

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, January 10, 1989

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

The prayer was offered by Rev. Mark Bayert, Pastor, First Presbyterian Church, Bismarck.

Wise and just Governor of the universe, we are grateful that we live in a time and place in which we have a voice in determining our own affairs. Today, in the midst of debate on complicated issues, may our Senators not forget that they are representatives of the people and may they place the welfare of the people - all the people - above party loyalty, vested interest, or personal advancement. We pray that their decisions will fit into Your larger plan and purpose for creation so that future generations in this next century will find this state a good place to live, learn, work, and enjoy. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

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 Fourth Day and finds it to be correct.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2036 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2036 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2047 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 2047 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 2062 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 2062 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 2068 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 1, line 5, replace the second "and" with a comma

Page 1, line 6, after "54-52-06" insert ", and 54-52-06.1,"

Page 2, after line 16, insert:

"SECTION 3. AMENDMENT. Section 54-52-06.1 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52-06.1. Contribution by supreme and district court judges - Employer contribution. Each judge of the supreme or district court who is a member of the public employees retirement system ~~shall~~ must be assessed and required to pay monthly five percent of the judge's monthly salary. The assessment must be deducted and retained out of the judge's salary in equal monthly installments. ~~Effective July 1, 1985, the~~ The state shall contribute an amount equal to ~~fifteen fourteen~~ and fifty-two one-hundredths percent of the monthly salary of a supreme or district court judge who is a participating member of the system, which matching contribution ~~shall~~ must be paid from its funds appropriated for salary, or from any other funds available for such purposes. If the judge's contribution is paid by the state under subsection 3 of section 54-52-05, the state shall contribute, in addition, an amount equal to the required judge's contribution."

Page 3, line 16, after "39-03.1" insert "and one percent of the monthly salaries of all supreme or district court judges who are participating members of the public employees retirement system under chapter 54-52"

Page 4, line 24, remove "highway"

Page 4, line 25, remove "patrolmen's retirement system or the"

Page 5, line 3, after the underscored period insert "For a member of the highway patrolmen's retirement system receiving an early retirement benefit or the surviving spouse of that member, the allowable monthly credit must be reduced by three percent if the member terminates employment within one year prior to attaining the age of fifty-five and an additional reduction factor of six percent shall apply for each year the member terminates employment prior to attaining the age of fifty-four."

Renumber accordingly

SB 2068 was placed on the Sixth 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 2082 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 2082 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. STREIBEL MOVED that the rules be suspended and that SB 2082 be moved to the head of the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to optional meals reimbursement in lieu of a portion of compensation for members of the legislative assembly; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 2 NAYS, 0 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; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Maxson; Schoenwald

ABSENT AND NOT VOTING: None

SB 2082 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. STREIBEL MOVED that the vote by which SB 2082 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. STREIBEL MOVED that the rules be suspended and that SB 2082 be messaged to the House immediately, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Payne, R. Berg, Bernstein, Dorso, Gorman, Kelly, Kloubec, Scherber, Schneider, Soukup and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennefos introduced:

HCR 3013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning another NCAA Division II football championship.

Was read the first time.

MOTION

SEN. MATHERN MOVED that the rules be suspended, that HCR 3013 not be printed, not be referred to committee, but be read in its entirety, and printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Payne, R. Berg, Bernstein, Dorso, Gorman, Kelly, Kloubec, Scherber, Schneider, Soukup and Sens. Lashkowitz, Mathern, Nalewaja, Peterson, Tennesfos introduced:

HOUSE CONCURRENT RESOLUTION NO. 3013

A concurrent resolution congratulating the North Dakota State University Bison football team on winning another NCAA Division II football championship.

WHEREAS, the North Dakota State University Bison football team, coached by native North Dakotan Rocky Hager, completed an undefeated, untied 1988 season with 14 wins, capped by a victory over Portland State University in the NCAA Division II championship; and

WHEREAS, the Bison have been awarded national championships by acclamation in 1965, 1968, and 1969, and have won national championships in playoff competition in 1983, 1985, 1986, and 1988; and

WHEREAS, the Bison have established a record of 15 wins and 1 loss during their past 16 Division II playoff games, the Bison current winning streak of regular and postseason games is the longest current winning streak in NCAA Division II football, and the Bison have won more games in NCAA Division II postseason football play than any other team in history; and

WHEREAS, "Bison pride" and the "bring on the competition" attitude of the people associated with the Bison football program have produced the most successful program in NCAA Division II history, an accomplishment of which all North Dakotans can be justifiably proud;

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:

That the Fifty-first Legislative Assembly takes great pride and pleasure in extending to all members of the North Dakota State University Bison football team, head coach Rocky Hager and his staff, and North Dakota State University its heartiest congratulations for excellence in dedication and performance, resulting in another national championship; and

BE IT FURTHER RESOLVED, that copies of this resolution be forwarded by the Secretary of State to the administration of North Dakota State University, all members of the North Dakota State University Bison football team, and head coach Rocky Hager and his staff.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution congratulating the North Dakota State University Bison football team on winning another NCAA Division II football championship.

The question being on the final adoption of the resolution, which has been read.

HCR 3013 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that the rules be suspended and that HCR 3013 be messaged to the House immediately, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2081 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2081 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 2087 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 2087 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 2104 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 2104 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 2112 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 2112 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2131 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 2131 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 2147 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2147 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 2156 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 2156 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 2165 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 2165 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2166 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 2166 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 2181 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 2181 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2183 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 2183 was placed on the Eleventh 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 2196 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 2196 was placed on the Eleventh 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 2197 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2197 was placed on the Eleventh 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 2201 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 2201 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 2208 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 2208 was placed on the Eleventh 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 2217 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 2217 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2222 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 2222 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2224 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 2224 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2007 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. HILKEN MOVED that the amendments to SB 2128 as recommended by the Committee on Transportation as printed on page 79 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2148 as recommended by the Committee on Political Subdivisions as printed on page 86 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

FIRST READING OF SENATE BILLS

Sens. Richard and Reps. Wald, Whalen introduced:

SB 2287: A BILL for an Act to create and enact two new subsections to section 26.1-01-07 and a new chapter to title 26.1 of the North Dakota Century Code, relating to insurance premium finance companies.

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

Sens. Waldera, Lips, Tennefos and Reps. Wald, Goetz, Kelly introduced:

SB 2288: A BILL for an Act to create and enact a new section to chapter 40-13 of the North Dakota Century Code, relating to recall of elected officials of cities; and to amend and reenact subsection 4 of section 16.1-01-09 of the North Dakota Century Code, relating to recall petitions.

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

Sens. Waldera, Heinrich, Holmberg and Reps. R. Anderson, Rydell, J. DeMers introduced:

SB 2289: A BILL for an Act to amend and reenact section 14-07.2-06 of the North Dakota Century Code, relating to the confidentiality of sexual assault program records; and to provide a penalty.

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

Sens. Heinrich, Freborg, Nelson and Reps. Gates, Aarsvold introduced:

SB 2290: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing partial exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date and an expiration date.

Was read the first time and referred to the Committee on Finance and Taxation.

Sens. Mushik, Heigaard, Olson and Reps. Dalrymple, Kelly, Haugland introduced:

SB 2291: A BILL for an Act to create and enact a new section to chapter 50-06 and a new subdivision to subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the creation of a human services board and the power of the governor to appoint a majority of members of certain boards and commissions; to amend and reenact sections 50-06-01, 50-06-01.1, 50-06-01.3, 50-06-01.4, 50-06-05.1, 50-06-06.3, 50-06-06.4, 50-06-06.5, 50-06-14.1, 50-06-16, and 50-06-17 of the North Dakota Century Code, relating to the authority of the human services board and the structure of the department of human services; and to provide an effective date.

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

Sens. Nalewaja and Reps. R. Berg, Bernstein introduced:

SB 2292: A BILL for an Act to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to closing roads because of hazardous conditions.

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

Sens. Mathern and Rep. Scherber introduced:

SB 2293: A BILL for an Act to amend and reenact section 5-03-07 of the North Dakota Century Code, relating to the rate of wholesale tax on beer sales.

Was read the first time and referred to the Committee on Finance and Taxation.

Sens. Olson, W. Meyer and Rep. R. Larson introduced:

SB 2294: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for city or county festivals or celebrations to conduct raffles under the games of chance laws; and to declare an emergency.

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

Sens. Olson, J. Meyer and Rep. Rydell introduced:

SB 2295: A BILL for an Act to amend and reenact section 27-20-36 of the North Dakota Century Code, relating to limitations of time on orders of disposition for placement of minors in foster care under the Uniform Juvenile Court Act.

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

Sen. Olson introduced:

SB 2296: A BILL for an Act to create and enact a new section to chapter 32-19 of the North Dakota Century Code, relating to the disposition of personal property following completion of mortgage foreclosure actions.

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

Sen. Olson introduced:

SB 2297: A BILL for an Act to amend and reenact section 7-04-23 of the North Dakota Century Code, relating to retention of records by building and loan associations.

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

Sens. Stromme, Hanson, Tallackson and Rep. Aarsvold introduced:

SB 2298: A BILL for an Act to amend and reenact subsections 1 and 2 of section 27-20-49 of the North Dakota Century Code, relating to payment by the state of the costs of transportation necessary for court-ordered medical examinations and treatment of a child.

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

Sen. Lips introduced:

SB 2299: A BILL for an Act to create and enact a new section to chapter 26.1-05 of the North Dakota Century Code, relating to call options and financial futures contracts.

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

Sen. Holmberg and Rep. Jensen introduced:

SB 2300: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the disposal of alcoholic beverages on New Year's Eve; and to amend and reenact section 5-02-05 and subsection 37 of section 12.1-30-03 of the North Dakota Century Code, relating to the sale or consumption of alcoholic beverages on certain days and businesses authorized to operate on Sundays.

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

Sens. Olson, Maxson introduced:

SB 2301: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to waiver of homestead exemptions on platted property.

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

Sen. Ingstad and Rep. J. DeMers introduced:

SB 2302: A BILL for an Act to provide that the provisions of the federal Health Care Quality Improvement Act of 1986 are effective in this state; and to declare an emergency.

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

Sens. Nalewaja, Redlin and Rep. Bernstein introduced:

SB 2303: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

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

Sen. Mushik and Rep. Oban introduced:

SB 2304: A BILL for an Act to amend and reenact subsections 1 and 2 of section 57-15-56 of the North Dakota Century Code, relating to priorities for use of revenues from tax levies for programs and activities for senior citizens; and to provide an effective date.

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

Sens. Mushik, Waldera introduced:

SB 2305: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating the honey bee as the official state insect.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Olson, Todd, Yockim and Reps. Sorensen, Ulmer, Haugen introduced:

SCR 4009: A concurrent resolution directing the Legislative Council to study the competition that exists between city auditoriums and similar facilities at state-supported institutions to determine whether the best use is being made of public funds available for such facilities.

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

SECOND READING OF SENATE BILLS

SB 2150: A BILL for an Act to amend and reenact section 37-14-07 of the North Dakota Century Code, relating to repayment to be made to the veterans' aid fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2150 passed and the title was agreed to.

SB 2204: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving real estate loan fund.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 53 YEAS, 0 NAYS, 0 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2204 passed and the title was agreed to.

SB 2034: A BILL for an Act to amend and reenact section 54-40-01 of the North Dakota Century Code, relating to the joint issuance of bonds by counties or cities to finance equipment, roads, bridges, and road and bridge improvements.

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 52 YEAS, 0 NAYS, 1 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.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Nalewaja

SB 2034 passed and the title was agreed to.

SB 2091: A BILL for an Act to repeal sections 61-03-07 and 61-03-09 of the North Dakota Century Code, relating to the state engineer's duty to investigate coal-bearing lands and to investigate bridges and culverts.

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 53 YEAS, 0 NAYS, 0 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2091 passed and the title was agreed to.

SB 2092: A BILL for an Act to repeal chapter 61-19 of the North Dakota Century Code, relating to the construction of revetment works by the county commissioners.

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 53 YEAS, 0 NAYS, 0 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2092 passed and the title was agreed to.

SB 2107: A BILL for an Act to amend and reenact subsection 5 of section 61-28-02 of the North Dakota Century Code, relating to the definition

of person in control, prevention, and abatement of pollution of surface waters.

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 53 YEAS, 0 NAYS, 0 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.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2107 passed and the title was agreed to.

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 3014, HCR 3015, HCR 3016.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2082.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed unchanged: HCR 3013.

THE SENATE RECOGNIZED THE PRESENCE OF:

Dr. Tom Seymour, Minot State University, a guest of Sen. Schoenwald

MOTION

SEN. HEIGAARD 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, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, and after the reading of SB 2208, SB 2165, SB 2181, SB 2147, SB 2036, SB 2166, SB 2224, SB 2131, SB 2201, SB 2197, SB 2196, SB 2217, SB 2222, SB 2183, SB 2087, SB 2104, SB 2112, SB 2156, SB 2007, and SB 2068, the Senate stand adjourned until 1:00 p.m., Wednesday, January 11, 1989, which motion prevailed.

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

PATRICIA CONRAD, Secretary