

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, January 14, 1991

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

The prayer was offered by Rev. Charles Taft, Bethany Lutheran Church, Minot.

The roll was called and all members were present except Senator Langley.

A quorum was declared by the President.

REPORTS OF STANDING COMMITTEES

SB 2036: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new section to chapter 20.1-02 and"

Page 1, line 3, after "permits" insert "to harvest clams"

Page 3, after line 10 insert:

"SECTION 5. A new section to chapter 20 1-02 of the North Dakota Century Code is created and enacted as follows:

Clam harvesting privilege fee. There is hereby imposed, for the grant of the privilege of the right to harvest clams, a privilege fee of ten percent of the market value of clam shells harvested in this state. The fee imposed by this section must be paid to the commissioner for deposit in the game and fish fund. The commissioner may adopt rules under chapter 28-32 for the administration of the fee imposed under this section."

Page 3, line 15, replace "five hundred" with "one thousand"

Page 3, line 16, replace "resident" with "commercial", replace "license, ten" with "dealer's permit, two thousand", and after the underscored period insert "In addition, the applicant shall submit to the commissioner a surety bond in the sum of two thousand dollars."

Renumber accordingly

SB 2150: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2150 was placed on the Eleventh order on the calendar.

SB 2156: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2156 was placed on the Eleventh order on the calendar.

SB 2190: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2190 was placed on the Eleventh order on the calendar.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1120, HB 1128, HB 1129, HB 1149, HCR 3007.

CONSIDERATION OF AMENDMENTS

SB 2071: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 89 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2072: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 89 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2073: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 89 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2098: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to making the references to due dates for May monthly sales and use tax returns permanent in each odd-numbered year; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

SB 2098 passed, the title was agreed to, and the emergency clause carried.

SB 2037: A BILL for an Act to amend and reenact section 20.1-13-08 of the North Dakota Century Code, relating to boating collisions, accidents, casualties, and liability.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

SB 2037 passed and the title was agreed to.

SB 2040: A BILL for an Act to amend and reenact section 20.1-12-05 of the North Dakota Century Code, relating to the operation of shooting preserves; and to repeal section 20.1-01-10 of the North Dakota Century Code, relating to the hours for hunting game birds and protected animals.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

SB 2040 passed and the title was agreed to.

SB 2041: A BILL for an Act to amend and reenact section 20.1-03-01.2 of the North Dakota Century Code, relating to hunter safety instruction requirements for obtaining hunting licenses.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

SB 2041 passed and the title was agreed to.

SB 2042: A BILL for an Act to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to daylight fluorescent orange garments worn by big game hunters.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

SB 2042 passed and the title was agreed to.

SB 2048: A BILL for an Act to amend and reenact section 20.1-03-30 of the North Dakota Century Code, relating to the forfeiture of game and fish license fees.

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 46 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Hanson, D.; Mutch; Naaden; Streibel; Vosper

ABSENT AND NOT VOTING: Langley

SB 2048 passed and the title was agreed to.

MOTIONS

SEN. WOGSLAND MOVED that the absent member 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 stand adjourned until 1:00 p.m., Tuesday, January 15, 1991, which motion prevailed.

FIRST READING OF SENATE BILLS

Sens. Lindgren, Peterson and Rep. Larson introduced:

SB 2293: A BILL for an Act to amend and reenact sections 57-15-13 and 57-15-31.1 of the North Dakota Century Code, relating to school district tax levies.

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

Sens. Tallackson, Vosper and Reps. Nicholas, Nowatzki, Dalrymple introduced: SB 2294: A BILL for an Act providing an appropriation to the board of higher education to purchase Hastings hall from the state seed department.

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

Sens. Stenehjelm, Graba, Holmberg and Rep. St. Aubyn introduced:

SB 2295: A BILL for an Act to amend and reenact sections 23-04-01, 40-02-11, 40-08-01, 40-08-03, 40-08-03.1, 40-08-03.2, 40-08-04, 40-08-04.1, 40-08-05, 40-08-06, 40-08-06.1, 40-08-07, 40-08-08, 40-09-05, 40-14-01, 40-14-02, 40-14-06, 40-21-03, 40-21-09, and 40-52-08 of the North Dakota Century Code, relating to city council members and removing references to alderman and aldermen.

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

Sens. Keller, Freborg and Reps. Bodine, Urlacher introduced:

SB 2303: A BILL for an Act to create and enact two new sections to chapter 38-01 of the North Dakota Century Code, relating to the closing of roads for surface coal mining operations; and to repeal sections 38-01-06 and 38-01-07 of the North Dakota Century Code, relating to condemnation of roads for mining operations and to damages for condemnation of roads for mining operations.

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

Sens. Stenehjelm, Mathern, Evanson and Reps. Larson, Jensen introduced:

SB 2304: A BILL for an Act to create and enact a new section to chapter 43-32 of the North Dakota Century Code, relating to continuing education requirements for psychologists.

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

Sens. Naaden, Goetz, Streibel and Reps. Wald, Brown, Schimke introduced:

SB 2305: A BILL for an Act to create and enact two new sections to chapter 57-51 of the North Dakota Century Code, relating to production reports for the gross production tax and applications for resources trust fund funding of certain water-related projects; to amend and reenact subsections 4 and 5 of section 38-08-04, sections 57-51-01, 57-51-02, and 57-51-15 of the North Dakota Century Code, relating to definitions for purposes of the gross production tax, the rate of the gross production tax, and the apportionment of the gross production tax; and to repeal chapter 57-51.1 of the North Dakota Century Code, relating to the oil extraction tax.

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

Sen. Solberg introduced:

SB 2306: A BILL for an Act to amend and reenact section 20.1-02-18.4 and subsection 1 of section 54-35.2-01 of the North Dakota Century Code, relating to the North Dakota association of counties; and to repeal section 11-10-24 and subsection 15 of section 11-11-14 of the North Dakota Century Code, relating to funding and organization of associations of county governments.

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

Sen. Solberg introduced:

SB 2307: A BILL for an Act to repeal section 57-15-55.1 of the North Dakota Century Code, relating to a city tax levy to provide funds for costs of transportation of public school students; and to provide an effective date.

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

Sen. Lips introduced:

SB 2308: A BILL for an Act to amend and reenact subsection 4 of section 53-06.1-14 of the North Dakota Century Code, relating to the distribution of gaming items.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Kelsh, Freborg, Wogsland and Reps. Gerntholz, Martin, Stofferahn introduced:

SCR 4014: A concurrent resolution urging the President and Congress to take immediate steps to restore financial viability to agriculture.

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

Sen. O. Hanson introduced:

SCR 4015: A concurrent resolution for the amendment of section 4 of article IV of the Constitution of North Dakota, relating to limiting the number of terms a person may serve in the Legislative Assembly.

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

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

MARION HOUN, Secretary