

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, January 9, 1989

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

The prayer was offered by Rev. Arland O. Fiske, Bethany Lutheran Church, Minot.

Father in Heaven, we thank You for Your mercies upon this good land of America, and especially for this state called North Dakota. During this year of centennial, we thank You for Your faithfulness to our fathers and mothers, both immigrants and Native Americans; for natural resources of soil and energy; for rainfall and sunshine; for educational opportunities to our children; for medical care to the sick; for assistance to the poor; for businesses which supply our needs; for wholesome employment and for laborers who toil to provide us with needed services.

Open our eyes to see Your powerful hand in all of our affairs and to feel Your presence when we are tempted to despair. Deliver us from fear and from panic in these times of crunching economy. Give us the vision of faith in Your providence so that we may build for the future even when resources seem inadequate.

We pray for our President, the President-elect, the Congress of the United States, for our Governor, for those who represent us at the state Capitol in House and Senate, and all who serve us in matters of state.

Send Your Holy Spirit upon this assembly; the spirit of wisdom and understanding, the spirit of counsel and might, the spirit of knowledge and the fear of the Lord, the spirit of joy in Your presence; through Jesus Christ, Your Son, our Lord. Amen.

The roll was called and all Senators were present, except Senators Moore and Mutch.

A quorum was declared by the President.

THE SENATE RECOGNIZED THE PRESENCE OF:

Gerada Fiske, wife of Pastor Fiske  
Anne Fiske, mother of Pastor Fiske

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)  
MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Third Day and finds it to be correct.

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

## MOTION

SEN. MAIXNER MOVED that SB 2128, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2150 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 79-80 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2150 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 2204 as recommended by the Committee on Agriculture as printed on page 80 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2204 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2065 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.

SB 2065 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2066 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.

SB 2066 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2148 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:

Page 2, line 4, after "employees" insert "subject to a minimum period of participation of twenty-four months. If the board of county commissioners of a participating county or the governing body of any participating city, school district, or any combination thereof, withdraws from participation in the uniform group insurance program, that entity may not subsequently renew participation for a period of at least twenty-four months from the date of withdrawal"

Renumber accordingly

SB 2148 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2186 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.

SB 2186 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2195 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 PASS.

SB 2195 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2199 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.

SB 2199 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2205 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.

SB 2205 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2214 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.

SB 2214 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. MAIXNER MOVED that the names of the Doctor of the Day for the entire session be printed in the Journal, which motion prevailed.

#### DOCTOR OF THE DAY SCHEDULE

January 9:	Paul B. Knudson, MD	- Family Practice	Bismarck
January 10:	Lewis L. Gilbert, MD	- FP Resident	Bismarck
January 11:	Michael L. Burns, MD	- FP Resident	Bismarck
January 12:	Michael L. Schlosser, MD	- FP Resident	Bismarck
January 13:	Kermit Leonard, MD	- Family Practice	Garrison

#### MOTION

SEN. MAIXNER MOVED that SB 2132 and SCR 4004 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact subsection 25 of section 39-01-01 of the North Dakota Century Code, relating to the definition of house car.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Moore; Mutch; Vosper

SB 2132 passed and the title was agreed to.

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## SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4004: A concurrent resolution directing the Legislative Council to study the state's game and fish laws and rules.

The question being on the final adoption of the resolution, which has been read and has committee recommendation of DO PASS.

SCR 4004 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3013.

## MOTION

SEN. STENEHJEM MOVED that SB 2157 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs, which motion prevailed.

## REQUEST

SEN. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2157. There being no objection, it was so ordered by the President.

## MOTIONS

SEN. MAIXNER MOVED that SB 2281 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

SEN. MAIXNER MOVED that SB 2281 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2281 was rereferred.

SEN. MAIXNER MOVED that the absent members 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, the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, and after the reading of

SB 2034, SB 2065, SB 2066, SB 2091, SB 2092, SB 2107, SB 2134, SB 2144, SB 2151, SB 2186, SB 2195, SB 2199, SB 2205, and SB 2214, the Senate stand adjourned until 1:00 p.m., Tuesday, January 10, 1989, which motion prevailed.

FIRST READING OF SENATE BILLS

Sen. D. Meyer and Rep. J. DeMers introduced:

SB 2284: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the authority of health professional licensing boards to establish agreements with peer assistance entities.

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

Sens. D. Meyer, Langley and Rep. Timm introduced:

SB 2285: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to senate confirmation of members of the North Dakota racing commission.

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

Sens. Yockim, Waldera, Maixner and Reps. Gerhardt, Schmidt introduced:

SB 2286: A BILL for an Act to create and enact a new chapter to title 6 of the North Dakota Century Code, relating to oil and gas development loans by the Bank of North Dakota.

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

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

PATRICIA CONRAD, Secretary