

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, January 19, 1989

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

The prayer was offered by Rev. Duane Wacker, Medcenter One, Bismarck.

Lord of all governments, nations, peoples: You have entrusted us with responsibility for Your world. Help us to grow worthy of that trust. Forgive us where we have failed to seek and to follow Your leading and to be all that we can be. Forgive us when we are virtuous against others, and fail to see Your life in theirs. Help us not only to ask Your forgiveness, but to receive it, that we might be renewed in body and spirit, and set upon the path of creative life once again.

Thank You for the gift and promise of this day. Grant us grace to face the experiences and decisions of the day with a sense of justice, courage, and compassion, seeking Your counsel in all things, that we might judge wisely, and rightly understand our personal feelings and motivations, we well as the corporate issues which affect the people and the land of this state.

Remind us that You walk with us through our daily lives, both individual and collective; that in our strengths are also found our weaknesses; that it is You who give us power and not we ourselves; that You call us to a responsible use of that power; and that You favor no government nor nation, but judge all in turn.

Inspire our vision. Strengthen our courage. Hear our prayers and help us to hear them and to act upon them, and to be a blessing to the world in which You have placed us.

We dedicate all that we are and will do this day to You. Amen.

The roll was called and all Senators were present, except Senators Dotzenrod, Nething, Freborg, Richard, Tennefos, and Vosper.

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 1107, HB 1141, HB 1195, HB 1224, HB 1231.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2011, SB 2017, SB 2035, SB 2040, SB 2042, SB 2069, SB 2075, SB 2076, SB 2097, SB 2099, SB 2126, SB 2138, SB 2161, SB 2167, SCR 4006, SCR 4007.

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 Eleventh Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2155 as recommended by the Committee on Education as printed on page 215 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2155 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2240 as recommended by the Committee on Natural Resources as printed on page 216 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2240 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to SB 2258 as recommended by the Committee on State and Federal Government as printed on page 216 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

MOTIONS

SEN. HEIGAARD MOVED that SB 2225 and SB 2234, which are on the Eleventh order, be laid over two legislative days, which motion prevailed.

SEN. MAIXNER MOVED that SB 2385 be returned to the Senate floor from the Committee on Education and be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2385 was rereferred.

FIRST READING OF SENATE BILL

Sens. D. Meyer, Redlin and Reps. R. Anderson, K. Thompson introduced:

SB 2463: A BILL for an Act making an appropriation for defraying the expenses of noxious weed control on the Little Missouri River and state-owned Burlington project.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. O'Connell, Dotzenrod, Lodoen and Reps. Lindgren, Carlson, Haugen introduced:

SCR 4026: A concurrent resolution directing the Legislative Council to study the feasibility of appointing county states attorneys in counties of less than eight thousand in population and of an amendment to the Constitution of North Dakota allowing for such appointments.

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

SECOND READING OF SENATE BILLS

SB 2145: A BILL for an Act to create and enact three new subsections to section 52-04-12 of the North Dakota Century Code, relating to unemployment compensation contribution liens and certificates; and to amend and reenact subsection 2 of section 52-01-01, subsections 2 and 3 of section 52-04-05, subsection 4 of section 52-04-06.1, and sections

52-04-08 and 52-04-11 of the North Dakota Century Code, relating to definition of average annual payroll, determination of rates, incremental bonding of impact projects, and transfers of experience record for unemployment compensation purposes and to penalty and interest on unpaid unemployment compensation contributions.

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 42 YEAS, 5 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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.; Mushik; Naaden; Nalewaja; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Moore; Mutch; Nelson; Streibel; Todd

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2145 passed and the title was agreed to.

SB 2176: A BILL for an Act to create and enact sections 19-03.1-36.1, 19-03.1-36.2, 19-03.1-36.3, 19-03.1-36.4, 19-03.1-36.5, 19-03.1-36.6, and 19-03.1-36.7 of the North Dakota Century Code, relating to forfeiture procedures; to amend and reenact subsections 1, 5, and 6 of section 19-03.1-36 of the North Dakota Century Code, relating to forfeitures; and to declare an emergency.

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 46 YEAS, 0 NAYS, 7 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Meyer, W.; Nething; Richard; Tennefos; Vosper

SB 2176 passed, the title was agreed to, and the emergency clause carried.

SB 2210: A BILL for an Act to create and enact two new sections to chapter 27-21 of the North Dakota Century Code, relating to definitions and custodial powers for purposes of the division of juvenile services; to

amend and reenact sections 12-52-01, 27-21-01, 27-21-02, 27-21-03, 27-21-05, 27-21-06, 27-21-07, 27-21-08, and 27-21-09 of the North Dakota Century Code, relating to aftercare and other programs and the creation of a division of juvenile services in the department of corrections and rehabilitation; and to repeal sections 27-21-04 and 27-21-10 of the North Dakota Century Code, relating to an advisory board and cooperation with federal agencies and departments.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Taliackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2210 passed and the title was agreed to.

SB 2215: A BILL for an Act to amend and reenact sections 15-54-01, 15-54-02, 15-54-03, 15-54-04, 15-54-05, and 15-54-06 of the North Dakota Century Code, relating to the child nutrition and food distribution programs.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Taliackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2215 passed and the title was agreed to.

SB 2251: A BILL for an Act to create and enact two new sections to chapter 57-43.1 and a new section to chapter 57-43.2 of the North Dakota

Century Code, relating to determination of motor vehicle fuel tax if no return is made and a credit for motor fuel and special fuel taxes paid on worthless accounts; and to amend and reenact subsection 3 of section 57-43.1-01, sections 57-43.1-04, 57-43.1-06, 57-43.1-09, 57-43.1-10, 57-43.1-16, subsections 4 and 5 of section 57-43.2-01, subsection 1 of section 57-43.2-02, sections 57-43.2-11 and 57-43.2-15 of the North Dakota Century Code, relating to definition of "importer for use" as applied to motor vehicle fuel taxes, refund claims for motor vehicle fuel, refunds for tax paid on motor fuel when taken out of North Dakota, refunds for fuel used for heating purposes, invoices issued to purchasers of motor vehicle fuel, the witness requirements for motor fuel dealers' reports, definitions of "highway purposes" and "importer for use" as applied to special fuel taxes, the imposition of special fuel tax on fuel blended with recovered oil, and penalties for failure to pay special fuels tax.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2251 passed and the title was agreed to.

SB 2154: A BILL for an Act to amend and reenact sections 4-12.2-01, 4-12.2-03, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-10, 4-12.2-13, 4-12.2-14, 4-12.2-23, and subsection 3 of section 4-12.2-24 of the North Dakota Century Code, relating to licensing beekeepers and maintaining bees in this state.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2154 passed and the title was agreed to.

SB 2179: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to the establishment of a contingency reserve fund in the uniform group insurance program; and to amend and reenact section 54-52.1-04.2 of the North Dakota Century Code, relating to the bidding of administrative services only and third party administrator contracts; and to provide an appropriation.

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 45 YEAS, 2 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2179 passed and the title was agreed to.

SB 2038: A BILL for an Act to amend and reenact subsection 4 of section 15-34.1-03 and subsection 3 of section 15-59-01 of the North Dakota Century Code, relating to an exception from compulsory school attendance for handicapped 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2038 passed and the title was agreed to.

SB 2043: A BILL for an Act to amend and reenact subsection 9 of section 10-04-06 of the North Dakota Century Code, relating to the authority of the securities commissioner to adopt transactional exemptions from securities registration requirements.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2043 passed and the title was agreed to.

SB 2044: A BILL for an Act to create and enact a new subsection to section 10-04-06 of the North Dakota Century Code, relating to a limited offering transactional exemption from securities registration requirements.

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, 46 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Lashkowitz

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

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2044 was declared lost.

SB 2175: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to post-registration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact subsection 3 of section 10-04-11 of the North Dakota Century Code, relating to suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2175 passed and the title was agreed to.

SB 2178: A BILL for an Act to amend and reenact subsection 1 of section 51-19-04 and subsection 2 of section 51-19-17 of the North Dakota Century Code, relating to requirements of, and exemptions from, the franchise investment 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2178 passed and the title was agreed to.

SB 2209: A BILL for an Act to amend and reenact subsection 6 of section 10-04-10 and section 43-10.1-03 of the North Dakota Century Code, relating to registration fees for securities dealers and salesmen and filing fees for pre-need funeral services annual reports.

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 39 YEAS, 8 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Kinnoin; Lodoen; Mutch; Nelson; O'Connell; Streibel; Todd

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2209 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4023.

SECOND READING OF SENATE BILLS

SB 2250: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to the establishment of a pretax benefits program to be administered by the public employees retirement system board; and to provide an appropriation.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2250 passed and the title was agreed to.

SB 2271: A BILL for an Act to amend and reenact section 26.1-25-04.1 of the North Dakota Century Code, relating to premium reductions for accident prevention course completion.

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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Axtman; David; 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; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Freborg; Nething; Richard; Tennefos; Vosper

SB 2271 passed and the title was agreed to.

MOTIONS

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 2194, SB 2203, SB 2266, SB 2280, SB 2304, SB 2090, SB 2163, SB 2141, SB 2130, SB 2188, SB 2160, SB 2078, SB 2230, and SB 2265, the Senate stand adjourned until 12:30 p.m., Friday, January 20, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2030 has had the same under consideration and recommends by a vote of 5 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 4, line 7, overstrike "primary"

Page 7, line 27, after the first "state" insert "subject to agreement with the industrial commission"

Page 11, line 18, remove "primary"

Reumber accordingly

SB 2030 was placed on the Sixth 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 2084 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

Page 2, line 4, remove the overstrike over "~~No member of such board shall serve for more~~"

Page 2, line 5, remove the overstrike

Page 2, line 6, remove the overstrike over "~~before the same member may be reappointed.~~" and after the overstruck period insert "If, after adequate public notification of the open position on the board including one publication in the official city or county newspaper, no qualified new candidate has accepted nomination or volunteered to serve on the board, existing board members who have already served at least two terms may be reappointed to the board."

Page 3, line 1, remove the overstrike over "~~No member of the~~"

Page 3, remove the overstrike over lines 2 and 3

Page 3, line 4, remove the overstrike over "~~member may be reappointed.~~" and after the overstruck period insert "If, after adequate public notification of the open position on the board including one publication in the official city or county newspaper, no qualified new candidate has accepted nomination or volunteered to serve on the board, existing board members who have already served at least two terms may be reappointed to the board."

Reumber accordingly

SB 2084 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Robinson, Vice Chairman) to which was rereferred SB 2194 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2194 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 2202 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 3, line 17, after "to" insert "all" and remove "~~that has been~~"

Page 3, line 18, remove "~~for less than twenty-four months~~"

Page 4, line 12, replace "~~Information received by~~" with "Reports filed with" and replace "~~in administration of~~" with "under section 47-30.1-17 are not public records"

Page 4, remove line 13

Page 4, remove "section, a public record", after "and" insert "are", and after "inspection" insert "until twenty-four months after the date payment or delivery is made under section 47-30.1-19"

ReNUMBER accordingly

SB 2202 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Robinson, Vice Chairman) to which was rereferred SB 2203 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2203 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 2231 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 15, replace "A" with "That portion of a" and remove the comma

Page 1, line 16, remove the comma, after "closed" insert a comma, after "by" insert "a majority vote of", and after "agency" insert "in an open meeting"

Page 2, line 9, remove the second "or"

Page 2, line 10, remove "contemplated" and replace the comma with "or pending"

Page 2, line 11, remove ", settlement offers, or matters where the"

Page 2, remove lines 12 and 13

Page 2, line 14, remove "with the provisions of section 44-04-19"

Page 2, after line 24, insert:

"7. Following the final completion of the civil or criminal litigation or the adversarial administrative proceeding, including the exhaustion of all appellate remedies, attorney work product must be made available for public disclosure by the public agency."

ReNUMBER accordingly

SB 2231 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 2242 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 8, after "Act" insert "with the exception of a city and its park district established pursuant to chapter 40-49"

Page 1, line 22, after "under" insert "the provisions of" and after "26.1-22" insert "as they existed on December 31, 1988"

Page 2, line 5, remove "Unless otherwise approved by the"

Page 2, line 6, replace "commissioner, a" with "A"

Page 3, line 26, replace "first" with "thirty-first"

Page 4, line 6, remove "a"

Page 4, line 7, remove "certified public accountant or"

Re-number accordingly

SB 2242 was placed on the Sixth 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 2266 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 2266 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 2280 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2280 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Robinson, Vice Chairman) to which was referred SB 2304 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2304 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SB 2188 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2188 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SB 2130 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2130 was placed on the Eleventh 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 2111 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 3, line 26, after the second comma insert "absinth wormwood (artemisia absinthim), hemp (cannabis sativa), musk thistle (carduus nutans), spotted knapweed (centaurea maculosalam)"

Renumber accordingly

SB 2111 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SB 2141 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

SB 2141 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2163 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 2163 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2090 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 2090 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 2265 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 2265 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 2230 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2230 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 2160 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 2160 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sens. Stenehjem, Olson, Heinrich and Reps. R. Larson, Dalrymple, Rydell introduced:

SB 2464: A BILL for an Act to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code, relating to group health policy and health service contract coverage for substance abuse and mental illness.

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

Sens. Lashkowitz, Olson, Redlin introduced:

SB 2465: A BILL for an Act to authorize wiretapping and eavesdropping in felony drug offense investigations; to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to penalties for drug offenses involving certain aggravating factors; and to provide a penalty.

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

Sen. Todd introduced:

SB 2466: A BILL for an Act to create and enact a new section to chapter 23-06 of the North Dakota Century Code, relating to conditions for the reinterment of human remains.

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

FIRST READING OF HOUSE BILLS

HB 1107: A BILL for an Act to provide the unsatisfied judgment fund with authority to pay legal costs associated with collections.

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

HB 1141: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to the establishment of a fund in the state treasury to provide for the deposit of funds in cases where the consumer fraud division acts in a receivership capacity or otherwise provides refunds to consumers of amounts paid by persons or parties found to have violated the consumer fraud laws, for the payment of valid claims against cash deposit bonds posted by applicants for a transient merchant's license, and for the refund to the licensee of any remaining balance of the cash deposit bond posted by an applicant for a transient merchant's license; and to provide a continuing appropriation.

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

HB 1195: A BILL for an Act to amend and reenact sections 54-01.1-01, 54-01.1-02, 54-01.1-03, 54-01.1-04, 54-01.1-05, 54-01.1-06, 54-01.1-07, 54-01.1-08, 54-01.1-09, 54-01.1-10, 54-01.1-12, and 54-01.1-16 of the North Dakota Century Code, relating to relocation assistance programs, expanded policy declaration, definitions, displacement expenses and expense limits, mode of payment, advisory information and planning,

available housing assurance, adoption of rules, uniform administration, nonduplication of payment, gender neutralization, and reference source; to provide an effective date; and to declare an emergency.

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

HB 1224: A BILL for an Act to amend and reenact section 40-57.3-04 of the North Dakota Century Code, relating to the due date for city lodging and restaurant tax returns; and to provide an effective date.

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

HB 1231: A BILL for an Act to amend and reenact subsections 4 and 9 of section 14-15-16 of the North Dakota Century Code, relating to disclosure of adoption information under the Revised Uniform Adoption Act.

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

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

PATRICIA CONRAD, Secretary