

## JOURNAL OF THE SENATE

## Fiftieth Legislative Assembly

\*\*\*\*\*

## TWENTY-EIGHTH DAY

Bismarck, February 12, 1987

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

The prayer was offered by Chaplain Arnie Schneider, North Dakota State Penitentiary, Bismarck.

Almighty God, our Heavenly Father, thank You for this new day and the challenges and opportunities it shall present: the challenge of problems to be solved and the opportunity to solve them; the challenge of obstacles to overcome and the opportunity to conquer them; the challenge of service to be rendered and the opportunity to serve.

We ask for Your guidance so we are motivated to see our duties not in terms of what restrictions we place on our brothers and sisters, but rather in accordance to how we can help them have safer, richer, more meaningful lives; not as to how we can make society safer from its individuals, but rather how we can more fully protect each individual from the social ills and difficulties that beset us. Guide us to remember that a person is more important than a structure of law and the individual is more precious than the institutions that engulf him.

Keep us mindful of You, O Lord, in all our deliberations, so we remember that wisdom of the heart far surpasses the wisdom of the mind; so we remember our final accounting is to You, rather than to those who elect us.

And grant us your presence, so our hearts are open to Your loving and compassionate heart and receptive to this wisdom.

Help us dedicate ourselves today not to honor and vainglorious prestige, but to the needs of our people and the responsibilities we have to them; not to the promotion of ourselves in the game of power and manipulation, but to humble service, thinking only of the welfare of our citizens as they have charged us to do.

And help us to remember that what divides us is always less important than what unites us. Amen.

## ROLL CALL

The roll was called and all Senators were present, except Senators Nething and Tennefos.

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 Twenty-seventh Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

## MESSAGES 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 1176, HB 1185, HB 1194, HB 1225, HB 1274, HB 1355,  
HB 1373, HB 1432, HB 1469, HB 1516, HB 1536, HB 1594,  
HB 1653

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1057

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 2056, SB 2083, SB 2134, SB 2231, SB 2325, SB 2332,  
SB 2333, SB 2359, SB 2372, SB 2435, SB 2452, SB 2458,  
SB 2481, SB 2487, SB 2492, SB 2518, SB 2540, SCR 4010,  
SCR 4015, SCR 4021

PERRY GROTEBERG, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2536 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations.

SEN. LASHKOWITZ, Chairman

SB 2536 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2422 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "and policyholders contracts issued by"

On page 1, line 3, delete the words "independent insurance agents"

On page 1, delete lines 6 through 13

On page 1, line 14, delete the words and numeral "sections 2 through"

On page 1, line 15, delete the numeral and word "6 of" and after the word "licensed" insert the words "property and casualty insurance"

On page 1, line 16, delete the first word "an" and insert in lieu thereof the words "a property and casualty"

On page 1, line 18, after the word "place" insert the words "property and casualty"

On page 1, line 21, delete the second word "an" and insert in lieu thereof the words "a property and casualty"

On page 1, line 23, delete the first word "an" and insert in lieu thereof the words "a property and casualty"

On page 2, line 2, after the word "any" insert the words "property and casualty"

On page 2, line 4, delete the words "one-hundred-eighty-day" and insert in lieu thereof the words "ninety-day"

On page 2, delete lines 6 through 15

On page 2, line 16, delete the words "insurance agent sixty-day notice of its intention not to renew."

On page 2, line 20, delete the word "or" and insert in lieu thereof the word "for"

On page 2, line 21, delete the word "wilfull" and insert in lieu thereof the word "willful"

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

SB 2422 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SCR 4006 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "one-time public holiday" and insert in lieu thereof the words "commemorative day"

On page 1, after line 16, insert the following clause:

WHEREAS, the Constitutional Celebration Committee of the North Dakota Supreme Court has been formed to coordinate efforts to celebrate the bicentennial of the Constitution of the United States in North Dakota; and"

On page 1, line 28, delete the words "public holiday" and insert in lieu thereof the words "commemorative day"

And renumber the lines, sections, and pages accordingly

SEN. D. MEYER, Chairman

SCR 4006 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 2347 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. SATROM, Chairman

SB 2347 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred SB 2400 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. KRAUTER, Chairman

SB 2400 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 referred SB 2444 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 2444 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 referred SB 2445 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 2445 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 referred SB 2464 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. DOTZENROD, Chairman

SB 2464 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2473 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. LASHKOWITZ, Chairman

SB 2473 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 2491 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. SATROM, Chairman

SB 2491 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2493 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2493 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2495 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LASHKOWITZ, Chairman

SB 2495 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 referred SB 2497 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 2497 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2501 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LANGLEY, Chairman

SB 2501 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2508 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LANGLEY, Chairman

SB 2508 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 2513 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. SATROM, Chairman

SB 2513 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 2528 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. SATROM, Chairman

SB 2528 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 2530 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 2530 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 2531 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. SATROM, Chairman

SB 2531 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2533 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LANGLEY, Chairman

SB 2533 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was rereferred SCR 4029 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. LASHKOWITZ, Chairman

SCR 4029 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILLS

SB 2040: A BILL for an Act to create and enact three new sections to chapter 40-18 of the North Dakota Century Code, relating to the clerk of municipal court and the transfer of cases from municipal court to county court; to amend and reenact sections 27-07.1-17, 29-07-01.1, 40-11-13, 40-18-01, 40-18-03, 40-18-06, 40-18-14, 40-18-15, 40-18-19, 40-18-20, 40-18-22, and 40-21-14 of the North Dakota Century Code, relating to jurisdiction of county courts, payment of expenses, fines for violations of municipal ordinances, qualifications of municipal judges, municipal court procedure, and notices to the supreme court; and to repeal section 40-08-21 of the North Dakota Century Code, relating to the authority of mayors to release imprisoned offenders from jail.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; 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; Stenehjøm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2040 passed and the title was agreed to.

\*\*\*\*\*

SB 2097: A BILL for an Act to create and enact a new subsection to section 26.1-04-03, a new subsection to section 26.1-33-05, and a new subdivision to subsection 1 of section 26.1-36-04 of the North Dakota Century Code, relating to unfair insurance practices and required insurance premium refunds.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
 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; Stenehjøm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2097 passed and the title was agreed to.

\*\*\*\*\*

#### MOTION

SEN. HEIGAARD MOVED that SB 2172, SB 2304, SB 2380, and SB 2454 be moved to the foot of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2175: A BILL for an Act to amend and reenact subsection 1 of section 43-15-42.1 of the North Dakota Century Code,



relating to disciplinary action of the board of pharmacy;  
and to provide a penalty.

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 51 YEAS, 0 NAYS, 2 ABSENT AND  
NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
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; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nothing; Tennefos

SB 2175 passed and the title was agreed to.

\*\*\*\*\*

SB 2176: A BILL for an Act to amend and reenact subsections 1  
and 14 of section 43-15-10 of the North Dakota Century  
Code, relating to the powers of the board of pharmacy.

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 51 YEAS, 0 NAYS, 2 ABSENT AND  
NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
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; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nothing; Tennefos

SB 2176 passed and the title was agreed to.

\*\*\*\*\*

SB 2181: A BILL for an Act to amend and reenact section 54-12-08 of the North Dakota Century Code, relating to assistant and special assistant attorneys general and to billing arrangements for legal services.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2181 passed and the title was agreed to.

\*\*\*\*\*

SB 2299: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to a statement of purchase price and trade-in allowance for motor vehicles which must be furnished by a seller of a motor vehicle; and to amend and reenact section 57-40.3-05 of the North Dakota Century Code, relating to the motor vehicle purchaser's certificate which must be furnished to the motor vehicle registrar in transferring title to a motor vehicle.

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; David; Dotzenrod; Freborg; 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; Stenehjerm; Streibel; Stromme;  
Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

NAYS: Bakewell

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2299 passed and the title was agreed to.

\*\*\*\*\*

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1057

PERRY GROTEBERG, Secretary

#### MESSAGE TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1057

PERRY GROTEBERG, Secretary

#### SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new section to chapter 40-33 of the North Dakota Century Code, relating to municipal utility systems.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 11 YEAS, 39 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Heigaard; Holmberg; Kelly; Kelsh; Lashkowitz;  
Maixner; Redlin; Richard; Satrom; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
Heinrich; Hilken; Ingstad; Keller; Krauter; Langley;  
Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.;  
Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson;  
Peterson; Reiten; Schoenwald; Shea; Stenehjerm;  
Streibel; Stromme; Tallackson; Thane; Todd; Tweten;  
Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Meyer, W.; Nething; Tennefos

SB 2301 lost.

\*\*\*\*\*

#### MOTIONS

SEN. MAIXNER MOVED that the Senate stand in recess until 2:05 p.m., which motion prevailed.

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

SEN. HEIGAARD MOVED that SB 2331, SB 2389, and SB 2454, which are on the Eleventh order, be laid over two legislative days, which motion prevailed.

SEN. KRAUTER MOVED that SB 2409, which is on the Sixth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2327: A BILL for an Act to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to fees for certain traffic infractions.

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 15 YEAS, 36 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Keller; Langley; Lashkowitz; Mathern; Meyer, J.; Redlin; Satrom; Schoenwald; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; David; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Reiten; Richard; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2327 lost.

\*\*\*\*\*

#### MOTION

SEN. HEIGAARD MOVED that SB 2328, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2336: A BILL for an Act to provide for the establishment of an adult protective services demonstration project to be developed and managed by the department of human services; and to provide an expiration date.

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 35 YEAS, 16 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Freborg; Keller; Moore; Mutch; Naaden; Nelson; Olson; Reiten; Streibel; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: Nothing; Tennefos

SB 2336 passed and the title was agreed to.

\*\*\*\*\*

SB 2055: A BILL for an Act to amend and reenact section 28-01-22.1 of the North Dakota Century Code, relating to the statute of limitations for actions against the state; and to provide an effective date.

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

NAYS: None

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2055 passed and the title was agreed to.

\*\*\*\*\*

SB 2218: A BILL for an Act to amend and reenact subsections 9, 10, 11, 12, and 13 of section 52-06-02 of the North Dakota Century Code, relating to educational employee disqualification from unemployment compensation benefits.

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; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; 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; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner; Nething; Tennefos

SB 2218 passed and the title was agreed to.

\*\*\*\*\*

SB 2228: A BILL for an Act to amend and reenact subsections 2, 3, and 4 of section 52-04-03 of the North Dakota Century Code, relating to the amount of wages subject to tax for unemployment compensation purposes; to provide an effective date; and to declare an emergency.

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 0 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; 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; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2228 lost.

\*\*\*\*\*

SB 2257: A BILL for an Act to create and enact a new section to chapter 39-03.1 of the North Dakota Century Code, relating to disability retirement benefits for members of the North Dakota highway patrol; and to amend and reenact section 39-03.1-26 of the North Dakota Century Code, relating to coordination of benefits.

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 0 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
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; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Nething; Tennefos

SB 2257 lost.

\*\*\*\*\*

SB 2344: A BILL for an Act to amend and reenact sections 16.1-11-24, 16.1-11-25, 16.1-11-37, and 16.1-15-01 of the North Dakota Century Code, relating to no-party primary ballots.

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 34 YEAS, 16 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Nalewaja; Olson; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright

NAYS: Adams; Axtman; Bakewell; David; Freborg; Keller; Lashkowitz; Mushik; Mutch; Naaden; Nelson; Peterson; Redlin; Streibel; Tweten; Yockim

ABSENT AND NOT VOTING: Moore; Nething; Tennefos

SB 2344 passed and the title was agreed to.

\*\*\*\*\*

SB 2376: A BILL for an Act to create and enact chapter 26.1-15.1 of the North Dakota Century Code, relating to fraternal benefit societies; to amend and reenact section 26.1-16-02 of the North Dakota Century Code, relating to application to fraternal benefit societies; to repeal chapter 26.1-15 of the North Dakota Century Code, relating to fraternal benefit societies; to provide a penalty; and to provide an effective date.

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; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Moore; Nething; Tennefos

SB 2376 passed and the title was agreed to.

\*\*\*\*\*



SB 2446: A BILL for an Act to amend and reenact sections 15-29-03, 15-29-03.1, 15-29-04, 15-29-06, subsection 12 of section 15-29-08, sections 15-29-09, 15-29-10, 15-29-11, and 15-29-13 of the North Dakota Century Code, relating to changing references from school district clerk to school district business manager; and to change statutory references from clerk of the school district to business manager of the school district.

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 34 YEAS, 16 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nelson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Holmberg; Maxson; Mutch; Naaden; Olson; Reiten; Stenehjem; Streibel; Thane; Todd; Tweten

ABSENT AND NOT VOTING: Moore; Nething; Tennefos

SB 2446 passed and the title was agreed to.

\*\*\*\*\*

SB 2488: A BILL for an Act to create and enact a new subsection to section 15-02-05 of the North Dakota Century Code, relating to the powers and duties of the commissioner of university and school lands; and to amend and reenact sections 57-62-04 and 57-62-05 of the North Dakota Century Code, relating to the energy development impact office and the energy development impact director.

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 22 YEAS, 28 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Langley; Lodoen; Mathern; Maxson; Meyer, W.; Mushik; Redlin; Richard; Satrom; Shea; Stenehjem; Stromme; Tallackson; Wogsland; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Keller; Kelly; Krauter; Lashkowitz; Lips; Maixner; Meyer, D.;

Meyer, J.; Mutch; Naaden; Nalewaja; Nelson; Olson;  
Peterson; Reiten; Schoenwald; Streibel; Thane; Todd;  
Tweten; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Moore; Nething; Tennefos

SB 2488 lost.

\*\*\*\*\*

SB 2519: A BILL for an Act to amend and reenact sections 61-31-01, 61-31-02, subsection 4 of section 61-31-05, and sections 61-31-08 and 61-31-10 of the North Dakota Century Code, relating to the waterbank program.

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 29 YEAS, 20 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Holmberg; Ingstad; Keller;  
Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen;  
Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;  
Meyer, W.; Mushik; Naaden; Nalewaja; Nelson; Redlin;  
Satrom; Schoenwald; Shea; Stenehjerm; Waldera; Wogsland;  
Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
Hilken; Kelly; Mutch; Peterson; Reiten; Richard;  
Streibel; Stromme; Tallackson; Thane; Todd; Tweten;  
Vosper; Wright

ABSENT AND NOT VOTING: Moore; Nething; Olson; Tennefos

SB 2519 passed and the title was agreed to.

\*\*\*\*\*

SB 2527: A BILL for an Act to amend and reenact sections 29-04-02, 29-04-03, and 29-04-03.1 of the North Dakota Century Code, relating to prosecution of certain sexual offenses if the victim is under eighteen years of age.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;  
Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips;

Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Moore; Nething; Olson; Tennefos

SB 2527 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of implementing a guaranteed tuition program for financing a child's postsecondary education.

Which has been read and has committee recommendation of DO PASS.

The question being on the final adoption of the resolution.

SCR 4018 was declared adopted on a voice vote.

\*\*\*\*\*

#### POINT OF PERSONAL PRIVILEGE

SEN. BAKEWELL: President Pro Tem Redlin: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Yesterday, I stated that the drain on the unemployment fund between 1980 and 1983 was due to the layoff on the oil fields. In an attempt to pass unemployment legislation, the majority leader stated that the large drain on the fund was due more to the Great Plains project. I did some research on this and would like the record to show that ANG employment increased from 84 employees in 1980 to their peak of 5,288 in the third quarter of 1983.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4028: A concurrent resolution recognizing the achievements of Dr. Lawrence E. Scheving in the field of chronobiology and urging the Governor to award Dr. Scheving the Theodore Roosevelt Rough Rider Award.

Which has been read and has committee recommendation of DO NOT PASS.

The question being on the final adoption of the resolution.

SCR 4028 was declared lost on a voice vote.

\*\*\*\*\*

SCR 4031: A concurrent resolution directing the Legislative Council to study the Uniform Juvenile Court Act, child abuse and neglect laws, other state and federal laws, and current administrative rules and practices regarding the confidentiality, management, exchange, and use of records and information relating to services provided to minors.

Which has been read and has committee recommendation of DO PASS.

The question being on the final adoption of the resolution.

SCR 4031 was declared adopted on a voice vote.

\*\*\*\*\*

SCR 4038: A concurrent resolution directing the Legislative Council to study the judicial standard of a "person requiring treatment" as used in mental health commitment proceedings resulting in treatment programs other than hospitalization.

Which has been read and has committee recommendation of DO PASS.

The question being on the final adoption of the resolution.

SCR 4038 was declared adopted on a voice vote.

\*\*\*\*\*

#### MOTION

SEN. HEIGAARD MOVED that SB 2220 be placed immediately following SCR 4020 on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2485: A BILL for an Act to amend and reenact section 18-12-03 of the North Dakota Century Code, relating to review of plans required to be submitted to the state fire marshal; and to repeal sections 18-12-05 and 23-13-02.7 of the North Dakota Century Code, relating to review of plans required to be submitted to the state fire marshal.

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 20 YEAS, 29 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Keller; Kelsh; Krauter;  
Langley; Lashkowitz; Maixner; Mathern; Maxson;  
Meyer, J.; Meyer, W.; Mushik; Richard; Satrom;  
Schoenwald; Shea; Waldera; Wogsland; Yockim

**NAYS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Thane; Todd; Tweten; Vosper; Wright

**ABSENT AND NOT VOTING:** Moore; Nething; Tallackson; Tennefos

SB 2485 lost.

\*\*\*\*\*

**SB 2534:** A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices of public meetings.

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; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** Moore; Nething; Tennefos

SB 2534 passed and the title was agreed to.

\*\*\*\*\*

# MOTION

**SEN. HEIGAARD MOVED** that the Senate stand in recess until 4:10 p.m., which motion prevailed.

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

# REQUEST

**SEN. MAIXNER REQUESTED** that the record show Sens. Stromme, Heinrich, Maxson, Nalewaja, and Holmberg would be absent from the Senate beginning at 4:10 p.m. until adjournment because of a hearing of the Committee on Joint Constitutional Revision of which they are members.

## MOTIONS

SEN. J. MEYER MOVED that SB 2269 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

SEN. J. MEYER MOVED that SB 2269 be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2053 as recommended by the Committee on Judiciary as printed on pages 678-679 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

SEN. STENEHJEM MOVED that the rules be suspended and that SB 2053 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2053: A BILL for an Act to amend and reenact sections 26.1-33-36 and 28-22-03.1 of the North Dakota Century Code, relating to the exemption of rights in life insurance policies and pensions from executions of judgments.

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 41 YEAS, 0 NAYS, 12 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nelson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Holmberg; Maxson; Moore; Naaden; Nalewaja; Nething; Olson; Stromme; Tennesfos; Tweten; Wogsland

SB 2053 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to SB 2095 as recommended by the Committee on Transportation as printed on page 679 of the

Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2095 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2095: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to discounts from certain motor vehicle insurance premiums and disclosure of the amounts of the discounts.

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 40 YEAS, 0 NAYS, 13 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nelson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: David; Heinrich; Holmberg; Maxson; Moore; Naaden; Nalewaja; Nething; Olson; Stromme; Tennefos; Tweten; Wogsland

SB 2095 passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2101 as recommended by the Committee on Judiciary as printed on pages 679-680 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2101 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2135 as recommended by the Committee on Industry, Business and Labor as printed on pages 680-681 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

SEN. TODD MOVED that the rules be suspended and that SB 2135 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2135: A BILL for an Act to create and enact section 6-07-04.2 of the North Dakota Century Code, relating to emergency action of the acquisition of a failing institution; and to amend and reenact sections 6-01-17 and 6-02-05 of the North Dakota Century Code, relating to the yearly assessment of banks and application for an organization certificate.

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 43 YEAS, 0 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heinrich; Holmberg; Maxson; Moore; Naaden; Nalewaja; Nething; Stromme; Tennefos; Tweten

SB 2135 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to SB 2141 as recommended by the Committee on Transportation as printed on page 681 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion lost on a verification vote.

SB 2141 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. HEIGAARD MOVED that SB 2279, which is on the Sixth order, be laid over two legislative days, which motion prevailed.



## CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2294 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 682-683 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2294 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. D. MEYER MOVED that SB 2346 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2360 as recommended by the Committee on Agriculture as printed on page 653 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

SB 2360 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2368 as recommended by the Committee on Transportation as printed on page 653 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTION

SEN. SCHOENWALD MOVED that the rules be suspended and that SB 2368 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to notification of requests for an abstract of a driver's operating record.

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 43 YEAS, 1 NAY, 9 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Stenehjem

ABSENT AND NOT VOTING: Heinrich; Holmberg; Maxson;  
Moore; Nalewaja; Nething; Stromme; Tennefos; Tweten

SB 2368 passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2433 as recommended by the Committee on Agriculture as printed on page 654 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. ADAMS MOVED that the rules be suspended and that SB 2433 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact section 35-05-01.1 of the North Dakota Century Code, relating to duration of financing statements on crop mortgages.

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 42 YEAS, 2 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh;  
Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner;  
Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik;  
Naaden; Olson; Peterson; Redlin; Reiten; Richard;  
Satrom; Schoenwald; Shea; Stenehjem; Streibel;  
Tallackson; Thane; Todd; Vosper; Waldera; Wogsland;  
Wright; Yockim

NAYS: Mutch; Nelson

ABSENT AND NOT VOTING: Heinrich; Holmberg; Maxson;  
Moore; Nalewaja; Nething; Stromme; Tennefos; Tweten

SB 2433 passed and the title was agreed to.

\*\*\*\*\*

#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2442 as recommended by the Committee on Industry, Business and Labor as printed on page

684 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2442 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. MAIXNER MOVED that SB 2455 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to SB 2461 as recommended by the Committee on Political Subdivisions as printed on pages 684-685 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SB 2461 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2482 as recommended by the Committee on Natural Resources as printed on pages 654-655 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2482 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LASHKOWITZ MOVED that the amendments to SB 2490 as recommended by the Committee on Judiciary as printed on page 655 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2490 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. MAIXNER MOVED that SB 2510, SB 2541, and SCR 4022 be moved to the foot of the Sixth order on the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2516 as recommended by the Committee on Industry, Business and Labor as printed on page 657 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### MOTION

SEN. KRAUTER MOVED that the rules be suspended and that SB 2516 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2516: A BILL for an Act to amend and reenact section 6-09-15.4 of the North Dakota Century Code, relating to loans to businessmen.

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 38 YEAS, 5 NAYS, 10 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Heigaard; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nelson; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Tallackson; Thane; Todd; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; David; Mutch; Naaden; Vosper

ABSENT AND NOT VOTING: Freborg; Heinrich; Holmberg; Maxson; Moore; Nalewaja; Nething; Stromme; Tennefos; Tweten

SB 2516 passed and the title was agreed to.

\*\*\*\*\*

## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2127 as recommended by the Committee on Industry, Business and Labor as printed on page 718 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## MOTIONS

SEN. KELLER MOVED that the rules be suspended and that SB 2127 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

SEN. OLSON MOVED that SB 2127, which is on the Eleventh order, be rereferred to the Committee on Industry, Business and Labor.

## SUBSTITUTE MOTION

SEN. HEIGAARD MOVED that SB 2127, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

## 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 Seventh order of business, and at the conclusion of the Seventh order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2101, SB 2141, SB 2294, SB 2347, SB 2360, SB 2400, SB 2442, SB 2444, SB 2445, SB 2461, SB 2464, SB 2473, SB 2482, SB 2490, SB 2491, SB 2493, SB 2495, SB 2497, SB 2501, SB 2508, SB 2513, SB 2528, SB 2530, SB 2531, SB 2533, and SCR 4029, the Senate adjourn and convene at 12:30 p.m., Friday, February 13, 1987, which motion prevailed.

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to certain practices of importers, manufacturers, wholesalers, and retailers of liquor; to repeal section 5-01-11 of the North Dakota Century Code, relating to certain unfair competition; and to provide a penalty.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sen. D. Meyer introduced:

(Approved by the Committee on Delayed Bills)

SB 2544: A BILL for an Act to create and enact six new sections to chapter 5-01 of the North Dakota Century Code, relating to certain practices of importers, manufacturers, wholesalers, and retailers of liquor; to repeal section 5-01-11 of the North Dakota Century Code, relating to certain unfair competition; and to provide a penalty.

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

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill for an Act to authorize the reorganization of job service North Dakota and the North Dakota workmen's compensation bureau; to provide for a Legislative Council study of the office of commissioner of labor; and to provide an expiration date.

Your Committee on Delayed Bills cast a vote of 4 YEAS, 1 ABSENT.

SEN. MAIXNER, Chairman

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

#### FIRST READING OF SENATE BILL

Sen. Satrom introduced:

(Approved by the Committee on Delayed Bills)

**SB 2545:** A BILL for an Act to authorize the reorganization of job service North Dakota and the North Dakota workmen's compensation bureau; to provide for a Legislative Council study of the office of commissioner of labor; and to provide an expiration date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Mathern, Yockim introduced:

**SCR 4049:** A concurrent resolution directing the Legislative Council to study the feasibility and desirability of the reorganization, redesignation, or consolidation of existing political subdivisions.

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

#### FIRST READING OF HOUSE BILLS

**HB 1109:** A BILL for an Act allowing the director of institutions to conduct space studies and allocate office space to the executive branch staff located on the capitol grounds.

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

**HB 1237:** A BILL for an Act to amend and reenact subsection 1 of section 23-29-02, and sections 23-29-03, 23-29-04, 23-29-07, 23-29-08, and 23-29-13 of the North Dakota Century Code, relating to solid waste management and land protection.

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

**HB 1328:** A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

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

**HB 1363:** A BILL for an Act to create and enact a new subdivision to subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits; and to amend and reenact subdivision f of subsection 1 of section 39-09-02 of the North Dakota Century Code, relating to motor vehicle speed limits.

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

**HB 1388:** A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to fees for issuing game and fish licenses.

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

HB 1393: A BILL for an Act to amend and reenact sections 39-05-20.1 and 39-05-20.2 of the North Dakota Century Code, relating to issuance and contents of motor vehicle salvage certificates of title.

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

HB 1397: A BILL for an Act to create and enact a new section to chapter 24-06 of the North Dakota Century Code, relating to maintenance of ditches along township roads by parties with an interest in adjoining land.

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

HB 1400: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to ownership of motor vehicles used in violation of duty to stop for certain schoolbuses.

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

HB 1415: A BILL for an Act to create and enact three new subsections to 57-15-06.7 of the North Dakota Century Code, relating to county tax levies for county fair associations which are in addition to the general fund levy; to amend and reenact sections 4-02-26, 4-02-27, 4-02-27.1, 4-02-37, 11-11-24, 18-07-01, and 57-15-06.8 of the North Dakota Century Code, relating to county fair association tax levies and county tax levies and limitations not in addition to the general fund levy; and to provide an effective date.

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

HB 1425: A BILL for an Act to amend and reenact sections 4-34-01, 4-34-02, 4-34-08, 4-34-09, 4-34-10, and 4-34-11 of the North Dakota Century Code, relating to beef promotion; to provide a penalty; and to provide an effective date.

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

HB 1437: A BILL for an Act to amend and reenact section 20.1-08-04.4 of the North Dakota Century Code, relating to the governor's proclamation concerning underwater spearfishing.

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

HB 1452: A BILL for an Act to provide notice requirements for the cancellation and nonrenewal of commercial liability insurance; and to provide a penalty.

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

HB 1461: A BILL for an Act to amend and reenact subsection 4 of section 38-08.1-03.1 and sections 38-08.1-04 and 38-08.1-04.1 of the North Dakota Century Code, relating to geophysical exploration bond requirements.

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

HB 1484: A BILL for an Act to amend and reenact section 58-08-05 of the North Dakota Century Code, relating to the annual statement prepared by a township treasurer.

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

HB 1548: A BILL for an Act to amend and reenact sections 57-40.5-01, 57-40.5-02, and 57-40.5-03 of the North Dakota Century Code, relating to the definition of purchase price of aircraft, increasing the rate of tax, and removing the exemption for aircraft upon which aircraft excise tax has once been paid; 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 1628: A BILL for an Act to establish a legislative council committee on economic development and job creation.

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

HB 1643: A BILL for an Act to authorize the superintendent of public instruction to charge fees for copies of general equivalency certificates.

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

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

PERRY GROTEBERG, Secretary