

## JOURNAL OF THE SENATE

## SPECIAL SESSION OF THE FIFTY-SECOND LEGISLATIVE ASSEMBLY

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Bismarck, November 5, 1991

The Senate convened at 9:00 a.m., with President Omdahl presiding.

The prayer was offered by Senator Tallackson.

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

A quorum was declared by the President.

CORRECTION and REVISION of the JOURNAL (Sen. Robinson, Chairman)  
MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the First Day of the Special Session and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1764, remove lines 20, 32, and 39

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

## MOTION

SEN. WOGSLAND MOVED that the Senate stand at recess until 1:00 p.m., which motion prevailed.

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

## COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

November 5, 1991

I request the advice and consent of the North Dakota Senate to the nomination of Allen Hoberg, 2023 Catherine Drive, Bismarck, North Dakota 58501, to the office of the Director of the Office of Administrative Hearings for the term of July 1, 1991, to June 30, 1997.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Committees (Sen. Heigaard, Chairman) respectfully submits the following names for your Select Committee for a confirmation hearing for Allen Hoberg to the office of the Director of the Office of Administrative Hearings for the term of July 1, 1991, to June 30, 1997.

Senator Lindaas, Chairman  
Senator Redlin  
Senator Tallackson  
Senator Bowman  
Senator Lips

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

## MOTION

SEN. WOGSLAND MOVED that the Senate stand at recess until 5:00 p.m., which motion prevailed.

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

## REPORT OF STANDING COMMITTEE

SB 2600: Joint Technical Corrections Committee (Sen. Mathern, Cochairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2600 was placed on the Eleventh order on the calendar.

## SECOND READING OF SENATE BILL

SB 2600: A BILL for an Act to reenact section 54-06-14 of the North Dakota Century Code, relating to partial payment of sick leave benefits upon leaving the employ of the state; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2600 passed and the title was agreed to.

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## REPORT OF STANDING COMMITTEE

SB 2601: Joint Technical Corrections Committee (Sen. Mathern, Cochairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2601 was placed on the Eleventh order on the calendar.

## SECOND READING OF SENATE BILL

SB 2601: A BILL for an Act to amend and reenact section 32-09.1-07 of the North Dakota Century Code, relating to the form of a garnishee summons and notice to defendant; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2601 passed and the title was agreed to.

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## REPORT OF STANDING COMMITTEE

SB 2602: Joint Technical Corrections Committee (Sen. Mathern, Cochairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2602 was placed on the Eleventh order on the calendar.

## SECOND READING OF SENATE BILL

SB 2602: A BILL for an Act to amend and reenact subsections 3 and 4 of section 26.1-36.1-01 and subsection 4 of section 26.1-36.1-02 of the North Dakota Century Code, relating to medicare supplement policies; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 53 YEAS, 0 NAYS, 0 EXCUSED, 0 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; 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

SB 2602 passed and the title was agreed to.

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#### MOTION

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

#### REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Meyer, Chairman) appointed to consider the nomination for the chairman of the North Dakota Gaming Commission do advise and consent to the appointment of:

Rick Maixner

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

#### ROLL CALL

The question being "will the Senate advise and consent to the nomination of Rick Maixner for the chairman of the North Dakota Gaming Commission", the roll was called and there were 53 YEAS, 0 NAYS, 0 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; 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

The Senate advises and consents to the nomination of Rick Maixner for the chairman of the North Dakota Gaming Commission.

#### REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Kelly, Chairman) appointed to consider the nomination for the North Dakota Gaming Commission do advise and consent to the appointment of:

Sonja Raye Kosler

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

#### ROLL CALL

The question being "will the Senate advise and consent to the nomination of Sonja Raye Kosler, to the North Dakota Gaming Commission", the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Streibel; Tennefos; Traynor; Vosper

The Senate advises and consents to the nomination of Sonja Raye Kosler to the North Dakota Gaming Commission.

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 1615.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Tomac, Chairman) appointed to consider the nomination for the North Dakota Gaming Commission do advise and consent to the appointment of:

Gorman King, Sr.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Gorman King Sr., to the North Dakota Gaming Commission", the roll was called and there were 29 YEAS, 24 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Hanson, O.; Holmberg; Krebsbach; Lindgren; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper

The Senate advises and consents to the nomination of Gorman King Sr. to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Maxson, Chairman) appointed to consider the nomination for the North Dakota Gaming Commission do advise and consent to the appointment of:

Linda Steve

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Linda Steve, to the North Dakota Gaming Commission", the roll was called and there were 53 YEAS, 0 NAYS, 0 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; 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

The Senate advises and consents to the nomination of Linda Steve to the North Dakota Gaming Commission.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Heinrich, Chairman) appointed to consider the nomination for the North Dakota Gaming Commission do advise and consent to the appointment of:

William Hixson

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

## ROLL CALL

The question being "will the Senate advise and consent to the nomination of William Hixson, to the North Dakota Gaming Commission", the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Vosper; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Goetz; Hanson, O.; Krebsbach; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Streibel; Tennefos; Traynor

The Senate advises and consents to the nomination of William Hixson to the North Dakota Gaming Commission.

## MOTION

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

## REPORT OF STANDING COMMITTEE

SB 2603: Joint Technical Corrections Committee (Sen. Mathern, Cochairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2603 was placed on the Eleventh order on the calendar.

## SECOND READING OF SENATE BILL

SB 2603: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing energy and environmental research center at the university of North Dakota; to provide an appropriation; and to provide an effective date.

## ROLL CALL

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

NAYS: Moore

SB 2603 passed and the title was agreed to.

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## MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2600, SB 2601, SB 2602, SB 2603.

## MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Seventh order of business, and at the conclusion of the Seventh order, 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 be on the Thirteenth order of business, and at the conclusion of the

Thirteenth order, the Senate stand adjourned until 9:00 a.m., Wednesday, November 6, 1991, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a bill for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements; to provide for a legislative council study of establishing house subdistricts; and to provide an effective date.

It shall be numbered SB 2604.

Your Committee on Delayed Bills cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting this bill.

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

#### FIRST READING OF SENATE BILL

Sen. Yockim introduced:

(Approved by the Committee on Delayed Bills)

SB 2604: A BILL for an Act to amend and reenact section 54-03-01.5 of the North Dakota Century Code, relating to legislative apportionment requirements; to provide for a legislative council study of establishing house subdistricts; and to provide an effective date.

Was read the first time and referred to the Joint Technical Corrections Committee.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution to amend and reenact sections 2 and 5 of article IV of the Constitution of North Dakota, relating to the election of members of the Legislative Assembly.

It shall be numbered SCR 4074.

Your Committee on Delayed Bills cast a vote of 3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING in favor of accepting this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Wogsland introduced:

(Approved by the Committee on Delayed Bills)

SCR 4074: A concurrent resolution to amend and reenact sections 2 and 5 of article IV of the Constitution of North Dakota, relating to the election of members of the Legislative Assembly.

Was read the first time and referred to the Joint Committee on Legislative Redistricting.

#### FIRST READING OF HOUSE BILL

HB 1615: A BILL for an Act to amend and reenact subdivision a of subsection 15 of section 57-02-08 of the North Dakota Century Code, relating to exemption of farm structures from ad valorem taxation; and to provide an effective date.

Was read the first time.

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

MARION HOUN, Secretary