

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

* * * * *

Bismarck, January 18, 1989

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

The prayer was offered by Father Tippet, St. George Episcopal Church, Bismarck.

Most gracious God, we humbly beseech Thee, as the Senate of North Dakota, assembled for the people of this state; that Thou wouldst be pleased to direct and prosper all their consultations, to the advancement of Thy glory, the good of Thy world, the safety, honor, and welfare of Thy people; that all things may be so ordered and settled by their endeavours, upon the best and surest foundations, that peace and happiness, truth and justice, religion and piety, may be established among us for all generations. These and all other necessities, for them, for us, and Thy whole church, we humbly beg in the name and mediation of Jesus Christ, our most blessed Lord and Savior. Amen.

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

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 1028, HB 1050, HB 1078, HB 1088, HB 1111, HB 1121, HB 1134, HB 1162, HB 1176, HB 1182, HB 1190, HB 1204.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2046, SB 2079, SB 2115, SB 2118, SB 2120, SB 2121, SB 2136, SB 2140, SB 2142, SB 2143, SB 2152, SB 2164, SB 2170, SB 2217, SB 2221, SB 2222, SB 2224, SB 2228, SB 2229, SB 2257.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Ninth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 179, line 16, replace "Rep. Hokana" with "Reps. Hokana, V. Thompson"

Page 180, line 10, replace "Rep. Trautman" with "Reps. Trautman, V. Thompson"

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

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 Tenth Day and finds it to be correct.

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

MOTIONS

SEN. HEIGAARD MOVED that SB 2123, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

SEN. MAXSON MOVED that SB 2352 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

REQUEST

SEN. MAXSON REQUESTED the unanimous consent of the Senate to withdraw SB 2352. There being no objection, it was so ordered by the President.

MOTIONS

SEN. D. MEYER MOVED that SB 2336 and SB 2343 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2336 and SB 2343 were rereferred.

SEN. D. MEYER MOVED that SB 2386 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Natural Resources, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2386 was rereferred.

SEN. D. MEYER MOVED that SB 2453 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2453 was rereferred.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2145 as recommended by the Committee on Industry, Business and Labor as printed on page 189 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2145 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 2176 as recommended by the Committee on Judiciary as printed on pages 189-190 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2176 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 2210 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 2210 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2215 as recommended by the Committee on Education as printed on page 190 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2215 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. SATROM MOVED that the amendments to SB 2251 as recommended by the Committee on Finance and Taxation as printed on pages 190-191 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

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

SCR 4023: A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that SCR 4023 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.

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

SENATE CONCURRENT RESOLUTION NO. 4023

A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

WHEREAS, the United States Military Academy, located at West Point, New York, educates and trains cadets for a lifetime of service as officers of the United States Army; and

WHEREAS, the academic program of the United States Military Academy provides cadets with a broad foundation in the humanities, the social sciences, the natural and engineering sciences, and the military sciences; and

WHEREAS, the West Point Glee Club will be in Bismarck March 3-7, 1989, as part of the North Dakota Centennial celebration; and

WHEREAS, the Legislative Assembly welcomes a performance by the West Point Glee Club on Monday, March 6, 1989, in Memorial Hall of the State Capitol;

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

That Monday, March 6, 1989, is designated as United States Military Academy Day; and

BE IT FURTHER RESOLVED, that the West Point Glee Club is invited to perform in Memorial Hall on Monday, March 6, 1989; and

BE IT FURTHER RESOLVED, that the music director or cadet in charge be invited to address each house of the Legislative Assembly on Monday, March 6, 1989.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution designating March 6, 1989, as United States Military Academy Day and inviting the West Point Glee Club to perform in Memorial Hall of the State Capitol.

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

SCR 4023 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4023.

FIRST READING OF SENATE BILLS

Sen. Satrom introduced:

SB 2458: A BILL for an Act to amend and reenact sections 57-39.2-02.1, 57-39.2-03.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to sales, use, motor vehicle excise, and aircraft excise tax rates; and to provide an effective date.

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

Sens. Mathern, Robinson and Rep. Wentz introduced:

SB 2459: A BILL for an Act to create and enact a new section to chapter 14-15 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Revised Uniform Adoption Act; and to amend and reenact sections 14-17-18 and 27-20-45 of the North Dakota Century Code, relating to the right to counsel in termination proceedings under the Uniform Parentage Act and the Uniform Juvenile Court Act.

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

Sens. Heigaard, Wogsland introduced:

SB 2460: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15, a new section to chapter 6-09, and a new section to chapter 15-10 of the North Dakota Century Code, relating to loans by the Bank of North Dakota to students for increased tuition at the institutions of higher education.

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

Sens. Satrom, Lips, Lodoen and Rep. Wentz introduced:

SB 2461: A BILL for an Act to amend and reenact subsection 14 of section 54-52-01 and section 54-52-03 of the North Dakota Century Code, relating to the membership of the public employees retirement board.

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

SECOND READING OF SENATE BILLS

SB 2056: A BILL for an Act to amend and reenact sections 4-10-19, 6-09.11-04, subsection 3 of section 10-19.1-116, subsection 2 of

section 11-10-10, sections 11-13-18, 12.1-12-02, 12.1-12-09, subsection 1 of section 13-03.1-15, subsection 3 of section 14-09-09.10, sections 16.1-15-06, 19-18-04, 20.1-01-07, 21-10-06, 23-01-09, subsection 2 of section 23-07-01.1, section 23-07.1-03, subsection 2 of section 23-13-02.3, section 24-01-22.1, subsection 1 of section 25-03.1-26, sections 25-04-06, 25-04-07, 25-04-08.1, 25-04-11.1, 25-04-14, subsection 2 of section 25-04-15, subsection 3 of section 25-04-16, section 26.1-09-09, subsection 4 of section 26.1-25-02, sections 26.1-30.1-01, 26.1-36-01, subdivisions i and j of subsection 2 of section 26.1-36-04, sections 26.1-39-10, 26.1-41-08, subsection 1 of section 26.1-41-13, subsection 1 of section 28-01-44, section 30.1-12-05, subsection 4 of section 34-13-01, sections 36-01-21, 37-17.1-16, subsection 3 of section 38-14.1-14, subsection 4 of section 38-14.1-40, sections 39-03.1-26, 39-04-10.2, subsection 7 of section 39-06.1-06, section 39-07-07.1, subsection 5 of section 39-16.1-11, sections 40-23.1-13, 40-40-15, subsection 5 of section 43-07-01, sections 43-07-04, 43-07-11, 43-32-10, 50-06-01.3, 50-06.3-05, 51-04-01, 52-01-02, subsection 3 of section 52-06-01, section 52-06-27, subsection 2 of section 54-27-20.2, section 54-27-20.3, subdivision e of subsection 4 of section 54-52-17, subsection 4 of section 54-52.1-01, subsection 6 of section 55-10-08, subsection 10 of section 57-38-01, sections 59-01-03, 61-01-01, 61-01-26, 61-03-20, subdivision e of subsection 2 of section 61-04.1-16, sections 61-16.1-06, 61-16.1-20, 61-31-09, 65-01-01, subsections 9 and 13 of section 65-01-02, sections 65-01-05, 65-01-11, 65-02-01, 65-04-02, 65-04-04.1, subsection 1 of section 65-04-27.1, sections 65-04-29, 65-05-09.1, 65-05.1-01, subsection 1 of section 65-05.1-03, sections 65-05.1-07, 65-05.2-01, 65-05.2-04, subsection 3 of section 65-06.2-02, sections 65-06.2-03, 65-08-02, 65-08-03, and 65-08-04 of the North Dakota Century Code, relating to improper, inaccurate, redundant, missing, or obsolete references.

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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsch; 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 2056 passed and the title was agreed to.

SB 2061: A BILL for an Act to amend and reenact sections 50-25.1-09.1 and 50-25.1-13 of the North Dakota Century Code, relating to employer retaliation against employees in cases of child abuse or neglect and falsified reports of child abuse or neglect.

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 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 2061 passed and the title was agreed to.

SB 2113: A BILL for an Act to amend and reenact subdivisions i, j, l, and o of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to exemptions from vehicle registration fees for military personnel, disabled American veterans, well drillers, and former prisoners of war.

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 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 2113 passed and the title was agreed to.

SB 2117: A BILL for an Act to amend and reenact section 52-01-03 of the North Dakota Century Code, relating to disclosure of information obtained pursuant to the administration of the unemployment compensation 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 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 2117 passed and the title was agreed to.

SB 2146: A BILL for an Act to amend and reenact subsection 3 of section 50-25.1-02, subsection 1 of section 50-25.1-03, sections 50-25.1-03.1, 50-25.1-04, 50-25.1-05, 50-25.1-05.3, subsection 9 of section 50-25.1-11, and section 50-25.1-13 of the North Dakota Century Code, relating to child abuse and neglect; and to provide a penalty.

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 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 2146 passed and the title was agreed to.

SB 2174: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to the authority of the state engineer to levy civil penalties for unauthorized construction of works or appropriation of water; and to amend and reenact sections 61-01-23, 61-02-41, and 61-03-21.2 of the North Dakota Century Code, relating to access to rivers and streams for removal of obstructions and authority of the state engineer to survey water appropriations and regulate unauthorized or unsafe structures.

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 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; Nething

SB 2174 passed and the title was agreed to.

SB 2212: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to establishing a department of corrections and rehabilitation within the office of the director of institutions; to amend and reenact sections 12-46-03, 12-46-04, 12-46-06, 12-46-09, 12-46-10, 12-46-10.1, 12-46-17, 12-46-18, 12-47-06, 12-47-08, 12-47-11, 12-47-12, 12-47-13, 12-47-15, 12-47-18, 12-47-32, 12-47-34, 12-48-02, 12-48-03, 12-48-03.1, 12-48-03.2, 12-48-06.1, 12-48-07, 12-48-14, 12-48-15, 12-48-22, 12-48.1-01, 12-48.1-02, 12-51-02, 12-51-04, 12-51-05, 12-51-06, 12-51-09, 12-52-01, 12-52-02, 12-52-03, 12-52-04, 12-52-05, 12-52-07, 12-55-07, 54-23-01, 54-23-02, 54-23-22, and 54-23-26 of the North Dakota Century Code, relating to giving authority for the state's corrections agencies to the director of the department of corrections and rehabilitation; and to repeal sections 12-47-33, 12-48-04, 12-48-05, 12-55-06, 54-21-13, 54-23-19, 54-23-20, 54-23-23, 54-23-27, and 54-23-28 of the North Dakota Century Code, relating to parole and probation and to the authority and various requirements of the director of institutions.

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 50 YEAS, 1 NAY, 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; 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: Mathern

ABSENT AND NOT VOTING: Freborg; Nething

SB 2212 passed and the title was agreed to.

SB 2236: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to the imposition of a tax upon

marijuana and other controlled substances; and to provide civil and criminal penalties.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 35 YEAS, 16 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Ingstad; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Olson; Richard; Robinson; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Ewen; Hanson; Hilken; Holmberg; Keller; Kinnoin; Krebsbach; Lodoen; Maxson; Meyer, D.; Peterson; Redlin; Schoenwald; Stenehjem

ABSENT AND NOT VOTING: Freborg; Nothing

SB 2236 passed and the title was agreed to.

SB 2239: A BILL for an Act to amend and reenact subsection 1 of section 36-04-07, sections 36-05-03 and 36-09-13 of the North Dakota Century Code, relating to livestock dealers', auctions', and brand recording fees.

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 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 2239 passed and the title was agreed to.

SB 2103: A BILL for an Act to create and enact chapter 41-02.1 of the North Dakota Century Code, relating to the Uniform Commercial Code, Article 2A-Leases; and to amend and reenact subsection 2 of section 41-01-05, subsection 37 of section 41-01-11, and sections 41-09-13 and 47-15-01 of the North Dakota Century Code, relating to leases of goods and the hiring of personal property.

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 1 YEA, 50 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Holmberg

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; 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

ABSENT AND NOT VOTING: Freborg; Nething

SB 2103 was declared lost.

SB 2129: A BILL for an Act to amend and reenact section 26.1-01-07 and subsection 1 of section 26.1-01-07.1 of the North Dakota Century Code, relating to fees charged by the commissioner of insurance.

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 46 YEAS, 4 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; 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; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Mutch; Naaden; Todd

ABSENT AND NOT VOTING: Freborg; Nething; Richard

SB 2129 passed and the title was agreed to.

SB 2189: A BILL for an Act to amend and reenact section 43-17.1-08 of the North Dakota Century Code, relating to disclosure of records of the commission on medical competency.

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; Nething

SB 2189 passed and the title was agreed to.

SB 2267: A BILL for an Act to amend and reenact section 16.1-03-12 of the North Dakota Century Code, relating to election of delegates to state party conventions.

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; Nething

SB 2267 passed and the title was agreed to.

SB 2269: A BILL for an Act to amend and reenact section 44-03-04 of the North Dakota Century Code, relating to residency requirements of deputy clerks of district courts.

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, 1 NAY, 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; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Stromme

ABSENT AND NOT VOTING: Freborg; Nething

SB 2269 passed and the title was agreed to.

SB 2039: A BILL for an Act to amend and reenact sections 15-59.3-01, 15-59.3-02, 15-59.3-03, 15-59.3-04, 15-59.3-05, 15-59.3-06, 15-59.3-07, 15-59.3-08, and 15-59.3-10 of the North Dakota Century Code, relating to boarding home care for special education students.

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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Freborg; Nething

SB 2039 passed and the title was agreed to.

MOTIONS

SEN. HILKEN MOVED that SB 2417 be returned to the Senate floor from the Committee on Transportation and be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Hilken's motion, SB 2417 was rereferred.

SEN. HEIGAARD MOVED that the absent members 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, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SB 2250, SB 2178, SB 2043, SB 2044, SB 2271, SB 2175, SB 2234, SB 2209, and SB 2038, the Senate stand adjourned until 1:00 p.m., Thursday, January 19, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2038 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2038 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 2043 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 2043 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 2044 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 NOT PASS.

SB 2044 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 2155 has had the same under consideration and recommends by a vote of 6 YEAS, 2 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 20, replace "restrict any statutory right of a teacher with respect to" with "prevent a teacher with respect to that teacher's file or that teacher's direct supervisor, principal, superintendent, or school board from having access to a teacher's file"

Page 1, line 21, remove "access to a record or file relating to that teacher"

Renumber accordingly

SB 2155 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 2175 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 2175 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 2178 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 2178 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 2209 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 2209 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 2234 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2234 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred SB 2240 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 1, line 12, after the period insert "The complimentary licenses may not be issued for hunting seasons that have a limited number of licenses available."

Page 1, line 16, after the period insert "The commissioner shall identify the recipients of the complimentary licenses in an annual report."

Renumber accordingly

SB 2240 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 2250 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 2250 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 2258 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 9, after "the" insert "office of the commissioner of the"

Renumber accordingly

SB 2258 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 2271 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 2271 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILL

Sens. Heigaard, Lips, Satrom and Reps. Wald, Myrdal introduced:

SB 2462: A BILL for an Act to amend and reenact section 39-24-05 of the North Dakota Century Code, relating to the disposition of snowmobile

registration and trail tax fees, and providing for an annual transfer of general fund moneys to the snowmobile fund.
Was read the first time and referred to the Committee on Finance and Taxation.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

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

SCR 4024: A concurrent resolution expressing opposition to federal acid rain legislation or amendments to the Clean Air Act that unnecessarily and unfairly burden consumers and businesses in clean, low-emission states such as North Dakota.

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

Sens. Holmberg, Heigaard, Mushik and Reps. Kelly, Kretschmar introduced:

SCR 4025: A concurrent resolution directing the Legislative Council to study the state of the law with respect to legislative apportionment.

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

FIRST READING OF HOUSE BILLS

HB 1028: A BILL for an Act to create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a separate and additional coal severance tax; and to provide an expiration date.

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

HB 1050: A BILL for an Act to amend and reenact sections 28-24-11, 32-19-06, and 32-19-19 of the North Dakota Century Code, relating to abandonment of real property subject to mortgage foreclosure actions.

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

HB 1078: A BILL for an Act to amend and reenact section 28-01-32 of the North Dakota Century Code, relating to the statute of limitations when a person is absent from the state.

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

HB 1088: A BILL for an Act to create and enact four new sections to chapter 23-09.1 of the North Dakota Century Code, relating to bed and breakfast facilities; and to amend and reenact section 23-09.1-01 of the North Dakota Century Code, relating to bed and breakfast facilities; and to provide a penalty.

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

HB 1111: A BILL for an Act to create and enact two new subsections to section 43-09-15 and a new section to chapter 43-09 of the North Dakota Century Code, relating to the licensing and education of electricians.

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

HB 1121: A BILL for an Act to amend and reenact sections 36-01-06, 36-01-08, 36-01-13, 36-01-14, 36-01-16, 36-01-17, 36-01-18, 36-01-22, 36-01-28, 36-01-29, 36-01-30, 36-07-01, 36-07-02, 36-07-03, 36-07-08, 36-07-09, 36-07-10, 36-07-11, 36-07-13, 36-14-04, 36-14-05, 36-14-06, 36-14-07, 36-14-10, 36-14-11, 36-14-12, 36-14-13, 36-14-20, 36-15-06, 36-15-14, and 36-15-22 of the North Dakota Century Code, relating to livestock sanitary board duties and authority, rendering plants, contagious and infectious diseases, and bovine tuberculosis and brucellosis; to repeal

sections 36-01-09, 36-01-21, 36-01-23, 36-01-24, 36-01-25, 36-01-26, 36-01-27, 36-15-13, 36-15-15, 36-15-16, 36-15-17, and 36-15-18 of the North Dakota Century Code, relating to livestock sanitary board duties and authority and to bovine tuberculosis and brucellosis; and to provide a penalty.

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

HB 1134: A BILL for an Act to create and enact a new section to chapter 23-07 of the North Dakota Century Code, relating to disclosure of disease control records.

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

HB 1162: A BILL for an Act to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to fees for permits on motor vehicles entering state park and recreation areas.

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

HB 1176: A BILL for an Act to amend and reenact section 39-16.1-04 of the North Dakota Century Code, relating to bankruptcy not relieving a judgment debtor for motor vehicle financial requirements.

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

HB 1182: A BILL for an Act to create and enact section 36-09-02.1 of the North Dakota Century Code, relating to standards for recording livestock brands or marks; to amend and reenact sections 36-09-02, 36-09-09, and 36-09-10 of the North Dakota Century Code, relating to applications for the exclusive use of brands or marks and the rerecording of previously recorded brands or marks; and to repeal section 36-09-05 of the North Dakota Century Code, relating to recording of similar brands.

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

HB 1190: A BILL for an Act to create and enact chapter 23-16.1 of the North Dakota Century Code, relating to appointment of receivers for licensed health care facilities.

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

HB 1204: A BILL for an Act to amend and reenact section 53-06.2-02, subsections 2 and 4 of section 53-06.2-03, subsection 2 of section 53-06.2-08, and sections 53-06.2-11 and 53-06.2-13 of the North Dakota Century Code, relating to the transfer of the North Dakota racing commission from the secretary of state's office to the attorney general's office, and the deletion of payment by the commission to the economic development commission.

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