

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 3, 1989

The Senate convened at 12:30 p.m., with President Omdahl presiding.

The prayer was offered by Sen. Tennefos.

Let us bow our hearts. Lord, we ask You to be with us today as we deliberate the people's business, people we are here to represent as Senators from the state of North Dakota.

We ask You to be with us and guide us in our wisdom and increase that wisdom, Lord, if it's desirable. We feel strongly that it is. Just be with us.

Be with those people that are traveling today, and as we as Your servants here, Lord, travel back to our homes today Lord, just keep us safe and make our journey successful.

We're here Lord, to do the very best we can and to serve our people to the best of the ability that we have, and we ask Your continual guidance on that, Lord. We're just so thankful Lord, that we have that ability and that sincere desire to serve the people. We continually ask that Lord, and are thankful to have You with us as our guidance.

Lord, we would also like to say a special thanks for the saving of that young man who was about to enter Your Kingdom, but was preserved and found and I'm sure will have a special place in the state of North Dakota as the future goes on. Thank God that there are people interested enough to find those kind of people that were lost, as You have found us, Lord, through our Savior, Jesus Christ. In Your name, we pray. Amen.

The roll was called and all Senators were present, except Senators Maxson and Vosper.

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 2105, SB 2192, SB 2193, SB 2305, SB 2313, SB 2330, SB 2351, SB 2373, SB 2390.

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 1019, HB 1066, HB 1116, HB 1181, HB 1241, HB 1260, HB 1277, HB 1317, HB 1323, HB 1344, HB 1368, HB 1425, HB 1451, HB 1466, HB 1477, HB 1512, HB 1526, HB 1534, HB 1538, HB 1559, HCR 3025.

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 Twenty-second Day and finds it to be correct.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Olson, Thane, Mushik and Reps. Kelly, J. DeMers, Haugland introduced:
 SCR 4041: A concurrent resolution directing the Legislative Council to study the delivery of in-home and community-based services and to explore methods by which such services can be made more affordable.
 Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

Sens. Nalewaja, Nelson, Krauter and Rep. Martin introduced:
 SCR 4042: A concurrent resolution directing the Legislative Council to study the structure and organization of the Workers Compensation Bureau.
 Was read the first time and referred to the Committee on Industry, Business and Labor.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state auditor; to amend sections 12 and 13 of article V of the Constitution of North Dakota, relating to the office of state auditor; and to provide an effective date.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this concurrent resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Stenehjem, Holmberg, Heinrich introduced:
 (Approved by the Committee on Delayed Bills)
 SCR 4043: A concurrent resolution to create a new section to article IV of the Constitution of North Dakota, relating to the office of state auditor; to amend sections 12 and 13 of article V of the Constitution of North Dakota, relating to the office of state auditor; and to provide an effective date.
 Was read the first time and referred to the Committee on Joint Constitutional Revision.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging the Secretary of Labor to select North Dakota as one of the sites to open a Job Corps Center and to enter an agreement to open the center in Minot.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this concurrent resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Redlin, Krebsbach, Maxson and Reps. Aas, Timm, B. Anderson introduced:
 (Approved by the Committee on Delayed Bills)
 SCR 4044: A concurrent resolution also introduced by the following:
 Senator Schoenwald; Representatives Haugland, Tollefson, Frey, and Wentz - A resolution urging the Secretary of Labor to select North

Dakota as one of the sites to open a Job Corps Center and to enter an agreement to open the center in Minot.
Was read the first time and referred to the Committee on State and Federal Government.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, so that Senate Rule 404, paragraph 2, which pertains to number of sponsors, would allow SCR 4044 to be introduced with more than three Senate and three House sponsors, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging Congress to reverse its action whereby the Department of the Treasury was directed to issue regulations to restrict income tax deductibility of expenses of members of state legislatures.

Your Committee on Delayed Bills cast a unanimous ballot in favor of allowing this concurrent resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Moore introduced:

(Approved by the Committee on Delayed Bills)

SCR 4045: A concurrent resolution urging Congress to reverse its action whereby the Department of the Treasury was directed to issue regulations to restrict income tax deductibility of expenses of members of state legislatures.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging school districts to adopt a policy to begin the school year after Labor Day.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this concurrent resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Satrom, Maixner, Maxson and Reps. Jensen, R. Berg introduced:

(Approved by the Committee on Delayed Bills)

SCR 4046: A concurrent resolution urging school districts to adopt a policy to begin the school year after Labor Day.

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

SECOND READING OF SENATE BILL

SB 2440: A BILL for an Act to amend and reenact section 53-06.1-07.1 of the North Dakota Century Code, relating to age limitations for participation in games of bingo.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; Mathern; 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; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maixner; Maxson; Vosper

SB 2440 passed and the title was agreed to.

MOTIONS

SEN. TODD MOVED that SB 2491 be further amended as follows:

Page 1, line 11, replace "commission" with "commissioner"

Renumber accordingly

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

SEN. TODD MOVED that the rules be suspended, that SB 2491 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. TODD MOVED that SB 2491 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2491: A BILL for an Act to amend and reenact section 26.1-03-20 of the North Dakota Century Code, relating to the examination of insurance companies.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Vosper

SB 2491 passed and the title was agreed to.

SB 2494: A BILL for an Act to amend and reenact subsection 2 of section 26.1-45-09 of the North Dakota Century Code, relating to the outline of coverage required to be delivered to applicants for long-term care insurance.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Redlin; Vosper

SB 2494 passed and the title was agreed to.

SB 2172: A BILL for an Act to amend and reenact section 49-09-04.2 of the North Dakota Century Code, relating to priority in the sale and use of abandoned railroad right of way.

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 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kinnoin; Krebsbach; Lashkowitz; Lips; Lodoen; Maixner; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera

NAYS: Axtman; Keller; Kelsh; Krauter; Langley; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; O'Connell; Redlin; Schoenwald; Shea; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Vosper

SB 2172 passed and the title was agreed to.

SB 2223: A BILL for an Act to amend and reenact subsections 1 and 2 of section 10-04-16 and subsections 1 of section 10-04-16.1 of the North Dakota Century Code, relating to injunctions for violations and to investigations under the securities laws.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Vosper

SB 2223 passed and the title was agreed to.

MOTION

SEN. SCHOENWALD MOVED that SB 2263, which is on the Sixth order, be returned to the Committee on Industry, Business and Labor, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2367: A BILL for an Act to amend and reenact sections 43-07-25, 52-01-03, subsection 4 of section 57-38-57, and section 65-04-15 of the North Dakota Century Code, relating to the sharing of information among the offices of the secretary of state, job service North Dakota, tax commissioner, and workers compensation bureau with respect to contractors.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Vosper

SB 2367 passed and the title was agreed to.

SB 2411: A BILL for an Act to create and enact a new subdivision to subsection 9 of section 26.1-04-03 of the North Dakota Century Code, relating to unfair insurance claim settlement practices.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2411 passed and the title was agreed to.

SB 2412: A BILL for an Act to amend and reenact section 54-52.1-02 and subsection 3 of section 54-52.1-03 of the North Dakota Century Code, relating to establishing subgroups in the uniform group insurance program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2412 passed and the title was agreed to.

SB 2284: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the authority of health professional licensing boards to establish agreements with peer assistance entities.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2284 passed and the title was agreed to.

SB 2312: A BILL for an Act to repeal section 26.1-05-05 of the North Dakota Century Code, relating to the qualification of directors of domestic insurance companies and requiring one-third of the directors and a majority of the executive officers to be residents of this state.

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, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Holmberg; Lashkowitz; Lips; Tallackson; Thane

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; ; Lodoen; Maixner; Mathern; 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; Tennefos; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2312 lost.

SB 2322: A BILL for an Act to amend and reenact section 57-19-06 of the North Dakota Century Code, relating to school district authority to withdraw from special reserve 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, 0 NAYS, 3 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; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2322 passed and the title was agreed to.

SB 2341: A BILL for an Act to amend and reenact section 6-03-02.1 of the North Dakota Century Code, relating to indemnification of bank employees, directors, and officers.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2341 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2340, SB 2442, SB 2447, and SB 2220, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2342: A BILL for an Act to amend and reenact subsection 3 of section 28-01-18 of the North Dakota Century Code, relating to actions having two-year limitations.

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, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Lips; Meyer, D.; Nalewaja; Thane

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lodoen; Maixner; Mathern; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard;

Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2342 lost.

SB 2370: A BILL for an Act providing that the state is responsible for financing new programs, services, or functions which the legislative assembly mandates on political subdivisions.

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 10 YEAS, 39 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Ewen; Lashkowitz; Lips; Meyer, J.; O'Connell; Stromme; Tallackson; Tennefos; Thane; Yockim

NAYS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Todd; Waldera; Wogsland

ABSENT AND NOT VOTING: Maxson; Mushik; Satrom; Vosper

SB 2370 lost.

MOTION

SEN. STENEHJEM MOVED that SB 2402, which is on the Eleventh order, be returned to the Committee on Judiciary, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2420: A BILL for an Act to amend and reenact section 6-05-04 of the North Dakota Century Code, relating to surety deposit investments; 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 47 YEAS, 2 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Mutch

ABSENT AND NOT VOTING: Maxson; Mushik; Richard; Vosper

SB 2420 passed, the title was agreed to, and the emergency clause carried.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Representative and Grand Forks Mayor Bud Wessman

SECOND READING OF SENATE BILLS

SB 2433: A BILL for an Act to create and enact three new sections to chapter 20.1-02 of the North Dakota Century Code, relating to the establishment of the wetlands acquisition evaluation board; and to amend and reenact subdivision b of subsection 19 of section 20.1-02-05, subsection 2 of section 20.1-02-17.1, section 20.1-02-18.3, and sections 55-04-01 and 55-11-05 of the North Dakota Century Code, relating to state and federal authority to acquire interests in land.

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 2 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Meyer, D.; Stromme

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

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2433 lost.

SB 2448: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to payment of claim or denial of coverage by insurer for damage to property.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 44 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Freborg; Heinrich; Ingstad; Kelsh; Lashkowitz; Mathern

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Hilken; Holmberg; Keller; Kinnoin; Krauter; Krebsbach; Langley; Lips; 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; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2448 lost.

SB 2450: A BILL for an Act to amend and reenact section 35-13-01 of the North Dakota Century Code, relating to repairman's 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 50 YEAS, 0 NAYS, 3 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; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2450 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2461 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that SB 2462, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Maixner's motion, SB 2462 was rereferred.

SECOND READING OF SENATE BILLS

SB 2477: A BILL for an Act to create and enact a new subsection to section 65-12-04.1 of the North Dakota Century Code, relating to exemption of miniature model boilers from boiler inspection.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Mushik; Vosper

SB 2477 passed and the title was agreed to.

SB 2486: A BILL for an Act to amend and reenact section 55-06-01 of the North Dakota Century Code, relating to the Yellowstone-Missouri-Fort Union 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Maxson; Mushik, Vosper

SB 2486 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2514, which is on the Eleventh order, be laid over three legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to amend and reenact subsection 1 of section 12.1-23-05 of the North Dakota Century Code, relating to grading of theft offenses.

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; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; 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; Todd; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Krauter; Maxson; Mushik; Vosper

SB 2515 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4001: A concurrent resolution directing the Legislative Council to study in lieu of property tax payments to school districts; school district revenues derived from oil, gas, and coal taxes; and other payments to school districts other than from the state to determine whether to include these funds as local resources when measuring school district contributions to the foundation program.

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

SCR 4001 was declared adopted on a voice vote.

SCR 4002: A concurrent resolution directing the Legislative Council to study the use of various factors in addition to property wealth which could be used in the education finance formula to equalize educational opportunities for students.

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

SCR 4002 was declared adopted on a voice vote.

SCR 4016: A concurrent resolution directing the Legislative Council to study the present trends of social service program funding and the equitable distribution of costs for such programs.

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

SCR 4016 was declared adopted on a voice vote.

SECOND READING OF SENATE BILL

SB 2297: A BILL for an Act to amend and reenact section 7-04-23 of the North Dakota Century Code, relating to retention of records by building and loan associations.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Maxson; Mushik, Vosper

SB 2297 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 2315, SB 2459, SB 2455, SB 2444, and SB 2337, the Senate stand adjourned until 1:00 p.m., Monday, February 6, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2031 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 8, overstrike "or" and insert immediately thereafter an underscored comma and after "condition" insert ", or if moisture content is in dispute"

Page 2, line 10, after "made" insert "and accepted"

Page 2, line 12, after the underscored period insert "However, all other quality factors may also be considered in determining the price of the grain."

Renumber accordingly

SB 2031 was placed on the Sixth 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 2059 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 2, replace "establishment of policies and" with "adoption of rules"

Page 1, line 3, remove "procedures"

Page 1, line 9, replace "Policies and procedures" with "Department to adopt rules" and remove "and determinations"

Page 1, line 10, remove "of probable cause"

Page 1, line 11, remove "1." and "establishing policies and"

Page 1, line 12, remove "procedures, consistent with this section,"

Page 1, line 13, replace "reviews relating to:" with "appeal hearings requested by the subject of a report of suspected child abuse or neglect who is aggrieved by the conduct of the investigation of the suspected child abuse or neglect."

Page 1, remove lines 14 through 22

Page 2, remove lines 1 through 28

Page 3, remove lines 1 and 2

Renumber accordingly

SB 2059 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2067 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 16, replace "director of the office of management and budget" with "governor or the governor's designee"

Renumber accordingly

SB 2067 was placed on the Sixth 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 2077 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 19, after "by" insert "official" and replace "incorporating the" with "approved by the highway commissioner"

Page 1, line 20, remove "international symbol of access in white on blue and"

Page 2, line 15, after "The" insert "state highway patrol or the"

Page 3, line 8, remove "not less than" and "nor more than two"

Page 3, line 9, remove "hundred dollars"

Renumber accordingly

SB 2077 was placed on the Sixth 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 2078 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 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 38-18.1-02, subsection 4 of section 38-18.1-03, subsections 2 and 3 of section 38-18.1-05, and subsection 4 of section 38-18.1-06 of the North Dakota Century Code, relating to the termination of mineral interests.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 38-18.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

38-18.1-02. Statement of claims - Recording - Reversion. Any mineral interest is, if unused for a period of twenty years, immediately preceding the first publication of the notice required by section 38-18.1-06, deemed to be abandoned, unless a statement of claim is recorded in accordance with section 38-18.1-04. Title to the abandoned mineral interest vests in the owner or owners of the surface estate in the land in or under which the mineral interest is located on the date of abandonment.

SECTION 2. AMENDMENT. Subsection 4 of section 38-18.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. The mineral interest on any tract is subject to a lease, mortgage, assignment, ~~and~~ or conveyance of the mineral interest recorded in the office of the register of deeds in the county in which the mineral interest is located.

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 38-18.1-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. ~~Inadvertently~~ Has failed to preserve the mineral interest in question.
3. Within sixty days after first publication of the notice provided for in section 38-18.1-06, recorded a statement of claim.

SECTION 4. AMENDMENT. Subsection 4 of section 38-18.1-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. A copy of the notice and an affidavit of service of the notice, ~~if must be~~ recorded in the office of the register of deeds of the county in which the mineral interest is located, ~~is~~ and constitutes prima facie evidence in any legal proceedings that such notice has been given."

Renumber accordingly

SB 2078 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2159 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 14, replace "The" with "Unless otherwise agreed, the"

Page 3, line 15, remove "in cash and"

Page 3, line 16, replace "priced on the" with "at the price on the local"

Page 3, line 17, after the underscored period insert "The warehouseman may withhold from delivery a sufficient quantity of grain, based upon the local market price, to satisfy the value of any difference in kind, grade, or quality."

Renumber accordingly

SB 2159 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 2168 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to an exemption from motor vehicle excise tax for specialty motor vehicles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-40.3-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Any motor vehicle with a gross vehicle weight of at least a class six, seven, or eight chassis, purchased for installation or assembly of heavy duty equipment by a person engaged in the business of installing or assembling the equipment, which when completed forms an integral part of a vehicle, has limited marketability, and is not normally sold to the general public. This exemption applies only when the manufacturer's statement of origin is reassigned to the installer or assembler by a licensed new motor vehicle dealer on a form prescribed by the tax commissioner. The motor vehicle and installed equipment must be sold as a unit when completed. "Heavy duty equipment" includes fuel delivery tanks, refuse bodies, cranes, aerial bucket devices, bus bodies regardless of gross vehicle weight, and digger derricks."

ReNUMBER accordingly

SB 2168 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2268 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 3, after "fairgrounds" insert "; and to declare an emergency"

Page 1, after line 17, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

ReNUMBER accordingly

SB 2268 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 2292 has had the same under consideration and recommends by a vote of 6 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 8, remove the overstrike over "~~or~~", remove the underscored comma, and remove ", or other authorities"

Page 1, line 15, after "may" insert "knowingly"

ReNUMBER accordingly

SB 2292 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 2315 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 2315 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 2337 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 2337 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 2365 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 3, line 26, remove "catching," and replace "wildlife" with "game animals and game birds"

Page 3, line 27, replace "wildlife" with "game animals and game birds"

Page 3, line 28, replace "wildlife" with "game animals and game birds"

Page 3, line 29, replace "wildlife" with "game animals and game birds"

Page 4, line 1, replace "the means of taking or capturing" with "implements or equipment useful in the taking of game animals or game birds"

Page 4, line 2, remove "wildlife"

ReNUMBER accordingly

SB 2365 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 2410 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 10, replace "must" with "should", after "balanced" insert "to the extent possible and to the extent that appointees are qualified to serve on those boards, commissions, committees, and councils", and replace "A person may not be appointed or reappointed" with "Any appointment to a professional board should be made in a manner that strives to seek gender balance based on the numbers of each gender belonging to that profession."

Page 1, remove lines 11 through 18

ReNUMBER accordingly

SB 2410 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 2425 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 PASS:

Page 1, line 20, remove "the name and address of the person from whom the"

Page 1, line 21, remove "owner purchased the motor vehicle," and remove "model number,"

Page 1, line 22, after the comma insert "and"

Page 2, line 2, remove ", and a description of the other motor"

Page 2, line 3, remove "vehicle the applicant uses for general transportation"

Renumber accordingly

SB 2425 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 2437 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 2, line 10, remove "towed vehicle,"

Page 2, line 13, after the second comma insert "and towed vehicles"

Renumber accordingly

SB 2437 was placed on the Sixth 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 2443 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 15, after "a" insert "mill levy or"

Page 1, line 16, remove "Such levy may be assessed against"

Page 1, remove line 17

Page 1, line 18, remove "benefits from such project." and overstrike "The" and insert immediately thereafter "If it is determined that the entire county receives benefits from the project, up to one mill may be levied over the entire county for the maintenance of the project. If less than the entire county receives benefits, special assessments may be levied against the lands benefited, and those special"

Page 1, line 19, remove the overstrike over "~~fifty cents~~" and remove "one dollar"

Page 1, line 20, remove the overstrike over "~~fifty cents~~" and remove "one dollar"

Page 1, line 22, after the first "the" insert "mill levy on the" and overstrike "or" and insert immediately thereafter "for"

Page 2, line 1, after "and" insert "mill levy or special"

Page 2, line 3, after the second "the" insert "mill levy or"

Renumber accordingly

SB 2443 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2444 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 2444 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2455 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 2455 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 2459 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 2459 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 2465 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 9, after "wire" insert ", electronic,"

Page 1, line 12, after "wire" insert ", electronic,"

Page 1, after line 15, insert:

- "4. "Electronic communication" means transfer of signs, signals, writing, images, sounds, data, or intelligence of any nature transmitted in whole or in part by a wire, radio, electromagnetic, photoelectronic, or photo-optical system, but does not include:

- a. The radio portion of a cordless telephone communication that is transmitted between the cordless telephone handset and the base unit;
 - b. A wire or oral communication;
 - c. A communication made through a tone-only paging device; or
 - d. A communication from a tracking device, defined as an electronic or mechanical device that permits the tracing of the movement of a person or object.
5. "Electronic, mechanical, or other device" means any device or apparatus that can be used to intercept a wire, electronic, or oral communication, other than:
- a. Any telephone or telegraph instrument, equipment, or facility, or any component thereof, either:
 - (1) Furnished to the subscriber or user in the ordinary course of its business and being used by the subscriber or user in the ordinary course of its business or furnished by a subscriber or user for connection to the facilities of service and used in the ordinary course of its business; or
 - (2) Being used by a communications common carrier in the ordinary course of its business, or by an investigative or law enforcement officer in the ordinary course of the officer's duties.
 - b. A hearing aid or similar device being used to correct subnormal hearing to not better than normal;
 - c. A device or apparatus specifically designed to only record conversations to which the operator of the device is a party;
 - d. A device or apparatus used in the normal course of broadcasting by radio or television; or
 - e. A device or apparatus that is otherwise commonly used for a purpose other than overhearing or recording conversations.

In determining whether a device that is alleged to be an electronic, mechanical, or other device is, in fact, such a device, there must be taken into account, among other things, the size, appearance, directivity, range, sensitivity, frequency, power, or intensity, and the representation of the maker or manufacturer as to its performance and use."

Page 1, remove lines 16 through 22

Page 2, remove lines 1 through 6

- Page 2, line 7, after "aural" insert "or other" and after "wire" insert ",
electronic,"
- Page 2, line 18, after "belief" insert ", but does not include any electronic
communication"
- Page 2, line 19, replace "a communication made in whole or in part" with "any
aural transfer made in whole or in part through the use of facilities
for the transmission of communications by the aid of wire, cable, or
other like connection between the point of origin and the point of
reception, including any electronic storage of the communication, but
does not include the radio portion of a cordless telephone
communication that is transmitted between the cordless telephone
handset and the base unit."
- Page 2, remove lines 20 through 25
- Page 4, line 14, after "wire" insert ", electronic,"
- Page 5, line 12, after "wire" insert ", electronic,"
- Page 6, line 4, after "wire" insert ", electronic,"
- Page 7, line 1, after "wire" insert ", electronic,"
- Page 7, line 4, after "wire" insert ", electronic,"
- Page 7, line 7, after "wire" insert ", electronic,"
- Page 7, line 27, after "wire" insert ", electronic,"
- Page 8, line 12, after "wire" insert ", electronic,"
- Page 8, line 20, after "wire" insert ", electronic,"
- Page 9, line 6, after "wire" insert ", electronic,"
- Page 9, line 15, after "wire" insert ", electronic,"
- Page 10, line 2, after "wire" insert ", electronic,"
- Page 10, line 9, after "wire" insert ", electronic,"
- Page 10, line 14, after "wire" insert ", electronic,"
- Page 10, line 19, after "wire" insert ", electronic,"
- Page 10, line 22, after "wire" insert ", electronic,"
- Page 10, line 24, after "wire" insert ", electronic,"
- Page 11, line 17, after "wire" insert "or electronic"
- Page 12, line 1, after "wire" insert "or electronic"
- Page 12, line 8, after "wire" insert ", electronic,"
- Page 12, line 19, after "wire" insert ", electronic,"

Page 13, line 4, after "wire" insert ", electronic,"

Page 13, line 5, after "wire" insert ", electronic,"

Page 13, line 7, after "wire" insert ", electronic,"

Re-number accordingly

SB 2465 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred SB 2476 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 2, line 2, replace "one" with "two" and remove "five hundred"

Page 2, line 3, replace "five hundred" with "one thousand"

Re-number accordingly

SB 2476 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 2492 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, replace "A" with "Subject to local zoning ordinances, a"

Re-number accordingly

SB 2492 was placed on the Sixth 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 SCR 4014 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 3, after "organ" insert "and tissue"

Page 1, line 6, after "organ" insert "and tissue"

Page 1, line 8, after "certain" insert "end-stage organ and tissue"

Page 1, line 11, after "organ" insert "and tissue"

Page 1, line 14, after "organs" insert "and tissues"

Page 1, after line 18, insert:

"WHEREAS, current exclusionary fiscal handling of transplantation does not reflect medical recognition of transplantation as appropriate treatment for certain end-stage organ or tissue diseases; and"

Page 1, line 19, after "agencies" insert "and other associations"

Page 2, line 7, after "organ" insert "and tissue"

Page 2, line 9, replace "naming and" with "carrying"

Page 2, line 10, remove "selecting an interim committee to carry" and replace "include within that" with "consult with"

Page 2, line 11, remove "committee's membership"

Page 2, line 13, after the first comma insert "the commissioner of insurance, the Transplant Association of the Prairie"

Page 2, line 14, after "Hospital" insert "and Nursing Home" and remove "one or more"

Renumber accordingly

SCR 4014 was placed on the Sixth 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 SCR 4029 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 "Water Commisison" with "Engineer"

Page 1, line 17, replace "Water" with "Engineer"

Page 1, line 18, remove "Commission"

Page 1, line 23, remove "of the Water Commission"

Renumber accordingly

SCR 4029 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Mushik, Mathern, Thane and Reps. Kelly, J. DeMers, Ulmer introduced:

SCR 4047: A concurrent resolution directing the Legislative Council to study the state's system of delivering public assistance in light of recently enacted federal welfare reform legislation to determine the most efficient, effective, and responsible method of delivering public assistance to families and individuals.

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

FIRST READING OF HOUSE BILLS

HB 1019: A BILL for an Act making an appropriation for defraying the expenses of the centennial commission of the state of North Dakota.

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

HB 1066: A BILL for an Act to amend and reenact section 15 of chapter 374 of the 1987 Session Laws of North Dakota, relating to the expiration date for legislation creating a temporary court of appeals.

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

HB 1116: A BILL for an Act to amend and reenact section 12.1-32-12 of the North Dakota Century Code, relating to penalties, sentences, and parole for unclassified offenses; and to repeal section 12.1-32-10 of the North Dakota Century Code, relating to mandatory parole components.
Was read the first time and referred to the Committee on Judiciary.

HB 1181: A BILL for an Act to amend and reenact sections 6-09.11-01, 6-09.11-03, 6-09.11-04, 6-09.11-06, 6-09.11-07, and 6-09.11-09 of the North Dakota Century Code, relating to financial assistance for family farmers; and to declare an emergency.
Was read the first time and referred to the Committee on Agriculture.

HB 1241: A BILL for an Act to create and enact a new section to chapter 20.1-01 of the North Dakota Century Code, relating to spotting bighorn sheep, moose, or elk from aircraft.
Was read the first time and referred to the Committee on Natural Resources.

HB 1260: A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to notice of removal or replacement of fill adjacent to a watercourse.
Was read the first time and referred to the Committee on Natural Resources.

HB 1277: A BILL for an Act to amend and reenact section 43-30-02 of the North Dakota Century Code, relating to law enforcement personnel providing private security service.
Was read the first time and referred to the Committee on Political Subdivisions.

HB 1317: A BILL for an Act to amend and reenact subsection 23 of section 57-15-10 and section 57-15-48 of the North Dakota Century Code, relating to limitations on city tax levies for emergency purposes; and to provide an effective date.
Was read the first time and referred to the Committee on Political Subdivisions.

HB 1323: A BILL for an Act to amend and reenact section 16.1-12-02 of the North Dakota Century Code, relating to petition requirements of independent candidates.
Was read the first time and referred to the Committee on Judiciary.

HB 1344: A BILL for an Act to amend and reenact section 54-52.1-04.1 of the North Dakota Century Code, relating to health maintenance organization contracts under the uniform group insurance program.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1368: A BILL for an Act to amend subsection 6 of section 50-11.1-02 of the North Dakota Century Code, relating to the definition of a family child care home for the purpose of requirements for early childhood services facilities.
Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

HB 1425: A BILL for an Act to provide for the disposition of stored cremated remains.

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

HB 1451: A BILL for an Act to create and enact a new section to chapter 11-17; and to amend and reenact sections 11-10-02, 11-10-06, 11-10-10, 11-10-11, 11-17-05, and 27-01-01.1 of the North Dakota Century Code, relating to clerks of district court.

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

HB 1466: A BILL for an Act to amend and reenact subsection 1 of section 41-09-40 of the North Dakota Century Code, relating to perfecting security interests in farm equipment.

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

HB 1477: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to the powers of a school board to designate an official school district newspaper; to amend and reenact sections 15-28-06, 15-28-11, subsection 17 of section 15-29-08, sections 15-34.2-07, 15-34.2-07.1, 15-47-15, and subsection 7 of section 21-03-07 of the North Dakota Century Code, relating to official newspapers of school districts; and to repeal section 15-22-23 of the North Dakota Century Code, relating to publication of notice of school elections by county superintendents of schools.

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

HB 1512: A BILL for an Act to amend and reenact section 54-44.2-02.2 of the North Dakota Century Code, relating to the membership of the communications advisory committee.

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

HB 1526: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 of the North Dakota Century Code, relating to nonsufficient fund check offenses.

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

HB 1534: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-18 and subsection 1 of section 57-40.2-15 of the North Dakota Century Code, relating to penalties for delinquent sales and use tax returns and payments.

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

HB 1538: A BILL for an Act to amend and reenact sections 57-43.2-03 and 57-43.2-04 of the North Dakota Century Code, relating to a special fuels excise tax levy and to the collection and payment of the tax.

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

HB 1559: A BILL for an Act to amend and reenact sections 15-19-02 and 15-19-08 of the North Dakota Century Code, relating to requiring the superintendent of public instruction to appoint the director of the division of independent study; and to repeal subsection 4 of section 15-19-06 of the North Dakota Century Code, relating to the budget of the division of independent study.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution urging Congress to provide funds to the appropriate agency to construct a bridge over the Missouri River approximately midway between Bismarck, North Dakota, and Mobridge, South Dakota, in the vicinity of Fort Yates and Emmons County, North Dakota.

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

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

PATRICIA CONRAD, Secretary