

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, January 11, 1989

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

The prayer was offered by Sister Marie Hunkler, Chaplain, St. Vincent's Home, Bismarck.

Let us bow our heads and pray. God, loving and faithful, we call upon You to continue to open our hearts and our minds to Your way for us, to say "yes" to Your plan for us. Please guide each of us in the work that is ours to respond to this day. Help each of us to set aside our personal agendas and to do what needs to be done to help the state of North Dakota to best serve its people, to help enhance the quality of life for all. Thank You, God, for giving each of us the opportunity to serve You and to give You honor and glory by our lives and our service. We say all this in Your holy name. Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1081, HB 1114, HB 1115, HB 1138, HB 1150, HCR 3001, HCR 3002.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2132, SCR 4004.

CONSIDERATION OF AMENDMENTS

SEN. LODOEN MOVED that the amendments to SB 2068 as recommended by the Committee on State and Federal Government as printed on pages 93-94 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

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 Fifth Day and finds it to be correct.

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

MOTIONS

SEN. HEIGAARD MOVED that SB 2101 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2101 was rereferred.

SEN. HEIGAARD MOVED that SB 2103 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2103 was rereferred.

SEN. HEIGAARD MOVED that SB 2194 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2194 was rereferred.

SEN. HEIGAARD MOVED that SB 2203 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2203 was rereferred.

SEN. HEIGAARD MOVED that SB 2223 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2223 was rereferred.

SEN. HEIGAARD MOVED that SB 2256 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2256 was rereferred.

SEN. HEIGAARD MOVED that SB 2297 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2297 was rereferred.

SEN. HEIGAARD MOVED that SB 2153 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2153 was rereferred.

SEN. HEIGAARD MOVED that SB 2268 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2268 was rereferred.

SEN. HEIGAARD MOVED that SB 2285 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2285 was rereferred.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider and Sens. Heigaard, Olson introduced:

HCR 3014: A concurrent resolution designating January 11, 1989, as Legislative Fitness Day, and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that HCR 3014 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.

HOUSE CONCURRENT RESOLUTION NO. 3014

A concurrent resolution designating January 11, 1989, as Legislative Fitness Day, and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

WHEREAS, the health and future welfare of the citizens of this state are inextricably entwined; and

WHEREAS, March 4, 1985, and March 9, 1987, were legislative fitness days in recognition of the importance of physical fitness; and

WHEREAS, to heighten our awareness of the importance of physical fitness the North Dakota Alliance for Health, Physical Education, Recreation, and Dance has again volunteered to perform a variety of health care screening and assessment services for members of the Legislative Assembly and legislative employees; and

WHEREAS, a day of physical fitness recognized as such by the Legislative Assembly will serve to promote the public's awareness of the importance of good health care practices;

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

That January 11, 1989, is designated as Legislative Fitness Day; and

BE IT FURTHER RESOLVED, that all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health care practices.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3014: A concurrent resolution designating January 11, 1989, as Legislative Fitness Day, and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

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

HCR 3014 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that HCR 3014 be messaged to the House immediately, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider and Sens. Heigaard, Olson introduced:

HCR 3015: A concurrent resolution designating January 11, 1989, as Cholesterol Awareness Day.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that HCR 3015 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.

HOUSE CONCURRENT RESOLUTION NO. 3015

A concurrent resolution designating January 11, 1989, as Cholesterol Awareness Day.

WHEREAS, heart disease is one of the leading causes of death among residents of this state; and

WHEREAS, changes in lifestyle and diet may lessen the chances of the occurrence and severity of heart disease; and

WHEREAS, the North Dakota Heart Association, Medical Association, Nurses Association, Pharmacy Association, and Dietetic Association support the concept that cholesterol is a major contributor to heart disease;

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

That January 11, 1989, is designated as Cholesterol Awareness Day.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3015: A concurrent resolution designating January 11, 1989, as Cholesterol Awareness Day.

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

HCR 3015 was declared adopted on a voice vote.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended and that HCR 3015 be messaged to the House immediately, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Reps. Kloubec, Schneider, Kretschmar and Sens. Heigaard, Olson introduced:

HCR 3016: A concurrent resolution authorizing the Speaker of the House and the majority and minority House and Senate leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that HCR 3016 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

HOUSE CONCURRENT RESOLUTION NO. 3016

A concurrent resolution authorizing the Speaker of the House and the majority and minority House and Senate leaders, or their designees, to attend the presidential inauguration, excusing their absence, and authorizing expenditure of moneys from the legislative appropriation necessary to cover their expenses.

WHEREAS, the inauguration of George Bush as the President of the United States will be on January 20; and

WHEREAS, the presidential inauguration symbolizes democracy in action and freedom in the selection of our nation's leaders; and

WHEREAS, harmonious relationships between the three coequal branches of government on the state and federal levels are vital to the success of our democratic society; and

WHEREAS, important decisions that may greatly alter the future course of events in North Dakota will be made by the President and the executive branch in the next four years; and

WHEREAS, the spirit of goodwill and cooperation between the various branches of state and federal government can be demonstrated by legislative representation at the presidential inauguration during this important period in North Dakota history;

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

That the Speaker of the House and the majority and minority leaders of the House and the Senate, or their designees, are authorized to attend the presidential inauguration in Washington, D.C., on January 20; and

BE IT FURTHER RESOLVED, that the House and the Senate excuse the absence of those members attending the inauguration and authorize the expenditure of such sums as are reasonably necessary from the legislative appropriation to cover their expenses incurred as a result of such attendance.

MOTIONS

SEN. HEIGAARD MOVED that HCR 3016 be moved to the bottom of the calendar, which motion prevailed.

SEN. J. MEYER MOVED that SB 2288 be returned to the Senate floor from the Committee on Judiciary and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. J. Meyer's motion, SB 2288 was rereferred.

FIRST READING OF SENATE BILLS

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

SB 2306: A BILL for an Act to amend and reenact section 30.1-28-11 of the North Dakota Century Code, relating to the appointment of a guardian of an incapacitated person.

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

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

SB 2307: A BILL for an Act to amend and reenact subsection 1 of section 30.1-18-06 of the North Dakota Century Code, relating to the duties of personal representatives of decedents' estates.

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

Sen. Ingstad and Rep. Shaft introduced:

SB 2308: A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota Century Code, relating to the inadmissibility of evidence and information obtained during mediation.

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

Sens. Yockim, Waldera and Reps. Haugen, Goetz, Wald introduced:

SB 2309: A BILL for an Act to amend and reenact subsection 1 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal and oil and gas development trust fund.

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

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HCR 3014, HCR 3015.

SECOND READING OF SENATE BILLS

SB 2128: A BILL for an Act to amend and reenact section 39-19-04 of the North Dakota Century Code, relating to the international registration plan.

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 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; 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: Mushik

SB 2128 passed and the title was agreed to.

SB 2148: A BILL for an Act to amend and reenact subsection 3 of section 54-52.1-01 and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation by political subdivisions in the uniform group insurance program.

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 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; 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: Mushik

SB 2148 passed and the title was agreed to.

SB 2065: A BILL for an Act to amend and reenact section 48-08-04 of the North Dakota Century Code, relating to space used by the legislative assembly.

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; 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: Mushik

SB 2065 passed and the title was agreed to.

SB 2066: A BILL for an Act to amend and reenact section 23-12-10 of the North Dakota Century Code, relating to designation of smoking areas.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; 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: Heinrich

ABSENT AND NOT VOTING: Mushik

SB 2066 passed and the title was agreed to.

SB 2134: A BILL for an Act to amend and reenact subsection 1 of section 39-05-05 of the North Dakota Century Code, relating to contents of an application for certificate of title.

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; Mutch; Naaden; Nalewaja; Nelson; Nothing; 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: Mushik

SB 2134 passed and the title was agreed to.

SB 2144: A BILL for an Act to amend and reenact section 39-04-37 of the North Dakota Century Code, relating to violations of vehicle registration.

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; Mutch; Naaden; Nalewaja; Nelson; Nothing; 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: Mushik

SB 2144 passed and the title was agreed to.

SB 2151: A BILL for an Act to amend and reenact section 39-02-03 of the North Dakota Century Code, relating to the uniform fee schedule of the motor vehicle department.

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; Mutch; Naaden; Nalewaja; Nelson; Nothing;

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: Mushik

SB 2151 passed and the title was agreed to.

SB 2186: A BILL for an Act to amend and reenact sections 40-57.1-03, 40-57.1-04.1, and 40-57.1-05 of the North Dakota Century Code, relating to the approval of tax exemptions for new industries.

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; 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: Mushik

SB 2186 passed and the title was agreed to.

SB 2195: A BILL for an Act to create and enact a new section to chapter 15-21 of the North Dakota Century Code, relating to the superintendent of public instruction.

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; 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: Mushik

SB 2195 passed and the title was agreed to.

SB 2199: A BILL for an Act to amend and reenact section 10-27-06 of the North Dakota Century Code, relating to filing of application for a certificate of authority by a corporation.

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; 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: Mushik

SB 2199 passed and the title was agreed to.

SB 2205: A BILL for an Act to amend and reenact section 43-07-11 of the North Dakota Century Code, relating to bond requirements of contractors.

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; 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: Mushik

SB 2205 passed and the title was agreed to.

SB 2214: A BILL for an Act to create and enact two new sections to chapter 47-25 of the North Dakota Century Code, relating to assignment or cancellation of trade names; and to amend and reenact sections 47-25-02, 47-25-03, 47-25-04, and 47-25-05 of the North Dakota Century Code, relating to trade names.

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; 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: Mushik

SB 2214 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that the absent member 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, 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 2110, SB 2135, SB 2099, SB 2032, SB 2184, SB 2211, SB 2106, SB 2119, SB 2127, SB 2139, SB 2149, SB 2221, SB 2229, SB 2228, SB 2162, SB 2171, and SB 2100, the Senate stand adjourned until 1:00 p.m., Thursday, January 12, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2032 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 2032 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 2088 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:

Page 1, line 17, overstrike "The"
Page 1, overstrike lines 18 and 19
ReNUMBER accordingly

SB 2088 was placed on the Sixth 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 2099 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 2099 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 2100 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 2100 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 2106 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 2106 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 2110 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 2110 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 2119 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 2119 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 2127 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 2127 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 2135 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 2135 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 2139 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 2139 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 2149 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 2149 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 2162 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 2162 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 2171 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 2171 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 2184 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO PASS. SB 2184 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 2211 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 2211 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 2221 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 2221 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 2228 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 2228 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 2229 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 2229 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sens. Mathern, Waldera and Reps. Scherber, Haugland, Oban introduced:

SB 2310: A BILL for an Act to provide uncompensated family leave to certain employees and protect employment and benefit rights and to allow employees to use certain other leave provided by employers to care for a child, spouse, or parent with a serious health condition.

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

Sen. Holmberg introduced:

SB 2311: A BILL for an Act to amend and reenact subsection 2 of section 15-28-03 of the North Dakota Century Code, relating to combined city and school district elections.

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

Sen. Lips introduced:

SB 2312: A BILL for an Act to repeal section 26.1-05-05 of the North Dakota Century Code, relating to the qualification of directors of domestic insurance companies and requiring one-third of the directors and a majority of the executive officers to be residents of this state.

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

Sens. Krauter, Kelsh and Reps. Payne, O'Shea, Marks introduced:

SB 2313: A BILL for an Act to amend and reenact subsections 1 and 2 of section 30.1-18-03, subdivision b of subsection 1 of section 30.1-19-03, subsection 1 of section 30.1-21-01, section 30.1-21-02, subdivision a of subsection 1 of section 30.1-21-03, and subsection 1 of section 30.1-21-06 of the North Dakota Century Code, relating to closing decedent's estates; and to provide a penalty.

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

Sens. Satrom, Dotzenrod, Nalewaja and Reps. Halmrast, Goetz, Jensen introduced:

SB 2314: A BILL for an Act to create and enact a new section to chapter 20.1-13 of the North Dakota Century Code, relating to personal flotation devices for children on boats.

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

Sens. Maxson, Olson introduced:

SB 2315: A BILL for an Act to amend and reenact subsection 1 of section 41-03-06 of the North Dakota Century Code, relating to the definition of a sum certain.

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

Sens. Redlin, Wogsland, Nalewaja and Reps. Rydell, Scherber introduced:

SB 2316: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the required use of safety belts in certain motor vehicles; and to provide a penalty.

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

Sen. W. Meyer introduced:

SB 2317: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to bank investment in federal agricultural mortgage corporation stock.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Holmberg introduced:

SCR 4010: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the missions and closure of the institutions of higher education.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

Sens. Yockim, Hanson and Reps. Gerhardt, Haugen introduced:

SCR 4011: A concurrent resolution proclaiming each Miss North Dakota to be the official hostess of the state of North Dakota during her reign as Miss North Dakota.

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

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

PATRICIA CONRAD, Secretary