

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, February 6, 1989

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

The prayer was offered by Rev. Jack Bunkley, First Presbyterian Church, Wilton.

Gracious God, You express Yourself to us in a variety of ways, but apparently the only way that affects us is symbolized in the sign of "Resurrection".

We confess that we are individually, and as a legislative body, further from You than we realize. We confess that on occasion we are so insecure as to close our minds to other points of view. We confess that on occasion we forget that we have been called to service and not privilege. We confess that on occasion we are too filled with ourselves, that we are pompous and ineffective as public servants.

Teach us, we pray, not to scold ourselves for our blindness and misdeeds, but to see our failures as learning experiences so that we may be more effective human beings, and thus more useful servants of the people of North Dakota.

And, by Your grace, never let us forget that no matter how severe our mistakes we are forgiven.

Grant, O God, that we may face the opportunities of this day with renewed zeal, a zeal which will make us sensitive to the will of the people of North Dakota without being intimidated by it.

Grant, we pray, that we may have such devotion to duty that the citizens of this state will perceive their government as an ally and a friend, not as an adversary. Amen.

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

A quorum was declared by the President.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1105, HB 1295, HB 1322, HB 1349, HB 1495, HB 1569, HB 1634, HB 1650.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SCR 4027 and subsequently passed the same.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2041, SB 2054, SB 2063, SB 2187, SB 2198, SB 2243, SB 2277, SB 2278, SB 2282, SB 2294, SB 2311, SB 2378, SB 2396, SB 2435, SB 2458.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)  
 MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Twenty-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 380, after line 2, insert:

"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"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)  
 MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Twenty-third Day and finds it to be correct.

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

MOTIONS

SEN. D. MEYER MOVED that SB 2456 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. D. MEYER MOVED that SB 2456 be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2456 was rereferred.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2173 as recommended by the Committee on Industry, Business and Labor as printed on pages 407-409 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2173 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 2262 as recommended by the Committee on State and Federal Government as printed on pages 409-410 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2262 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. W. MEYER MOVED that the amendments to SB 2031 as recommended by the Committee on Agriculture as printed on pages 429-430 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2059 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 430 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. DOTZENROD MOVED that the amendments to SB 2067 as recommended by the Committee on Political Subdivisions as printed on page 430 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2067 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2077 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 431 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2077 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2078 as recommended by the Committee on Natural Resources as printed on pages 431-432 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. W. MEYER MOVED that the amendments to SB 2159 as recommended by the Committee on Agriculture as printed on page 432 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2159 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2168 as recommended by the Committee on Transportation as printed on pages 432-433 of the Senate Journal

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

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

SEN. DOTZENROD MOVED that the amendments to SB 2268 as recommended by the Committee on Political Subdivisions as printed on page 433 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2268 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2292 as recommended by the Committee on Transportation as printed on page 433 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2292 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2365 as recommended by the Committee on Natural Resources as printed on page 434 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2365 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 2410 as recommended by the Committee on State and Federal Government as printed on pages 434-435 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2410 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2425 as recommended by the Committee on Transportation as printed on page 435 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2425 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2437 as recommended by the Committee on Transportation as printed on page 435 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2437 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2443 as recommended by the Committee on Natural Resources as printed on pages 435-436 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SB 2443 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 2465 as recommended by the Committee on Judiciary as printed on pages 436-439 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. DOTZENROD MOVED that the amendments to SB 2476 as recommended by the Committee on Political Subdivisions as printed on page 439 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2476 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2492 as recommended by the Committee on Transportation as printed on page 439 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2492 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SCR 4014 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 439-440 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SCR 4014 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SCR 4029 as recommended by the Committee on Natural Resources as printed on page 440 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

#### SECOND READING OF SENATE BILLS

SB 2300: A BILL for an Act to create and enact a new section to chapter 5-02 of the North Dakota Century Code, relating to the disposal of alcoholic beverages on New Year's Eve; and to amend and reenact section 5-02-05 and subsection 37 of section 12.1-30-03 of the North Dakota Century Code, relating to the sale or consumption of alcoholic beverages on certain days and businesses authorized to operate on Sundays.

#### ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 20 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Holmberg; Kelsh; Kinnoin; Maixner; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Olson; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Ingstad; Keller; Krauter; Krebsbach; Langley; Lashkowitz; Lodoen; Mathern; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Lips

SB 2300 lost.

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SB 2316: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new section to chapter 39-21 of the North Dakota Century Code, relating to the required use of safety belts in certain motor vehicles; 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 PASS, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Ewen; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Mathern; Meyer, J.; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Tennefos; Thane; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Freborg; Hilken; Keller; Kinnoin; Krauter; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; O'Connell; Stenehjem; Streibel; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2316 passed and the title was agreed to.

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MOTION

SEN. WOGSLAND MOVED that the vote by which SB 2316 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILLS

SB 2319: A BILL for an Act to create and enact a new section to chapter 35-01 of the North Dakota Century Code, relating to priority of a lien securing future advances.

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 2319 passed and the title was agreed to.

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SB 2329: A BILL for an Act to amend and reenact sections 12-60-17, 28-01-17, 29-05-10, 32-22-36, 58-04-10, 58-05-02, 58-05-05, 58-05-07, 58-07-03, 58-15-03, and 58-15-04 of the North Dakota Century Code, relating to the office of township constable; and to repeal sections 58-10-03, 58-10-04, and 58-10-05 of the North Dakota Century Code, relating to township constables.

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 2329 passed and the title was agreed to.

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SB 2469: A BILL for an Act to amend and reenact section 24-02-03.4 of the North Dakota Century Code, relating to credit for transferring motor vehicles.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2469 passed and the title was agreed to.

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SB 2508: A BILL for an Act to amend and reenact subsection 4 of section 4-35-05, section 4-35-09, subsection 2 of section 4-35-13, subsection 1 of section 4-35-14, subsection 16 of section 4-35-15, section 4-35-19, and subsection 1 of section 4-35.1-01 of the North Dakota Century Code, relating to eliminating direct supervision of the application of pesticides and the definition of chemigation.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2508 passed and the title was agreed to.

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SECOND READING OF SENATE CONCURRENT RESOLUTION

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

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

SCR 4024 was declared adopted on a voice vote.

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SECOND READING OF SENATE BILLS

SB 2220: A BILL for an Act to create and enact a new subsection to section 53-06.1-15.1 and a new section to chapter 53-06.1 of the North Dakota Century Code, to allow the attorney general to enter into an agreement to exchange information with the internal revenue service; and to amend and reenact subsections 1, 3, and 7 of section 53-06.1-01, section

53-06.1-02, subdivision b of subsection 2 of section 53-06.1-03, sections 53-06.1-03.1, 53-06.1-03.2, 53-06.1-03.3, 53-06.1-04, 53-06.1-05, subsections 2 and 8 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-08, 53-06.1-08.1, 53-06.1-10, subsection 2 of section 53-06.1-14, subsections 3 and 4 of section 53-06.1-15.1, and section 53-06.1-16.2 of the North Dakota Century Code, relating to definitions, use of gaming funds to promote initiatives and referendums, the use of funds, rent for bingo sites, charitable gaming tickets, sports pools, lending gaming equipment, twenty-one players playing two hands, the attorney general seizing gaming materials without a court order, and sales by distributors and manufacturers.

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 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, 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: Meyer, D.

SB 2220 passed and the title was agreed to.

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SB 2315: A BILL for an Act to amend and reenact subsection 1 of section 41-03-06 of the North Dakota Century Code, relating to the definition of a sum certain.

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 2315 passed and the title was agreed to.

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SB 2337: A BILL for an Act to amend and reenact subsection 13 of section 49-18-02 of the North Dakota Century Code, relating to the regulation of the transportation of saltwater by the public service 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 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 2337 passed and the title was agreed to.

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SB 2340: A BILL for an Act to amend and reenact subsection 1 of section 12.1-32-02 of the North Dakota Century Code, relating to sentencing alternatives in criminal cases.

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 2340 passed and the title was agreed to.

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SB 2442: A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to the division of funds between cities and counties that contract for prosecution and defense services.

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 52 YEAS, 1 NAY, 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; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: O'Connell

ABSENT AND NOT VOTING: None

SB 2442 passed and the title was agreed to.

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MOTION

SEN. DOTZENROD MOVED that SB 2444, which is on the Eleventh order, be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Dotzenrod's motion, SB 2444 was rereferred.

SECOND READING OF SENATE BILLS

SB 2447: A BILL for an Act to provide for the pledging of property as an alternative to a bidder's bond on certain public works contracts awarded by the state and political subdivisions; and to amend and reenact sections 11-11-28, 40-22-20, 40-31-03, and 48-02-04 of the North Dakota Century Code, relating to bid requirements for certain public works contracts.

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 12 YEAS, 41 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Freborg; Meyer, D.; Meyer, J.; Moore; Naaden; Nelson; Peterson; Streibel; Tennefos; Todd; Vosper

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

ABSENT AND NOT VOTING: None

SB 2447 lost.

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SB 2455: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to allocation of revenue in the foundation aid reserve fund; to amend and reenact

sections 53-06.1-10, 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, relating to the maximum wager in twenty-one, the games of chance tax, and allocation of games of chance tax revenues to the foundation aid reserve fund; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Langley; Lashkowitz; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; O'Connell; Peterson; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Vosper; Wogsland

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Hilken; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Mathern; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Redlin; Robinson; Stenehjerm; Streibel; Tennefos; Thane; Todd; Waldera; Yockim

ABSENT AND NOT VOTING: None

SB 2455 lost.

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2459 passed and the title was agreed to.

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MOTION

SEN. HEIGAARD MOVED that 200 copies of SB 2050 be reprinted.

## REQUEST

SEN. HEIGAARD REQUESTED a recorded roll call vote on the motion to reprint SB 2050, which request was granted.

## ROLL CALL

The question being on the motion to reprint 200 copies of SB 2050, 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

So the motion to reprint SB 2050 prevailed.

## DOCTOR OF THE DAY SCHEDULE

February 6: Justus J. Fiechtner, MD - Internal Medicine - Fargo  
February 10: Jane D. Dietz, MD - Family Practice - Fargo

## MOTIONS

SEN. HEIGAARD MOVED that the absent member 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 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 2295, SB 2246, SB 2404, SCR 4039, SCR 4035, SCR 4011, SCR 4013, SB 2488, SB 2510, SB 2233, SB 2232, and SB 2345, the Senate stand adjourned until 1:00 p.m., Tuesday, February 7, 1989, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2200 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 7, line 26, overstrike "on the first Tuesday after"

Page 7, line 27, overstrike "the regular meeting of the city council", remove "or city commission", and overstrike "and on"

Page 7, line 28, overstrike "the second Tuesday in" and insert immediately thereafter an underscored comma

Page 9, line 14, remove the overstrike over "~~in a city operating under the commission system of~~"

Page 9, line 15, remove the overstrike over "~~government; the board of city commissioners~~", after "constitute" insert "may appoint a board of health or the commission may serve as", and remove the overstrike over "~~the board of~~"

Page 9, line 16, remove the overstrike over "~~health-~~", after "~~The~~" insert "If the commission serves as the board of health, the", remove the overstrike over "~~city physician~~", after "be" insert "is", remove the overstrike over "~~the executive officer of~~", after "such" insert "the", and remove the overstrike over "~~board-~~"

Page 9, line 17, replace "~~The~~" with "A" and after "health" insert "appointed by the city commission"

Page 10, line 4, after "board" insert "appointed by the commission"

Page 12, line 3, remove the overstrike over "~~County~~" and remove "Local"

Page 12, line 4, remove the overstrike over "~~county~~" and remove "local"

Page 18, line 13, remove the overstrike over "~~in a city~~"

Page 18, remove the overstrike over lines 14 through 16

Page 18, line 17, remove the overstrike over "~~of health for each fifteen thousand population or~~" and insert immediately thereafter "major" and remove the overstrike over "~~fraction thereof and the~~"

Page 18, remove the overstrike over lines 18 and 19

Page 18, line 20, remove the overstrike over "~~the district board of health for each fifteen thousand population or~~" and insert immediately thereafter "major" and remove the overstrike over "~~fraction~~"

Page 18, line 21, remove the overstrike over "~~thereof-~~"

Page 21, line 1, overstrike "~~not to exceed the per diem and mileage rates~~"

Page 21, line 2, overstrike "~~established for~~" and insert immediately thereafter "in the manner and to the extent allowed"

Renumber accordingly

SB 2200 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 2219 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 4, line 7, replace "~~mailed~~" with "received or refused"

Page 4, line 10, after the underscored comma insert "as provided in subsection 3,"

Page 4, line 22, remove "do not" and after "apply" insert "only to the licensee"

Renumber accordingly

SB 2219 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 2232 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 2232 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 2233 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 PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SB 2233 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 2246 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 2246 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred SB 2295 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 2295 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2299 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 5, after line 25, insert:

"4. This section may not be utilized by a domestic insurance company without the prior approval of the commissioner."

Renumber accordingly

SB 2299 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 2317 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 "6-03" insert ", a new subdivision to subsection 1 of section 6-09-15, and a new section to chapter 54-17"

Page 1, line 3, after "stock" insert ", Bank of North Dakota authority to make agricultural real estate loans, and a trust fund to participate in the federal agricultural mortgage secondary market program"

Page 1, after line 12, insert:

"SECTION 2. A new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Make agricultural real estate loans in order to participate in the agricultural mortgage secondary market program established pursuant to the Agricultural Credit Act [Pub. L. 100-233, 101 Stat. 1686, 12 U.S.C. 2279aa-2279aa-14].

SECTION 3. A new section to chapter 54-17 of the North Dakota Century Code is hereby created and enacted to read as follows:

State trust created - Agricultural mortgage secondary market. The industrial commission may establish a trust for the purpose of participating as an agricultural mortgage marketing facility in the agricultural mortgage secondary market program established pursuant to the Agricultural Credit Act [Pub. L. 100-233, 101 Stat. 1686, 12 U.S.C. 2279aa-2279aa-14]. The industrial commission may take any action necessary to qualify as a certified facility."

Renumber accordingly

SB 2317 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 2345 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2345 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 2386 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 NOT PASS:

Page 1, line 21, after "member" insert ". The members from the game and fish commission districts and the at-large member must be"

Page 2, line 5, replace "The at-large member" with "Nominees" and remove "a"

Page 2, line 6, replace "resident" with "residents"

Page 2, line 7, replace "that individual" with "them"

Page 2, line 12, replace "published thirty days prior to selection in every official county" with "made available upon request"

Page 2, line 13, remove "newspaper in this state"

Page 3, line 5, after the first period insert "Vacancies must be filled within six months."

Page 3, line 11, after the first "two" insert "public" and after the second "two" insert "public"

Page 3, line 14, replace "commissioner" with "commission member"

Page 3, line 16, replace "conduct" with "review"

Page 3, replace lines 17 through 20 with "The commission may advise the state game and fish commissioner regarding the day-to-day operations of the department but shall make general recommendations and formulate policy concerning hunting, trapping, and fishing, through the use of current scientific data, recommendations of the game and fish commissioner, and public input from organizations and individuals, which the commissioner shall execute."

Page 3, line 26, after "reimbursed" insert ", from revenues generated by the state game and fish department,"

Page 4, line 24, overstrike "by the", remove "commission", and overstrike "for cause only" and insert immediately thereafter "upon a vote of five of the seven commission members"

Reumber accordingly

SB 2386 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 2404 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2404 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 2419 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 PASS:

Page 1, line 9, after "well" insert "upon the order of the state engineer after consultation with the board of county commissioners of the county in which the well is located. The state engineer must demonstrate a prima facie environmental or safety hazard before the order is issued"

Reumber accordingly

SB 2419 was placed on the Sixth 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 2488 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2488 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SB 2501 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, replace "6-09.8" with "6-09"

Page 1, line 3, replace "loan guarantee" with "revolving loan"

Page 1, line 5, replace "6-09.8" with "6-09"

Page 1, line 7, replace "loan guarantee" with "revolving loan"

Page 1, line 10, replace "loan guarantee fund" with "revolving loan fund as established in section 6-09-15.5"

Renumber accordingly

SB 2501 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 2510 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 2510 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SCR 4011 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4011 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SCR 4013 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 PASS.

SCR 4013 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 SCR 4035 has had the same under consideration

and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4035 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 SCR 4039 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SCR 4039 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 HB 1224 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1224 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

HB 1105: A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to petty cash funds and bank accounts.

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

HB 1295: A BILL for an Act to create and enact a new section to chapter 43-11 of the North Dakota Century Code, relating to the use of brush rollers by licensed cosmetologists.

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

HB 1322: A BILL for an Act to amend and reenact section 47-16-30.1 of the North Dakota Century Code, relating to disposal by lessor of property abandoned by lessee.

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

HB 1349: A BILL for an Act to amend and reenact section 23-21.1-03 of the North Dakota Century Code, relating to cemetery perpetual care funds.

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

HB 1495: A BILL for an Act to create and enact a new section to chapter 57-43.2 of the North Dakota Century Code, relating to a deduction for the cost of collecting and remitting special fuels taxes.

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

HB 1569: A BILL for an Act to require the North Dakota centennial commission to place the signature of Burdette B. (Burt) Calkins on the centennial logo and provide that any article or product using the logo must use the signed logo to recognize the significant contributions made by North Dakota artist Burdette B. (Burt) Calkins, the award-winning designer of the North Dakota centennial logo.

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

HB 1634: A BILL for an Act to amend and reenact section 57-38-35.2, subsection 1 of section 57-38-45, and subsection 1 of section 57-38-62 of the North Dakota Century Code, relating to interest on refunds and additional assessments of individual and corporation income tax and declarations of estimated tax; and to provide an effective date.

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

HB 1650: A BILL for an Act to authorize the director of institutions to sell and convey certain land belonging to the school for the deaf to Devils Lake public school district no. 1; and to declare an emergency.

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

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

PATRICIA CONRAD, Secretary