearing when a hearing is demanded by a taxpayer.

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

Sens. Mushik, Holmberg and Reps. Hokana, Rydell introduced:

SB 2301: A BILL for an Act to authorize the centennial commission to transfer funds to the state treasurer for the purpose of establishing a fund to be used to commemorate and celebrate North Dakota's bicentennial.

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

Sen. Peterson and Rep. Soukup introduced:

SB 2302: A BILL for an Act to create and enact a new subdivision to subsection 4 of section 26.1-41-01 of the North Dakota Century Code, relating to the definition of bus with respect to automobile accident reparations.

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

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed unchanged: SCR 4012, SCR 4013.

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

MARION HOUN, Secretary