

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 1, 1989

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

The prayer was offered by Sister Agnes Reinert, St. Alexius Medical Center, Bismarck.

God, our Father and Protector, without You nothing is holy, nothing has value.

In carrying out the human vocation of being caretakers of persons and of this state of North Dakota, we ask that Your gift of wisdom be freed up within each legislator here present, so that together they may discern with the heart what is Your design for all persons and for all creation. We ask our prayer in the name of Jesus Christ, Your Son, and our Lord, in the unity of the Holy Spirit, one God forever and ever. Amen.

The roll was called and all Senators were present, except Senator Tallackson.

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2095, SB 2096, SB 2093, SB 2122, SB 2275, SB 2286.

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 1041, HB 1062, HB 1076, HB 1236, HB 1250, HB 1264, HB 1305, HB 1346, HB 1351, HB 1378.

MOTIONS

SEN. D. MEYER MOVED that SB 2333, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2333 was rereferred.

SEN. SCHOENWALD MOVED that SB 2237, which is on the Eleventh order be returned to Committee on Industry, Business and Labor, which motion prevailed.

SEN. WALDERA MOVED that SB 2273 be returned to the Senate floor from the Committee on Appropriations, which motion prevailed.

REQUEST

SEN. WALDERA REQUESTED the unanimous consent of the Senate to withdraw SB 2273. There being no objection, it was so ordered by the President.

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 Twentieth Day and finds it to be correct.

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 1, 1989

The Honorable Lloyd B. Omdahl
President of the Senate
Senate Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 1, 1989, I signed SB 2082.

Sincerely,

GEORGE A. SINNER
Governor

CONSIDERATION OF AMENDMENTS

SEN. HEINRICH MOVED that the amendments to SB 2054 as recommended by the Committee on Education as printed on pages 350-351 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2054 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2187 as recommended by the Committee on Transportation as printed on page 351 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2187 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2243 as recommended by the Committee on Transportation as printed on pages 352-353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2243 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2282 as recommended by the Committee on Natural Resources as printed on page 351 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2282 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2294 as recommended by the Committee on Political Subdivisions as printed on pages 351-352 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2294 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2298 as recommended by the Committee on Political Subdivisions as printed on page 352 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 2298 was rereferred to the Committee on Appropriations.

SEN. DOTZENROD MOVED that the amendments to SB 2396 as recommended by the Committee on Political Subdivisions as printed on page 353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2396 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2435 as recommended by the Committee on Transportation as printed on page 353 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2435 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2440 as recommended by the Committee on Political Subdivisions as printed on page 354 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2440 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 2041 as recommended by the Committee on State and Federal Government as printed on page 371 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2041 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2063 as recommended by the Committee on Transportation as printed on pages 371-372 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2063 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2198 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 372 of

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

SB 2198 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to SB 2277 as recommended by the Committee on Education as printed on page 372 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2277 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 2311 as recommended by the Committee on Judiciary as printed on pages 372-373 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2311 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2378 as recommended by the Committee on Transportation as printed on page 374 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2378 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2491 as recommended by the Committee on Industry, Business and Labor as printed on page 375 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2491 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to SB 2494 as recommended by the Committee on Industry, Business and Labor as printed on page 375 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2494 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. MAXSON MOVED that SB 2192 be further amended as follows:

Page 2, line 10, after the first underscored comma insert "job service North Dakota,"

Renumber accordingly

SEN. MAXSON MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. MAXSON MOVED that the rules be suspended, that SB 2192 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2192: A BILL for an Act to amend and reenact section 28-32-05 of the North Dakota Century Code, relating to a change of an administrative hearing officer.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Waldera

SB 2192 passed and the title was agreed to.

MOTIONS

SEN. MAXSON MOVED that SB 2193 be further amended as follows:

Page 2, line 26, after the comma insert "job service North Dakota,"

Renumber accordingly

SEN. MAXSON MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. MAXSON MOVED that the rules be suspended, that SB 2193 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2193: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the appointment of independent administrative hearing officers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Waldera

SB 2193 passed and the title was agreed to.

SB 2105: A BILL for an Act to amend and reenact subsections 1 and 2 of section 62.1-02-01 of the North Dakota Century Code, relating to possession of firearms; 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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Keller; Streibel

ABSENT AND NOT VOTING: Waldera

SB 2105 passed, the title was agreed to, and the emergency clause carried.

SB 2177: A BILL for an Act to create and enact a new section to chapter 61-03 of the North Dakota Century Code, relating to notice of existing emergency flood control structures.

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

YEAS: Kelsh; Lips; Mathern; Maxson; Mushik; Todd

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

ABSENT AND NOT VOTING: None

SB 2177 lost.

MOTION

SEN. KELSH MOVED that SB 2278, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2305: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, designating the honey bee as the official state insect.

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 31 YEAS, 22 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Heigaard; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Stromme; Tallackson; Tennefos; Thane; Waldera; Wogsland; Yockim

NAYS: Axtman; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Kinnoin; Krebsbach; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Shea; Stenehjerm; Streibel; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2305 passed and the title was agreed to.

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

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 29 YEAS, 24 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tennefos; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Ewen; Freborg; Hanson; Holmberg; Ingstad; Krebsbach; Lashkowitz; Lips; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Stenehjerm; Streibel; Tallackson; Thane; Todd

ABSENT AND NOT VOTING: None

SB 2313 passed and the title was agreed to.

SB 2327: A BILL for an Act to amend and reenact subsection 2 of section 15-28-03 of the North Dakota Century Code, relating to biennial elections of school board members.

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 0 YEAS, 53 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: None

SB 2327 lost.

SB 2330: A BILL for an Act to amend and reenact subsection 1 of section 15-28-09 of the North Dakota Century Code, relating to the election of members of a school board.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; 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: None

SB 2330 passed and the title was agreed to.

SB 2351: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfer of municipal ordinance violation cases to county court.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; 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: None

SB 2351 passed and the title was agreed to.

SB 2373: A BILL for an Act to amend and reenact section 20.1-03-07.1 of the North Dakota Century Code, relating to the nonresident season for taking waterfowl.

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, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Nelson; Nething; Streibel; Tennefos; Thane; Vosper

ABSENT AND NOT VOTING: None

SB 2373 passed and the title was agreed to.

SB 2390: A BILL for an Act to create and enact a new section to chapter 35-13 of the North Dakota Century Code, relating to repairman's storage liens.

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, 8 NAYS, 0 ABSENT AND NOT VOTING.

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

Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Heinrich; Hilken; Ingstad; Langley; Mushik; Mutch; O'Connell; Schoenwald

ABSENT AND NOT VOTING: None

SB 2390 passed and the title was agreed to.

SB 2409: A BILL for an Act to amend and reenact sections 11-13-12 and 11-18-02 of the North Dakota Century Code, relating to the auditor's certificate of taxes paid on deeds.

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 5 YEAS, 48 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Keller; Krauter; Maxson; Meyer, J.; Schoenwald

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

ABSENT AND NOT VOTING: None

SB 2409 lost.

MOTION

SEN. KELSH MOVED that SB 2423 be amended as follows:

Page 1, line 6, replace "five" with "two"

Renumber accordingly

SEN. KELSH MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. KELSH MOVED that the rules be suspended, that SB 2423 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

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 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Hanson; Heigaard; Hilken; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Mathern; Meyer, W.; Nalewaja; O'Connell; Richard; Robinson; Schoenwald; Shea; Stromme; Tallackson; Vosper; Waldera; Yockim

NAYS: David; Ewen; Freborg; Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Satrom; Stenehjem; Streibel; Tennefos; Thane; Todd; Wogsland

ABSENT AND NOT VOTING: None

SB 2423 lost.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 1, 1989

The Honorable Lloyd B. Omdahl
President of the Senate
Senate Chamber
State Capitol
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on February 1, 1989, I signed SB 2082.

Sincerely,

GEORGE A. SINNER
Governor

MOTIONS

SEN. MAIXNER MOVED that the absent member be excused, which motion prevailed.

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the 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 2284, SB 2433, SB 2458, SB 2341, SB 2322, SCR 4001, and SCR 4002, the Senate stand adjourned until 1:00 p.m., Thursday, February 2, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SB 2172 has had the same under consideration and

recommends by a vote of 7 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 2, after "to" insert "priority in the"

Page 1, line 7, overstrike "- First option -"

Page 1, line 8, overstrike "Public use - Wildlife use"

Page 1, line 19, replace "property must" with "current lessee of the property must be given the first option to acquire the property described in the lease"

Page 1, line 20, remove "first be offered for public purposes"

Page 2, line 1, overstrike "for"

Page 2, line 2, overstrike "public purposes" and insert immediately thereafter "as described in subsection 1", overstrike the comma and insert immediately thereafter "by", and remove the overstrike over "the"

Page 2, line 3, remove "lessee operators of grain and potato"

Page 2, line 4, remove "warehouses located on the property" and overstrike "shall be given the next option"

Page 2, line 5, overstrike "to purchase, lease, exchange, or otherwise acquire the"

Page 2, line 6, after "~~terms~~" insert "lessee of the", overstrike the period, remove the overstrike over the comma, and replace "Adjoining" with "adjoining"

Page 2, line 11, after "property" insert "adjoining their land"

Page 2, line 20, replace "subserviant" with "subservient"

Renumber accordingly

SB 2172 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 rereferred SB 2223 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 1, replace "subsection" with "subsections 1 and"

Page 1, line 6, replace "Subsection" with "Subsections 1 and"

Page 1, line 7, replace "is" with "are"

Page 1, after line 7, insert:

- "1. Issue any order including, but not limited to, cease and desist, stop, and suspension orders, which ~~be~~ the

commissioner deems necessary or appropriate in the public interest or for the protection of investors; provided, however, that. The commissioner may, in addition to any other remedy authorized by this chapter, impose by order and collect a civil penalty against any person found in an administrative action to have violated any provision of this chapter, or any regulation, rule, or order adopted or issued under this chapter, in an amount not to exceed ten thousand dollars for each violation. The attorney general, upon the commissioner's request, may bring actions to recover penalties pursuant to this section in district court. However, any person aggrieved by an order issued pursuant to this subsection may request a hearing before the commissioner if such request is made within ten days after receipt of the order. The provisions of subsections 2, 3, 4, and 5 of section 10-04-12 shall apply to any hearing conducted hereunder. If, after a hearing, the commissioner shall sustain an order previously issued, the sustaining order shall be subject to appeal to the district court of Burleigh County by serving on the commissioner within twenty days after the date of entry of the sustaining order a written notice of appeal signed by the appellant stating:

- a. The order of the commissioner from which the appeal is taken.
- b. The grounds upon which a reversal or modification of such order is sought.
- c. A demand for a certified transcript of the record of such order.

The provisions of subdivisions a and b of subsection 3 of section 10-04-13 shall apply to an appeal hereunder."

Page 2, line 26, after "section" insert "but only during an active and ongoing investigation. If an investigation under this section extends beyond six months, the commissioner must, upon a request by any party, state in writing that the need for confidentiality still exists, the general reason why the need exists, and the date, as can best be determined at the time, when the need for confidentiality will cease"

Renumber accordingly

SB 2223 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 rereferred SB 2284 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 2284 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 2322 has had the same under consideration and

recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2322 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 2341 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 2341 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 2363 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 11, after "state" insert "except as otherwise required by this Act"

Page 1, line 19, replace "of" with an underscored comma

Page 4, line 1, after "Dakota" insert ", any federal reserve bank, or any other custodian approved by the commissioner"

Page 5, line 2, after "Dakota" insert "as custodian"

Page 5, line 3, overstrike "the", remove "Bank of North Dakota", and overstrike "shall"

Page 5, line 4, overstrike "issue", remove "its", and overstrike "receipt in duplicate therefor, delivering the original to the"

Page 5, overstrike line 5

Page 5, line 6, overstrike "depositor. The" and remove "Bank of North Dakota is"

Page 5, overstrike line 7

Page 5, line 8, remove "it", overstrike "only upon the written order of the commissioner" and after "commissioner" insert "the deposit certificate must authorize the commissioner to cause the deposit, in whole or in part, to be transferred to the commissioner upon the commissioner's demand. An original of the certificate of deposit must be furnished to the commissioner"

Page 5, line 20, after "Dakota" insert ", any federal reserve bank, or any other custodian approved by the commissioner"

Page 5, line 27, after "commissioner" insert ", or a designated agent," and overstrike "to the"

Page 5, line 28, remove "Bank of North Dakota"

Renumber accordingly

SB 2363 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 2367 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 "57-01-15" with "subsection 4 of section 57-38-57"

Page 1, line 2, after "and" insert "section"

Page 1, line 5, remove "nonresident"

Page 1, line 13, remove "nonresident"

Page 1, line 17, remove "nonconfidential"

Page 3, line 10, remove "nonresident"

Page 3, line 13, remove "nonconfidential"

Page 3, line 15, replace "Section 57-01-15 of the North Dakota Century" with "Subsection 4 of section 57-38-57 of the 1987 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The tax commissioner is hereby authorized to furnish to the workers compensation bureau ~~or~~, to the job service North Dakota, or to the secretary of state, upon the their request of either a list or lists of employers showing only the names, addresses, and the tax department file identification numbers of such employers; provided, that any such list ~~shall~~ may be used ~~by the bureau to which it is furnished~~ only for the purpose of administering the duties of ~~such bureau~~ the requesting governmental unit."

Page 3, remove lines 16 through 29

Page 4, remove lines 1 through 3

Page 4, line 26, remove "nonresident"

Page 5, line 1, remove "nonconfidential"

Renumber accordingly

SB 2367 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 2411 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 11, after the period insert "However, this subdivision does not prohibit an insurer from exercising its right to pay to the insured the

current book value of the motor vehicle if the insurer has that right under its contract."

Renumber accordingly

SB 2411 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 2412 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, remove "to create and enact a new subsection to section 54-52.1-01"

Page 1, remove line 2

Page 1, line 3, remove "employee under the uniform group insurance program; and"

Page 1, remove lines 8 through 13

Renumber accordingly

SB 2412 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 2433 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 2433 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 2458 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2458 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 SCR 4001 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4001 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 SCR 4002 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4002 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1378: A BILL for an Act to amend and reenact section 11-15-09 of the North Dakota Century Code, relating to a sheriff's commission on sales of property bid in by the plaintiff.

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

HB 1351: A BILL for an Act to amend and reenact section 39-16-03 of the North Dakota Century Code, relating to driver's record abstracts.

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

HB 1346: A BILL for an Act to create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to the use of lead shot for hunting or taking waterfowl.

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

HB 1305: A BILL for an Act to amend and reenact subsection 2 of section 54-44-04.6 of the North Dakota Century Code, relating to the sale of state surplus property.

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

HB 1264: A BILL for an Act to amend and reenact subsection 1 of section 27-20-26 of the North Dakota Century Code, relating to right to counsel in proceedings under the Uniform Juvenile Court Act; and to declare an emergency.

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

HB 1250: A BILL for an Act to amend and reenact sections 4-22-17, 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-07-03, 16.1-07-04, 16.1-07-05, 16.1-11-01, 16.1-11-05, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-11-30, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, 16.1-15-25, 16.1-15-35, 46-06-03, and 61-24-03 of the North Dakota Century Code, relating to the date of the primary election and election filing deadlines; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

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

HB 1236: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, to allow cities and counties to provide exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date.

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

HB 1076: A BILL for an Act to amend and reenact subsections 1 and 2 of section 43-17-41 of the North Dakota Century Code, relating to duty of physicians and others to report injuries.

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

HB 1062: A BILL for an Act relating to records and information related to the legislative branch; and declaring an emergency.

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

HB 1041: A BILL for an Act to amend and reenact sections 15-47-36, 15-65-01, 15-65-02, and 15-65-03, subdivision h of subsection 1 of section 28-32-01, and subdivision 1 of subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the membership and name of the educational broadcasting council and the terms educational television services or facilities and radio facilities.

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

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

PATRICIA CONRAD, Secretary