

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, January 8, 1993

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

The prayer was offered by Rev. Walt Geiszler, Good Shepard United Methodist Church, Mandan.

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

A quorum was declared by the President.

MOTION

SEN. DOTZENROD MOVED that SB 2218 be returned to the Senate floor from the Finance and Taxation Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2218. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2104: SEN. SCHOENWALD (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 67 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2147: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 67-68 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2238: A BILL for an Act to appropriate moneys for foundation aid per-pupil payments by the superintendent of public instruction; and to declare an emergency.

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 25 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Nalewaja

SB 2238 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

MOTION

SEN. WOGSLAND MOVED that the vote by which SB 2238 passed be reconsidered and the motion to reconsider be laid on the table.

REQUEST

SEN. STREIBEL REQUESTED a recorded roll call vote on the motion that the vote by which SB 2238 passed be reconsidered and the motion to reconsider be laid on the table, which request was granted.

ROLL CALL

The question being on the motion that the vote by which SB 2238 passed be reconsidered and the motion to reconsider be laid on the table, the roll was called and there were 26 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Jerome; Krebsbach; Lindgren; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Nalewaja

So the motion that the vote by which SB 2238 passed be reconsidered and the motion to reconsider be laid on the table passed.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to amend and reenact subsection 2 of section 57-37.1-08 of the North Dakota Century Code, relating to distribution of estate taxes; and to declare an emergency.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2075 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2083: A BILL for an Act to amend and reenact section 43-09-13.1 of the North Dakota Century Code, relating to apprentice electrician registration.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2083 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact section 39-04-39 of the North Dakota Century Code, relating to distribution of vehicle registration fees.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2141: A BILL for an Act to amend and reenact section 12-59-07 of the North Dakota Century Code, relating to elimination of detainer as a requirement precedent to parole.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2141 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2149: A BILL for an Act to amend and reenact section 65-06.2-01 of the North Dakota Century Code, relating to the definition of an inmate.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Stenehjsem, B.; Stenehjsem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Bowman; Kinnoin; Maxson; Mutch; Naaden; Sand; Schoenwald; Solberg; Streibel

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2149 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2154: A BILL for an Act to create and enact a new subsection to section 6-09-15 of the North Dakota Century Code, relating to the purchase of mortgage loans.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjsem, B.; Stenehjsem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2154 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2168: A BILL for an Act to amend and reenact section 37-03-14 of the North Dakota Century Code, relating to the veterans' cemetery.

ROLL CALL

The question being on the passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjsem, B.; Stenehjsem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: DeMers; Nalewaja

SB 2168 passed and the title was agreed to.

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Monday, January 11, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2085: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2085, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections" and after "21-02-10" insert "and 21-02-13"

Page 1, after line 17, insert:

"SECTION 2. AMENDMENT. Section 21-02-13 of the North Dakota Century Code is amended and reenacted as follows:

21-02-13. Certificates of indebtedness in anticipation of revenue to be received from the state. Any political subdivision which will receive a distribution of revenue pursuant to a state appropriation or statutory or constitutional provision shall, in anticipation of such revenue, have power to borrow not more than the amount it will receive from that source during that fiscal year. For the purpose of borrowing, all such political subdivisions may issue certificates of indebtedness.

Certificates of indebtedness issued pursuant to this section must provide for payment by the political subdivision of a stated sum on or before a specified date not more than six months after the anticipated date of receipt of the revenue, together with interest thereon at a specified rate not exceeding twelve percent per annum if sold at private sale. There is no interest rate ceiling on certificates sold at public sale or to the state of North Dakota or any of its agencies or instrumentalities. The certificates are payable out of the anticipated revenue.

For the purpose of administering the provisions of this section, all of the provisions of this chapter, to the extent consistent herewith, that relate to signing and issuance of certificates of indebtedness, the certificate of the county auditor on the certificates of indebtedness, the recording of certificates of indebtedness, certifying the amount to be received from the state by a political subdivision, setting aside the amount to be received for payment of the certificates, order of payment of such certificates, and advertising for bids, ~~including the exceptions for taxing districts over four thousand in population,~~ govern the administration of the provisions of this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2094: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2094 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2112: Transportation Committee (Sen. Schoenwald, Chairman) recommends **DO**

PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2112 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2118: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2118 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2121: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2121 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2122: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2122 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2123: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2123 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2133: Transportation Committee (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2133, as amended, was placed on the Sixth order on the calendar.

Page 2, line 20, replace "not to" with an underscored period

Page 2, remove lines 21 and 22

Page 3, line 24, replace "twenty" with "fifteen"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2134: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2134 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2136: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2136 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2148: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2148 was placed on the Sixth order on the calendar.

Page 1, line 8, after "Fifty" insert "Not more than fifty", remove the overstrike over "percent of", and remove "A percentage of"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2152: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2152 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2160: Natural Resources Committee (Sen. Keller, Chairman) recommends DO

PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2160 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2166: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2166 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2169: Natural Resources Committee (Sen. Keller, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2169 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Krauter and Rep. Kerzman introduced:

SB 2248: A BILL for an Act to amend and reenact section 11-19-19 of the North Dakota Century Code, relating to instances in which an emergency medical technician may perform the duties of coroner in certain counties.

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

Sen. Evanson and Rep. Kunkel introduced:

SB 2249: A BILL for an Act providing an appropriation for the continuation of the professional development services to middle-level teachers and administrators.

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

Sen. Evanson and Rep. Kelsch introduced:

SB 2250: A BILL for an Act to provide for the use of commercially manufactured live catch traps within the boundaries of any incorporated city and the disposition of any domestic animal captured; to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to prohibition of the use of steel jaw leghold traps, conibear and similar killer traps, and all metal traps other than those commonly known as mouse traps within the boundaries of any incorporated city; and to provide a penalty.

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

Sens. Mathern, Scherber, Wogsland and Reps. Mahoney, Rydell, Ness introduced:

SB 2251: A BILL for an Act to amend and reenact section 54-52.1-03.4 of the North Dakota Century Code, relating to participation by employees of political subdivisions in the uniform group insurance program; and to provide an appropriation.

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

Sens. Krauter, Goetz and Reps. Kretschmar, Porter, Kerzman introduced:

SB 2252: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized motor vehicle license plates.

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

Sens. Evanson, Robinson and Reps. Pyle, Wentz, Kelsch introduced:

SB 2253: A BILL for an Act to create and enact a new section to chapter 12.1-20 of the North Dakota Century Code, relating to the admissibility of evidence regarding a victim's manner of dress in sex offense cases.

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

Sens. Evanson, Marks, Krebsbach and Rep. Cleary introduced:

SB 2254: A BILL for an Act to amend and reenact subsection 1 of section 39-08-18 of the North Dakota Century Code, relating to the penalty for an open receptacle containing an alcoholic beverage in a motor vehicle.

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

Sens. Krauter, Keller, Urlacher and Reps. Dorso, Kerzman, Kretschmar introduced:

SB 2255: A BILL for an Act to create and enact a new subsection to section 39-04-19 of the North Dakota Century Code, relating to prorating motor vehicle registration fees.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Evanson and Rep. Kunkel introduced:

SCR 4012: A concurrent resolution directing the Legislative Council to study the optimum structure and staff development services necessary to meet the needs of middle-level adolescents identified as the at-risk group in North Dakota schools.

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

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

CAROL SIEGERT, Secretary