

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, January 17, 1989

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

The prayer was offered by Rev. Doug Roberts, United Church of Christ, Bismarck.

Gracious God, sustain those gathered here under the burden of their responsibilities. Constantly renew them in strength of body and spirit. Enable them in the press of so many concerns to make wise choices. Give them the ability to see the greater implication of their decisions and the courage to stand for that which is right and just.

May You Almighty God go forth with them in strength and wisdom as they serve You and Your people this day. Amen.

The roll was called and all Senators were present, except Senators Freborg, Keller, Nething, and Olson.

A quorum was declared by the President.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled resolutions: HCR 3014, HCR 3015, HCR 3016.

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

MR. SPEAKER: The President has signed: 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 2032, SB 2087, SB 2088, SB 2100, SB 2104, SB 2106, SB 2110, SB 2112, SB 2119, SB 2127, SB 2131, SB 2135, SB 2147, SB 2149, SB 2156, SB 2162, SB 2165, SB 2166, SB 2171, SB 2181, SB 2183, SB 2184, SB 2196, SB 2197, SB 2201, SB 2208, SB 2211.

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 1051, HB 1064, HB 1082, HB 1109, HB 1118, HB 1137, HB 1146, HB 1147, HB 1226.

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 Ninth Day and finds it to be correct.

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

MOTIONS

SEN. MAIXNER MOVED that SB 2113, SB 2117, and SB 2239, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. MAIXNER MOVED that SB 2036, which is on the Eleventh order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2036 was rereferred.

SEN. MAIXNER MOVED that SB 2116, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

SEN. MAIXNER MOVED that SB 2272, SB 2284, SB 2262 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2272, SB 2284, SB 2262 were rereferred.

SEN. MAIXNER MOVED that SB 2335 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs and be rereferred to the Committee on Transportation, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2335 was rereferred.

SEN. MAIXNER MOVED that SB 2289, SB 2391, SB 2382, and SB 2355 be returned to the Senate floor from the Committee on Human Services and Veterans Affairs and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2289, SB 2391, SB 2382, and SB 2355 were rereferred.

SEN. MAIXNER MOVED that SB 2428 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2428 was rereferred.

SEN. MAIXNER MOVED that SB 2363 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. Maixner's motion, SB 2363 was rereferred.

SEN. MAIXNER MOVED that SB 2447 and SB 2376 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. Maixner's motion, SB 2447 and SB 2376 were rereferred.

SEN. MAIXNER MOVED that SB 2439 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. Maixner's motion, SB 2439 was rereferred.

SEN. MAIXNER MOVED that SB 2450, SB 2390, SB 2387, SB 2339, SB 2317, SB 2303, SB 2299, and SB 2319 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2450, SB 2390, SB 2387, SB 2339, SB 2317, SB 2303, SB 2299, and SB 2319 were rereferred.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2039 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 2039 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 2123 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 10, overstrike "and"

Page 1, line 11, overstrike "each succeeding October first,"

Page 1, line 13, replace "The eventual goal for" with "On each October first after October 1, 1989,"

Page 1, line 14, replace "is" with "shall be"

Re-number accordingly

SB 2123 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 2145 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 7, line 16, remove "properly complete"

Page 7, line 17, remove the first "and"

Page 7, line 20, remove "properly made and"

Re-number accordingly

SB 2145 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2154 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 2154 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 2176 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 2, remove "and" and after "19-03.1-36.6" insert ", and 19-03.1-36.7"

Page 6, after line 28, insert:

"SECTION 8. Section 19-03.1-36.7 of the North Dakota Century Code is hereby created and enacted to read as follows:

19-03.1-36.7. Legal interest in property. A person alleging a legal interest in property to be forfeited must establish by a preponderance of the evidence that such legal interest existed at the time of seizure or taking of custody of the property. In the case of a claimed security interest in the property, the person claiming such interest must establish by a preponderance of the evidence that the security interest in the property to be forfeited existed or was of public record at the time of seizure or taking of custody of the property."

Renumber accordingly

SB 2176 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 2179 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.

SB 2179 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 2215 has had the same under consideration and recommends by a vote of 7 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 2, remove "and" and after "15-54-05" insert ", and 15-54-06"

Page 4, after line 7, insert:

"SECTION 6. AMENDMENT. Section 15-54-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-54-06. Studies, appraisals, and reports to governor. The state educational agency to the extent that funds are available for that purpose, and in cooperation with other appropriate agencies and organizations, may conduct studies of methods of improving and expanding ~~school lunch~~ school lunch child nutrition and food distribution programs and promoting nutritional education in the schools, may conduct appraisals of the nutritive benefits of ~~school lunch~~ school lunch child nutrition and food distribution programs, and may report its findings and recommendations from time to time, to the governor."

Renumber accordingly

SB 2215 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 2225 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 2225 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 2251 has had the same under consideration and recommends by a vote of 7 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 5, line 18, remove "special"

Page 5, line 19, replace "fuels" with "motor vehicle fuel"

Page 9, line 11, remove "motor"

Page 9, line 12, replace "vehicle fuel" with "special fuels"

Re-number accordingly

SB 2251 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2056 as recommended by the Committee on Judiciary as printed on page 165 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2056 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2061 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 165 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2061 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2146 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 166 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2146 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2174 as recommended by the Committee on Natural Resources as printed on page 166 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2174 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that SB 2210, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2212 as recommended by the Committee on Judiciary as printed on page 168 of the Senate Journal be

adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2212 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 2236 as recommended by the Committee on Judiciary as printed on page 167 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2236 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2042: A BILL for an Act to create and enact section 40-58-01.1 and a new section to chapter 40-58 of the North Dakota Century Code, relating to definitions concerning city development and renewal and the use of tax increment financing by cities for the development of certain industrial or commercial property; to amend and reenact sections 40-58-02, 40-58-03, 40-58-04, 40-58-05, 40-58-06, 40-58-07, 40-58-08, 40-58-09, 40-58-10, 40-58-12, 40-58-13, 40-58-15, 40-58-16, 40-58-17, 40-58-18, and 40-58-20 of the North Dakota Century Code, relating to city development and renewal; and to repeal sections 40-58-01 and 40-58-19 of the North Dakota Century Code, relating to the short title and definitions under the urban renewal law.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nothing

SB 2042 passed and the title was agreed to.

SB 2069: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds issued by public bodies of the state prior to July 1, 1989.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nothing

SB 2069 passed and the title was agreed to.

MOTION

SEN. MOORE MOVED that SB 2076 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2076: A BILL for an Act to enter into the southwestern low-level radioactive waste disposal compact.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Maixner; Nothing

SB 2076 passed and the title was agreed to.

SB 2075: A BILL for an Act to repeal chapter 23-20.4 of the North Dakota Century Code and chapter 297 of the 1985 Session Laws, relating to the Rocky Mountain and Dakota interstate low-level radioactive waste management compacts.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nething; Vosper

SB 2075 passed and the title was agreed to.

SB 2099: A BILL for an Act to amend and reenact section 43-25-12 of the North Dakota Century Code, relating to powers of the board of massage therapists to revoke, suspend, or annul certificates.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nething

SB 2099 passed and the title was agreed to.

SB 2126: A BILL for an Act to create and enact a new section to chapter 39-02 of the North Dakota Century Code, relating to cancellation of vehicle dealer bonds.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nething

SB 2126 passed and the title was agreed to.

SB 2138: A BILL for an Act to amend and reenact subsection 1 of section 39-05-20 of the North Dakota Century Code, relating to obtaining certificate of title upon inability to obtain an assigned certificate of title for a vehicle.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Keller; Nothing

SB 2138 passed and the title was agreed to.

SB 2161: A BILL for an Act to amend and reenact subsection 2 of section 10-06-08 of the North Dakota Century Code, relating to the address and agent of a North Dakota farm corporation as reported on the annual report.

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, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Nothing

SB 2161 passed and the title was agreed to.

SB 2167: A BILL for an Act to amend and reenact subsection 9 of section 61-28-04 and subsection 2 of section 61-28-06 of the North Dakota

Century Code, relating to submission of information concerning disposal systems to the state water commission and permits for disposal systems.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Meyer, J.; Nothing

SB 2167 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4006: A concurrent resolution directing the Legislative Council to study issues and the feasibility of various options relating to the provision of adequate and affordable health insurance coverage for retired members of the Teachers' Fund for Retirement and the judges' retirement program, and for other retired state employees and officials not participating in the Public Employees Retirement System or the Highway Patrolmen's Retirement System.

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

SCR 4006 was declared adopted on a voice vote.

SCR 4007: A concurrent resolution urging the Secretary of the Navy to name an appropriate United States naval vessel in honor of General Clifton B. Cates.

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

SCR 4007 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2011: A BILL for an Act making an appropriation for defraying the expenses of the securities commissioner of the state of North Dakota.

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, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Nothing

SB 2011 passed and the title was agreed to.

SB 2017: A BILL for an Act making an appropriation for defraying the expenses of the motor vehicle department of the state of North Dakota.

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, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Nothing

SB 2017 passed and the title was agreed to.

SB 2033: A BILL for an Act to amend and reenact section 52-02-07 of the North Dakota Century Code, relating to the appointment and composition of the state and local advisory councils of job service.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Lips; Mushik; O'Connell; Redlin; Satrom; Shea; Thane; Yockim

NAYS: David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley;

Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Richard; Robinson; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Waldera; Wogsland

ABSENT AND NOT VOTING: Freborg; Nething

SB 2033 was declared lost.

SB 2035: A BILL for an Act to amend and reenact sections 6-09.7-01, 19-01-07, 20.1-06-05, 37-01-38, 54-38-09, and 54-44-04.4 of the North Dakota Century Code, relating to continuing appropriations of the fuel production facility loan program of the Bank of North Dakota, the department of health and consolidated laboratories contract servicers fund, moneys obtained from removing undesirable fish, the national guard operating fund, and revenues of the alcohol and drug abuse program of the department of human services, and to payment of unemployment compensation claims; and to repeal sections 6-07-46 and 54-44-04.3 of the North Dakota Century Code, relating to continuing appropriations of unclaimed dividends and other money delivered to the department of banking and financial institutions and unemployment compensation assessments of the office of management and budget.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Meyer, D.; Nething

SB 2035 passed and the title was agreed to.

SB 2040: A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to the powers and duties of the board of higher education with respect to relationships between institutions of higher education and private business and industry.

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; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Freborg; Meyer, D.; Nething

SB 2040 passed and the title was agreed to.

SB 2097: A BILL for an Act to create and enact a new section to chapter 43-18 and a new subsection to section 43-18-18 of the North Dakota Century Code, relating to continuing education requirements for persons licensed by the state plumbing board; and to amend and reenact subsection 4 of section 43-18-01, sections 43-18-11.1, 43-18-12, subsection 3 of section 43-18-21, subsections 2 and 4 of section 43-18.2-01, and sections 43-18.2-03 and 43-18.2-09 of the North Dakota Century Code, relating to plumbing, household appliances, examination notice, grounds for revocation of license, apprenticeship credits, continuing education, and sewer and water contractor's and installer's licenses.

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 35 YEAS, 15 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Todd; Wogsland; Yockim

NAYS: David; Dotzenrod; Ingstad; Krebsbach; Lodoen; Moore; Mutch; Naaden; Nelson; O'Connell; Peterson; Streibel; Tennefos; Thane; Vosper

ABSENT AND NOT VOTING: Freborg; Nething; Waldera

SB 2097 passed and the title was agreed to.

MOTIONS

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, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SB 2154, SB 2179, SB 2039, and

SB 2225, the Senate stand adjourned until 1:00 p.m., Wednesday, January 18, 1989, which motion prevailed.

FIRST READING OF SENATE BILLS

Sens. Krauter, O'Connell and Reps. Brokaw, Urlacher, Kingsbury introduced:

SB 2434: A BILL for an Act to amend and reenact section 30.1-18-21 of the North Dakota Century Code, relating to attorneys' fees payable from a decedent's estate.

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

Sen. W. Meyer introduced:

SB 2455: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to allocation of revenue in the foundation aid reserve fund; to amend and reenact sections 53-06.1-10, 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, relating to the maximum wager in twenty-one, the games of chance tax, and allocation of games of chance tax revenues to the foundation aid reserve fund; and to provide a continuing appropriation.

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

Sen. Thane and Rep. Stenehjem introduced:

SB 2456: A BILL for an Act to provide a surcharge on fines, penalties, and forfeitures for alcohol- and drug-related offenses and to create a chemical abuse awareness and prevention program within the office of attorney general; and to provide a continuing appropriation.

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

Sen. Hanson introduced:

SB 2457: A BILL for an Act to amend and reenact section 47-26-04, subsections 7 and 18 of section 58-03-07, sections 58-04-05, 58-09-02, 58-13-04, and 58-13-05 of the North Dakota Century Code, relating to fence viewer fees, penalties for violations of township rules, township association membership fees, salary of township officials, mileage expenses of township assessors, and impounding animals; and to repeal subsection 19 of section 58-06-01 and section 58-13-02 of the North Dakota Century Code, relating to township budgets for 1988 and 1989 and fees of poundmasters.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Yockim, Thane, Kelsh, Hanson, Redlin introduced:

SCR 4022: A concurrent resolution to create and enact two new sections to article X of the Constitution of North Dakota, relating to deposit of certain oil and gas gross production tax revenues in the common schools trust fund and in a constitutional trust fund with interest income of the constitutional trust fund to be available for appropriations for economic development projects and higher education capital construction costs; to provide an effective date; and to provide an expiration date.

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

FIRST READING OF HOUSE BILLS

HB 1051: A BILL for an Act to amend and reenact section 28-23-04 of the North Dakota Century Code, relating to the notice of sale in mortgage foreclosure actions.

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

HB 1064: A BILL for an Act to amend and reenact subsection 3 of section 26.1-29-09.1 of the North Dakota Century Code, relating to an insurable interest in personal insurance.

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

HB 1082: A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-37 of the North Dakota Century Code, relating to small operator exemption.

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

HB 1109: A BILL for an Act to amend and reenact section 4-02.1-18 of the North Dakota Century Code, relating to audits of the state fair association.

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

HB 1118: A BILL for an Act to amend and reenact section 52-09-09 and subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to rates of contributions and primary insurance benefits under the old-age and survivor insurance system.

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

HB 1137: A BILL for an Act to amend and reenact subdivision d of subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to the jurisdiction and authority of the industrial commission.

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

HB 1146: A BILL for an Act to amend and reenact section 6-09.10-06 of the North Dakota Century Code, relating to the interest subsidy revolving loan fund maintained at the Bank of North Dakota.

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

HB 1147: A BILL for an Act to amend and reenact section 35-29-05 of the North Dakota Century Code, relating to filing fees for federal tax liens.

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

HB 1226: A BILL for an Act to designate July 3, 1989, as a public holiday in recognition of the North Dakota centennial.

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

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

PATRICIA CONRAD, Secretary