

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

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TWENTIETH DAY

Bismarck, February 2, 1987

The Senate convened at 1:00 p.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend James Pomeroy, Epworth United Methodist Church, Valley City.

Creator God, the Author of life and liberty, community and concord, we thank You for the privilege and purpose that brings us to this place today. We thank You for this great state of ours that You have entrusted into our care and keeping. We remember those who have sacrificed in the past and now we pray for the future, the course of which is ours to share.

Grant us, O God, that we might look beyond laws and see lives; look beyond partisan politics and parties and see persons and possibilities; look beyond narrow biases and see broad bridges; look beyond self and see souls for whom Christ died.

You know our needs better than we ourselves. We pray for the gifts of wisdom and wonder, healing and wholeness, cooperation and caring, strength and a spirit of hope.

So now we give the rest of this day back to You who gave it to us, and pray that all the decisions that we make may be inspired by Your gracious spirit, thereby finding harmony with Your will; and we will give You the glory and the praise. Amen.

ROLL CALL

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

A quorum was declared by the President Pro Tem.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Nineteenth Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

**MESSAGE 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 1038, HB 1074, HB 1269, HB 1270, HB 1288, HB 1299,
HB 1300, HB 1370, HB 1404, HB 1409, HB 1422, HB 1423,
HB 1529

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 2019, SB 2044, SB 2050, SB 2106, SB 2108, SB 2129,
SB 2130, SB 2163, SB 2170, SB 2194, SB 2208, SB 2258,
SB 2273, SB 2275, SB 2295, SB 2313, SB 2317, SB 2329,
SB 2334, SB 2335, SB 2339, SB 2342, SB 2343, SB 2399,
SB 2427, SB 2437, SB 2441, SCR 4007

PERRY GROTBORG, Secretary

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Human Services and Veterans Affairs to which was rereferred SB 2117 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, after the word "events" insert the words "or closing places of business"

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

SB 2117 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was rereferred SB 2239 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 AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "to" insert the words "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to fees for nonresident fishing licenses; and to"

On page 1, line 7, delete the numerals "20.2-03-12" and insert in lieu thereof the numerals "20.1-03-12"

On page 1, line 12, overstrike the word "two" and insert immediately thereafter the word "three"

On page 1, line 13, after the word "short-term" insert the words "seven-day"

On page 1, after line 16, insert the following new section:

"SECTION 2. A new subsection to section 20.1-03-12 of the 1985 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a nonresident short-term three-day fishing license, eight dollars."

On page 1, line 18, overstrike the word "season" and insert immediately thereafter the word "seasons", after the word "starting" insert the words "on or after"

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

SB 2239 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2268 has had the same under consideration and recommends by a vote of 5 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 3, after the words "contractors and" insert the word "their"

On page 3, line 6, after the word "and" insert the word "their"

On page 3, line 9, after the words "contractors and" insert the word "their"

On page 3, line 12, after the word "and" insert the word "their"

On page 3, line 14, after the word "and" insert the word "their"

On page 3, after line 32, insert the words "The requirements of this section shall apply only to asbestos abatement conducted in buildings including but not limited to schools, government facilities, medical facilities, public buildings, residential buildings, motels, hotels, restaurants, or other commercial buildings, and any other buildings to which the public has unguided access or for which employee protection is not provided under the Federal Occupational Safety and Health Act."

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

SB 2268 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 SB 2354 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. D. MEYER, Chairman

SB 2354 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2363 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SEN. D. MEYER, Chairman

SB 2363 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2408 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

SEN. D. MEYER, Chairman

SB 2408 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2417 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. D. MEYER, Chairman

SB 2417 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 SCR 4011 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SEN. LANGLEY, Chairman

SCR 4011 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 SCR 4023 has had the same under consideration and

recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. RICHARD, Vice Chairman

SCR 4023 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1058 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

HB 1058 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2039 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 498-499 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2039 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2093 as recommended by the Committee on Transportation as printed on pages 499-500 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2093 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. J. MEYER MOVED that the amendments to SB 2362 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 500 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2362 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to SB 2398 as recommended by the Committee on Agriculture as printed on page 500 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

SB 2398 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MOORE MOVED that SB 2529 be returned to the Senate floor from the Committee on Education, which motion prevailed.

REQUEST

SEN. MOORE REQUESTED the unanimous consent of the Senate to withdraw SB 2529. There being no objection, it was so ordered by the President Pro Tem.

MOTIONS

SEN. HEIGAARD MOVED that SB 2003, SB 2010, SB 2014, and SB 2283, which are on the Eleventh order, be referred to the Committee on Appropriations, which motion prevailed.

SEN. HEIGAARD MOVED that SCR 4024 be placed at the top of the calendar and SB 2430 be placed immediately after SCR 4024 on the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution for the amendment of section 13 of article IV of the Constitution of the State of North Dakota, relating to the effective date of appropriation measures for support and maintenance of state departments and institutions and tax measures that change tax rates.

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

ROLL CALL

The question being on the final adoption of the resolution, 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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SCR 4024 was declared adopted and the title was agreed to on a roll call vote.

MOTIONS

SEN. HOLMBERG MOVED that the action taken by the Senate on SCR 4024 be reconsidered, and that the motion to reconsider be laid on the table, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended and that SCR 4024 be messaged to the House immediately, which motion prevailed.

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:

SCR 4024

PERRY GROTBORG, Secretary

SECOND READING OF SENATE BILLS

SB 2430: A BILL for an Act to amend and reenact section 39-04-10.5 of the North Dakota Century Code, relating to transfer and retirement of POW number plates.

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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2430 passed and the title was agreed to.

SB 2032: A BILL for an Act to provide assistance to landowners in developing water projects.

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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2032 passed and the title was agreed to.

SB 2159: A BILL for an Act to create and enact a new section to chapter 6-09.10 of the North Dakota Century Code, relating to liability of the credit review board; to amend and reenact sections 6-09.10-02, 6-09.10-03, and 6-09.10-04 of the North Dakota Century Code, relating to the credit review board; and to repeal sections 4-01-19.2 and 4-01-19.3 of the North Dakota Century Code, relating to the farm credit counseling program.

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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2159 passed and the title was agreed to.

SB 2205: A BILL for an Act to amend and reenact subsections 8, 9 and 11 of section 41-09-42 of the North Dakota Century Code, relating to fees of the central notice system.

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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2205 passed and the title was agreed to.

SB 2287: A BILL for an Act to create and enact a new subdivision to subsection 7 of section 26.1-04-03 of the North Dakota Century Code, relating to unfair discrimination practices by insurance companies; and to amend and reenact section 26.1-04-05.1 of the North Dakota Century Code, relating to discrimination by insurance companies relating to the visual acuity of policy applicants.

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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; 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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Streibel

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2287 passed and the title was agreed to.

SB 2309: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to voluntary income tax withholding for federal employees; 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, 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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2309 passed and the title was agreed to.

SB 2338: A BILL for an Act to amend and reenact sections 44-10-02, 44-10-16, 44-11-01, and 44-11-02 of the North Dakota Century Code, relating to the removal of school board members from office.

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 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Freborg; Mutch

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2338 passed and the title was agreed to.

MOTIONS

SEN. SCHOENWALD MOVED that SB 2375 be further amended as follows:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to title 49 of the North Dakota Century Code, relating to restrictions on employment of public service commissioners.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. A new section to title 49 of the North Dakota Century Code is hereby created and enacted to read as follows:

Public service commissioners - Employment restrictions. No public service commissioner or former commissioner may accept any employment with any utility or industry that was within the scope of that commissioner's official responsibilities with the public service commission until one year after leaving office as a public service commissioner, unless the person is returning to employment that the person held before taking office as a public service commissioner."

And renumber the lines, sections, and pages accordingly

SEN. SCHOENWALD MOVED that the proposed amendments be adopted, which motion lost.

REQUEST

SEN. WOGSLAND REQUESTED a division on the motion to adopt the proposed amendments to SB 2375, which request was granted.

The question being on the motion to adopt the proposed amendments to SB 2375, the proposed amendments to SB 2375 were adopted on a division vote.

MOTIONS

SEN. MAIXNER MOVED that the rules be suspended, that SB 2375 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. SCHOENWALD MOVED that SB 2375, which is on the Eleventh order, be laid over one legislative day, which motion failed.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to create and enact a new section to title 49 of the North Dakota Century Code, relating to restrictions on employment of public service commissioners.

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 21 YEAS, 30 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Redlin; Richard; Schoenwald; Shea; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Langley; Lips; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2375 lost.

MOTION

SEN. HEIGAARD MOVED that, as Colonel James Buchli, mission specialist on the January 1985 flight of the space shuttle Discovery, is in the Senate Chamber, a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as such committee Sen. Byron Langley and Sen. Clayton Lodoen.

Colonel Buchli was escorted to the rostrum and introduced to the assembly.

REMARKS

by

Colonel James Buchli

Thank you very much for allowing me to come here today and take a few minutes out of your busy schedule. I know everyone is working hard and, as a taxpayer, I like to see that.

I also apologize for the clothing I am wearing. We flew up from Texas this morning, myself and another astronaut, Mark Lee, who

is in the back over here listening to what I am about to say. These are the warmest clothes I have today. So this is what I'm going to live in while I am here.

I wish I could stand here today and tell you that we are very soon going to be flying our space shuttle again. Unfortunately, I cannot do that. This last year has been very difficult for us at NASA. We have all been working very hard to get back on track. It looks like we probably have about a year's more hard work in order to get the space shuttle back to where we can fly it safely. Many of us that knew the crew, and knew them well, have felt a lot of sorrow this last year and have very much felt the loss of that crew.

We have all dedicated ourselves to making sure that, when we do fly again, we are going to have a vehicle that we can fly as safely as possible and all of us have been working toward that goal this year. It looks as if we will probably be able to start flying the shuttle again early in 1988. We are now scheduled to have our first flight in February of 1988.

There are a lot of things that have to come together before that can happen. We are all very confident that, when we do fly, we will do so safely: that the fixes that we deem mandatory, both operationally and with the hardware, will be made and that we are going to do the best we can to continue in their legacy.

In that regard, there are about eighty of us now down in Houston training, in fact, there are three astronauts from North Dakota: myself, Doctor Tony England from West Fargo, and Rick Hieb who is from Jamestown.

I think, if you look at the population of North Dakota and take astronauts per thousand people in a state, that North Dakota has the highest astronaut population density of any state in the union. I am not sure what that says, but I think what it says is that, whatever life style is going on up here and continues to go on living up here in God's country, I think, if you continue to do that and we all continue to do that, we are going to be able to put out young people who are well qualified to go wherever they might go and do the best they can and represent this state as the state should be represented throughout the world.

I thank you very much for allowing me to come and speak to you. When we start flying again and I get a chance to start flying again, I hope many of you will be able to come down and watch one of our launches and watch us when we get back in space and get NASA back on track. Thank you.

MOTION

SEN. HEIGAARD MOVED that the remarks of Colonel Buchli be printed in the Journal, which motion prevailed.

REQUEST

THE PRESIDENT PRO TEM REQUESTED that Sens. Langley and Lodoen escort Colonel Buchli from the Chamber.

SECOND READING OF SENATE BILLS

SB 2402: A BILL for an Act to amend and reenact section 26.1-03-21 of the North Dakota Century Code, relating to the confidentiality of preliminary data generated by the commissioner of insurance in conducting examinations of insurance companies.

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; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2402 passed and the title was agreed to.

SB 2404: A BILL for an Act to amend and reenact subsection 9 of section 27-20-02 and section 27-20-31 of the North Dakota Century Code, relating to the jurisdiction of the juvenile court over traffic offenses committed by a child and the disposition of a delinquent child.

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; Nething; Olson; Peterson; Redlin; Reiten;
 Richard; Schoenwald; Shea; Stenehjem; Streibel;
 Stromme; Tallackson; Thane; Todd; Tweten; Vosper;
 Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Satrom; Tennefos

SB 2404 passed and the title was agreed to.

SB 2036: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to development of a continuum of services for chronically mentally ill individuals.

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 39 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich;
 Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter;
 Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern;
 Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Nething;
 Olson; Redlin; Reiten; Richard; Schoenwald; Shea;
 Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten;
 Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Kelly; Meyer, D.; Mutch;
 Naaden; Nalewaja; Nelson; Peterson; Streibel

ABSENT AND NOT VOTING: Satrom; Tennefos; Vosper

SB 2036 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2202 be placed at the foot of the calendar, which motion prevailed.

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 2204

PERRY GROTEBERG, Secretary

SECOND READING OF SENATE BILLS

SB 2236: A BILL for an Act to amend and reenact subsections 2 and 7 of section 38-14.1-16 and subsection 7 of section 38-14.1-17 of the North Dakota Century Code, relating to minimum reclamation performance bond amounts, the substitution of surety, and the release of reclamation performance bonds.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Satrom; Tennefos

SB 2236 passed and the title was agreed to.

SB 2237: A BILL for an Act to amend and reenact section 61-16.1-23 of the North Dakota Century Code, relating to appeals of assessments to the state engineer.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Satrom; Tennefos

SB 2237 passed and the title was agreed to.

SB 2278: A BILL for an Act to consolidate the state department of health and the state laboratories department into the state department of health and consolidated laboratories; and to amend and reenact sections 19-01-01, 19-01-02, 19-01-02.1, 19-01-07, 19-01-18, subsection 4 of section 19-02.1-05, sections 19-02.1-20, 19-02.1-21, subsection 1 of section 19-03.1-01.1, sections 19-03.1-37, 19-10-21, subsection 9 of section 19-13.1-02, sections 19-13.1-09, 19-13.1-11, 19-13.1-12, subsection 4 of section 19-17-04, sections 19-18-02, 19-18-04, 19-18-07, 19-20.1-08, 19-20.1-17, subsection 3 of section 19-21-01, sections 23-01-01, 23-01-07, 23-01-09, 23-09-01, 43-43-01, and 61-28.1-07 of the North Dakota Century Code, relating to consolidation of the state laboratories and the state department of health; and to repeal sections 19-01-03, 19-01-04, 19-01-06, and 19-01-08 of the North Dakota Century Code, relating to the state laboratories department.

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 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Kelly; Mutch

ABSENT AND NOT VOTING: Langley; Satrom; Tennefos

SB 2278 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the absent Senators be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business,

and after the reading of SB 2039, SB 2093, SB 2354, SB 2362, SB 2363, SB 2398, SB 2408, SB 2417, SCR 4011, SCR 4023, and HB 1058, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 3, 1987, which motion prevailed.

FIRST READING OF HOUSE BILLS

HB 1073: A BILL for an Act to amend and reenact subsection 1 of section 39-04-02 of the North Dakota Century Code, relating to motor vehicle liability insurance.

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

HB 1121: A BILL for an Act to create and enact a new subsection to section 39-03-09 of the North Dakota Century Code, relating to the powers of the highway patrol; and to amend and reenact section 39-21-46 of the North Dakota Century Code, relating to brake and equipment requirements.

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

HB 1136: A BILL for an Act to amend and reenact section 39-20-12 of the North Dakota Century Code, relating to the liability of clinics and hospitals for the drawing of blood samples for alcohol-related offenses.

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

HB 1183: A BILL for an Act to amend and reenact section 50-10.1-01, subsection 1 of section 50-10.1-03, and sections 50-10.1-05 and 50-10.1-06 of the North Dakota Century Code, relating to definitions and the duties of long-term care ombudsmen.

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

HB 1253: A BILL for an Act to amend and reenact section 26.1-13-25 of the North Dakota Century Code, relating to the permanent expense and loss fund of a county mutual insurance company.

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

HB 1257: A BILL for an Act to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to the use of snares for taking game animals; and to repeal section 20.1-07-03.1 of the North Dakota Century Code, relating to the use of snares in taking coyotes.

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

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

PERRY GROTEBERG, Secretary