

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, January 25, 1989

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

The prayer was offered by Father Al Leary, Christ the King Catholic Church, Mandan.

Lord God, we pause to lift our minds and hearts to You as we begin this session of the North Dakota State Senate. In doing so, we acknowledge Your lordship over all Your creation. We are a part of Your creation and so we own Your lordship over us as well.

We ask the guidance of Your Holy Spirit that the men and women elected to serve their fellow citizens as members of this body may be guided always by a sense of what is right and just and that all their decisions today may flow from the conviction that those decisions will promote the common good of all the citizens of North Dakota.

We thank You for the prodigal graces that have sustained us over the hundred years of statehood. May we be worthy of the heritage that was bequeathed to us by the hardy pioneers who settled this state and may we, through our sharing in the responsibility of governing, preserve and extend that precious heritage of freedom to generations of North Dakotans yet to come.

We ask this blessing, Lord, in the name of Jesus, Your Son. Amen.

The roll was called and all Senators were present, except Senators Mathern, J. Meyer, W. Meyer, and Moore.

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 bill: SB 2082.

**MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)**  
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2082.

**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 Fourteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 259, line 21, replace "G. Berg" with "R. Berg"

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 Fifteenth Day and finds it to be correct.

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

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2111, SB 2155, SB 2202, SB 2231.

#### CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2037 as recommended by the Committee on Education as printed on page 275 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2037 was rereferred to the Committee on Appropriations.

#### MOTIONS

SEN. KELSH MOVED that SB 2060, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2083, which is on the Sixth order, be laid over three legislative days, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2177, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

SEN. KRAUTER MOVED that SB 2216, which is on the Eleventh order, be rereferred to the Committee on Natural Resources, which motion prevailed. Pursuant to Sen. Krauter's motion, SB 2216 was rereferred.

#### CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2109 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 277 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2109 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 2185 as recommended by the Committee on State and Federal Government as printed on pages 277-279 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2185 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 2254 as recommended by the Committee on State and Federal Government as printed on page 279 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2254 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 2381 as recommended by the Committee on State and Federal Government as printed on page 280 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2381 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF HOUSE BILL

HB 1080: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating tax-exempt bonds for the construction of a revenue-producing parking lot at Bismarck state college; to provide an appropriation; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Mathern; Meyer, J.; Meyer, W.; Moore

HB 1080 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

SEN. SATROM MOVED that the rules be suspended and that HB 1080 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1080.

#### SECOND READING OF SENATE BILL

SB 2226: A BILL for an Act to create and enact a new section to chapter 54-30 of the North Dakota Century Code, relating to the sale or lease of land acquired by the state treasurer as trustee for the state of North Dakota; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem;

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

NAYS: None

ABSENT AND NOT VOTING: Mathern; Meyer, J.; Meyer, W.; Moore

SB 2226 passed, the title was agreed to, and the emergency clause carried.

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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 1073, HB 1117, HB 1133, HB 1159, HB 1194, HB 1197, HB 1255.

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

MR. PRESIDENT: The Speaker has signed: SB 2082.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 1:40 p.m., January 25, 1989: SB 2082.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Mathern, Yockim, Waldera and Rep. Kelly introduced:

SCR 4031: A concurrent resolution urging Congress to amend this state's Enabling Act to allow the name of the state of North Dakota to be changed to "Dakota".

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

Sens. Mathern, Yockim, Waldera and Rep. Kelly introduced:

SCR 4032: A concurrent resolution for the amendment of the Preamble; section 23 of article I; section 1 of article II; section 1 of article IV; section 6 of article V; section 3 of article VII; section 1 and subsections 2 and 6 of section 6 of article VIII; sections 5, 6, 11, subsections 3 and 5 of section 12, and subsection 2 of section 13 of article IX; section 10, subsection 1 of section 12, and section 20 of article X; and sections 1, 2, and 4 of article XI of the Constitution of the State of North Dakota, relating to the name of the State of North Dakota.

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

SECOND READING OF SENATE BILL

SB 2261: A BILL for an Act to provide for a geological survey and a state geologist and their duties and powers; to repeal sections 15-11-08, 15-11-09, 15-11-11, 15-11-11.1, 15-11-12, 15-11-13, 15-11-14, and 15-12-18 of the North Dakota Century Code, relating to the geological survey and the state geologist; and to provide an appropriation.

MOTIONS

SEN. SHEA MOVED that SB 2261 be further amended as follows:

Page 3, line 5, replace "commission" with "legislature"

Renumber accordingly.

SEN. SHEA MOVED that the proposed amendments be adopted, which motion lost.

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 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Holmberg; Ingstad; Mutch; Shea; Stenehjem; Streibel; Vosper

ABSENT AND NOT VOTING: Mathern; Moore

SB 2261 passed and the title was agreed to.

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MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)  
MR. PRESIDENT: The House has amended and subsequently passed: SCR 4027.

On page 4, line 24, delete the word "Assistant" and insert in lieu thereof the word "Deputy" and delete the numerals "48.00" and insert in lieu thereof the numerals "52.00"

SECOND READING OF SENATE BILLS

SB 2191: A BILL for an Act to amend and reenact section 43-17-18 of the North Dakota Century Code, relating to qualifications of a foreign-trained applicant for a license to practice medicine.

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; Freborg; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Heinrich

ABSENT AND NOT VOTING: Mathern; Moore

SB 2191 passed and the title was agreed to.

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SB 2285: A BILL for an Act to amend and reenact subsection 1 of section 53-06.2-02 of the North Dakota Century Code, relating to senate confirmation of members of the North Dakota racing commission.

## 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 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mutch; Naaden; Nalewaja; Nething; O'Connell; Olson; Richard; Robinson; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera

NAYS: Heigaard; Hilken; Maixner; Mushik; Nelson; Peterson; Redlin; Schoenwald; Wogsland; Yockim

ABSENT AND NOT VOTING: Mathern; Moore

SB 2285 passed and the title was agreed to.

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SB 2331: A BILL for an Act to create and enact a new section to chapter 59-02 of the North Dakota Century Code, relating to investment of trust funds.

## 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; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Redlin

ABSENT AND NOT VOTING: Mathern; Moore

SB 2331 passed and the title was agreed to.

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SB 2388: A BILL for an Act to amend and reenact subsection 6 of section 52-01-01 of the North Dakota Century Code, relating to definition of benefit year for purposes of unemployment compensation benefits; to provide an effective date; and to declare an emergency.

## ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach;

Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Mathern; Moore

SB 2388 passed, the title was agreed to, and the emergency clause carried.

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SB 2446: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to cost-of-living adjustments to income limitations applicable to property tax credits for persons sixty-five years of age or older with limited income; and to provide an effective date.

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; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Mathern; Moore

SB 2446 passed and the title was agreed to.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4008: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota Badlands.

The question being on the final adoption of the resolution, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SCR 4008 was declared adopted on a verification vote.

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SECOND READING OF SENATE BILLS

SB 2012: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board 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; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Mathern; Moore

SB 2012 passed and the title was agreed to.

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SB 2108: A BILL for an Act providing an appropriation to defray expenses for claim payments to civil air patrol members.

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; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Mathern; Moore

SB 2108 passed and the title was agreed to.

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SB 2124: A BILL for an Act authorizing the state board of higher education to sell certain real property in Valley City, 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 49 YEAS, 1 NAY, 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; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea;

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

NAYS: Freborg

ABSENT AND NOT VOTING: Mathern; Moore; Vosper

SB 2124 passed and the title was agreed to.

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SB 2180: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to payment of claims against institutions of higher education; and to provide a continuing 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

SB 2180 passed and the title was agreed to.

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SB 2190: A BILL for an Act to amend and reenact section 15-27.1-11 of the North Dakota Century Code, relating to nonoperating school districts.

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 8 YEAS, 43 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Hanson; Kelsh; Maixner; Meyer, D.; Meyer, J.; O'Connell; Vosper

NAYS: Axtman; David; Ewen; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Mathern; Moore

SB 2190 lost.

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SB 2234: A BILL for an Act to provide for the establishment of a statewide nonprofit equity corporation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 12 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Lips; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Nelson; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Krebsbach; Lodoen; Maxson; Mutch; Naaden; Nething; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Mathern; Moore

SB 2234 passed and the title was agreed to.

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MOTIONS

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

SEN. D. MEYER MOVED that SB 2030, which is on the Eleventh order for the succeeding day, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2030 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, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of SB 2052, SB 2213, SB 2227, SB 2287, SB 2306, SB 2307, SB 2348, SB 2374, SB 2375, SB 2406, SB 2429, SB 2081, and SCR 4012, the Senate stand adjourned until 1:00 p.m., Thursday, January 26, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2052 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 2052 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 rereferred SB 2081 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

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

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2213 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 2213 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 2227 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 NOT PASS.

SB 2227 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 2287 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 2287 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 2290 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 4, replace "treasurer" with "auditor"

Page 3, line 2, replace "treasurer" with "auditor"

Re-number accordingly

SB 2290 was placed on the Sixth 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 2306 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 2306 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 2307 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 2307 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 2348 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 2348 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 2374 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 2374 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 2375 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 2375 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 2394 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 1, replace the word "sections" with "section" and remove "and 43-11-04"

Page 1, remove lines 16 through 22

Page 2, remove lines 1 through 3

Re-number accordingly

SB 2394 was placed on the Sixth 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 2406 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 2406 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 2429 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 NOT PASS.

SB 2429 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 SCR 4012 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.

SCR 4012 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. O'Connell, Richard, Tennesos and Reps. Flaagan, Hokana, Martin introduced:

SCR 4033: A concurrent resolution directing the Legislative Council to study the method used to calculate county average agricultural land values for ad valorem taxation.

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

#### FIRST READING OF HOUSE BILLS

HB 1073: A BILL for an Act to amend and reenact sections 26.1-21-01, 26.1-22-01, 26.1-22-02, 26.1-22-05, 26.1-22-06, 26.1-22-09, 26.1-22-10, 26.1-22-11, 26.1-22-14, 26.1-22-15, 26.1-22-18, 39-01-02, 39-01-03, subsection 1 of section 39-01-08, and subdivision b of subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to an international peace garden obtaining insurance through the state fire and tornado fund, the bonding of officers and employees of an international peace garden, and the licensing of motor vehicles of any entity located upon the international boundary line between the United States of America and Canada used and maintained as a memorial to commemorate the long existing relationship of peace and good will between the people and the governments of the United States of America and Canada and to further international peace among the nations of the world.

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

HB 1117: A BILL for an Act to create and enact a new section to chapter 6-01 of the North Dakota Century Code, relating to the assessment of civil money penalties.

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

HB 1133: A BILL for an Act to amend and reenact sections 23-25-01 and 23-25-03.1 of the North Dakota Century Code, relating to air pollution control.

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

HB 1159: A BILL for an Act to amend and reenact section 49-04-05 of the North Dakota Century Code, relating to commission approval when a public utility disposes of assets.

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

HB 1194: A BILL for an Act to create and enact a new section to chapter 50-24.4 of the North Dakota Century Code, relating to nursing home resident payment classifications.

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

HB 1197: A BILL for an Act to create and enact a new chapter to title 23 of the North Dakota Century Code, relating to basic care facilities under the jurisdiction of the state department of health and consolidated laboratories; to amend and reenact sections 23-16-01, 50-02-04, subsection 8 of section 50-06-01.4, section 50-06-14.1, subsection 3 of section 50-10.1-01, subsection 3 of section 50-10.2-01, sections 50-18-06.1, 50-21-01, 50-21-02, 50-21-03, 50-21-04, and subsections 17 and 24 of section 57-39.2-04 of the North Dakota Century Code, relating to transfer of the authority of the department of human services over homes for the aged and infirm to the department of health and consolidated laboratories; and to repeal sections 50-18-01, 50-18-01.1, 50-18-01.2, 50-18-02, 50-18-02.1, 50-18-03, 50-18-03.1, 50-18-04, 50-18-05, 50-18-06, 50-18-06.2, 50-18-07, and 50-18-08 of the North Dakota Century Code, relating to boarding homes for the aged and infirm under the jurisdiction of the department of human services.

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

HB 1255: A BILL for an Act to create and enact a new subsection to section 43-04-42 of the North Dakota Century Code, relating to the fee for restoration of barbershop licenses; and to amend and reenact subsections 5, 7, and 10 of section 43-04-42 of the North Dakota Century Code, relating to renewal fees for barbers' certificates and annual license fees for barbershops; and to declare an emergency.

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

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

PATRICIA CONRAD, Secretary