

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 7, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Rev. James Kraemer, Church of the Nazarene, Mandan.

Our eternal Father, we are encouraged and thankful for the positive and good things that have been happening in our lives. We are thankful for our great state, for our leaders who have made this a great place to live. We are thankful for an environment in which we can work, raise families, and have enjoyment and blessings in our lives.

We pray for these our elected officials. We pray that You will continue to give them wisdom and insight and strength for this day. Help them with the difficult decisions that affect so many people. Strengthen their minds and their bodies, that they may feel well and sense Your presence. We pray for their families and ask that You meet each of their needs.

And we pray for this, our Centennial year, that we can keep the quality of life combined with the spirit of progress we have learned to enjoy.

This day is in Your hands and we thank You for it. In Jesus' name. Amen.

The roll was called and all Senators were present.

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 1017, HB 1282, HB 1336, HB 1356, HB 1369, HB 1379, HB 1393, HB 1467, HB 1484, HB 1491, HB 1493, HB 1522, HB 1531, HCR 3004, HCR 3006, HCR 3007, HCR 3021, HCR 3041.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)
THE SECRETARY ANNOUNCED that the President signed the following enrolled bill: SB 2064.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2064.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2172, SB 2223, SB 2284, SB 2297, SB 2322, SB 2341, SB 2367, SB 2411, SB 2412, SB 2420, SB 2440, SB 2450, SB 2461, SB 2477, SB 2486, SB 2491, SB 2494, SB 2515, SCR 4001, SCR 4002, SCR 4016.

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-fourth Day and recommends that

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

Page 460, line 21, replace "shall" with "may"

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

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2200 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 457-458 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2200 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to SB 2219 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 458-459 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2219 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 2299 as recommended by the Committee on Agriculture as printed on page 459 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2299 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 2317 as recommended by the Committee on Agriculture as printed on pages 459-460 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2317 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2386 as recommended by the Committee on Natural Resources as printed on pages 460-461 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SB 2386 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2419 as recommended by the Committee on Natural Resources as printed on pages 461-462 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2419 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 2501 as recommended by the Committee on Agriculture as printed on page 462 of the Senate Journal be

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

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

MOTION

SEN. WALDERA MOVED that the Senate reconsider its action whereby SB 2455 failed to pass, which motion prevailed on a verification vote.

REQUEST

SEN. HOLMBERG REQUESTED that the Senate divide SB 2455, which request was granted.

Division I, which includes Section 1
 Division II, which includes Sections 2 and 3
 Division III, which includes Section 4

ROLL CALL

The question being on the adoption of Division I of SB 2455, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Peterson; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Axtman; Ewen; Freborg; Hilken; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: None

Division I of SB 2455 passed.

ROLL CALL

The question being on the adoption of Division II of SB 2455, the roll was called and there were 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Ewen; Hanson; Heigaard; Heinrich; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; Dotzenrod; Freborg; Hilken; Holmberg; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Robinson; Stenehjelm; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

Division II of SB 2455 passed.

ROLL CALL

The question being on the adoption of Division III of SB 2455, the roll was called and there were 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Ewen; Hanson; Heigaard; Heinrich; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; O'Connell; Olson; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; Dotzenrod; Freborg; Hilken; Holmberg; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Robinson; Stenehjerm; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

Division III of SB 2455 passed.

SECOND READING OF SENATE BILL

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, the roll was called and there were 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Hanson; Heigaard; Heinrich; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; O'Connell; Olson; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: Axtman; Dotzenrod; Ewen; Freborg; Hilken; Holmberg; Lodoen; Moore; Mutch; Nelson; Nething; Peterson; Redlin; Robinson; Stenehjerm; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

SB 2455 passed and the title was agreed to.

MOTION

SEN. D. MEYER MOVED that the vote by which SB 2455 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

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

MR. PRESIDENT: The Speaker has signed: SB 2064.

SECOND READING OF SENATE BILLS

SB 2031: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to the posting of a notice of grain dispute resolution procedures; and to amend and reenact section 60-02-05 of the North Dakota Century Code, relating to the resolution of disputes concerning grain.

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 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 2031 passed and the title was agreed to.

SB 2059: A BILL for an Act to create and enact a new section to chapter 50-25.1 of the North Dakota Century Code, relating to the adoption of rules by the department of human services to resolve complaints and conduct reviews concerning investigations of reports of child abuse or neglect.

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 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 2059 passed and the title was agreed to.

SB 2067: A BILL for an Act to establish a state advisory commission on intergovernmental relations; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 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, 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: Meyer, D.

ABSENT AND NOT VOTING: None

SB 2067 passed and the title was agreed to.

SB 2077: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to fees assessed for parking violations in parking spaces designated for use by mobility impaired persons; and to amend and reenact subsections 7 and 8 of section 39-01-15 and subsection 7 of section 39-06.1-06 of the North Dakota Century Code, relating to parking privileges for mobility impaired persons and to fees assessed for parking violations on state charitable and penal institution property or on the state capitol grounds; and to provide a penalty.

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 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 2077 passed and the title was agreed to.

SB 2078: A BILL 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.

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 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 2078 passed and the title was agreed to.

SB 2159: A BILL for an Act to amend and reenact sections 60-02-07, 60-02-09.1, 60-02-11, 60-02-22, 60-02-35, 60-02-35.1, and 60-04-09 of the North Dakota Century Code, relating to grain and seed warehouses and insolvent grain warehousemen.

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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; 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; Robinson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: Kelsh; O'Connell; Richard; Schoenwald

ABSENT AND NOT VOTING: Waldera

SB 2159 passed and the title was agreed to.

SB 2168: A BILL 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.

ROLL CALL

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

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

SB 2168 passed and the title was agreed to.

REQUEST

SEN. SCHOENWALD REQUESTED that his remarks be printed in the Journal, which request was granted.

This legislation provides that the Workers Compensation Bureau will establish a reasonable maximum attorney fee for each of the several different administrative stages in which attorneys represent claimants before the bureau. Based upon discussions that I have had, some of the stages before the bureau are the investigation, prehearing, formal hearing, posthearing and rehabilitation stages. The bill is intended to provide claimants with adequate representation at all phases of the administrative proceedings before the bureau while providing the bureau with reasonable established limitations.

SECOND READING OF SENATE BILLS

SB 2173: A BILL for an Act to amend and reenact sections 65-02-08 and 65-10-03 of the North Dakota Century Code, relating to the payment of attorneys' fees by the North Dakota workers compensation bureau; and to provide an effective date.

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 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 2173 passed and the title was agreed to.

SB 2262: A BILL for an Act to repeal section 19-02-24 of the North Dakota Century Code, relating to the use of rooms in which food is stored, prepared, or sold.

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 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 2262 passed and the title was agreed to.

MOTION

SEN. INGSTAD MOVED that the Senate reconsider its action whereby SB 2300 failed to pass, which motion prevailed on a verification vote.

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, the roll was called and there were 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Axtman; Ewen; Freborg; Hanson; Heigaard; Hilken; Keller; Krauter; Langley; Lips; Lodoen; Mathern; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Streibel; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: None

SB 2300 lost.

SB 2268: A BILL for an Act to authorize the director of institutions to sell and convey certain land owned by the state of North Dakota to Burleigh County for use as fairgrounds; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 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 2268 passed, the title was agreed to, and the emergency clause carried.

SB 2292: A BILL for an Act to amend and reenact section 39-10-21.1 of the North Dakota Century Code, relating to closing roads because of hazardous conditions.

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, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: None

SB 2292 passed and the title was agreed to.

SB 2365: A BILL for an Act to amend and reenact section 20.1-01-02 of the North Dakota Century Code, relating to the definition of hunt or hunting.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; 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; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: Hilken; Keller; Kelsh; Robinson; Schoenwald; Vosper

ABSENT AND NOT VOTING: None

SB 2365 passed and the title was agreed to.

SB 2410: A BILL for an Act to provide gender balance in the appointment of members of state boards, commissions, committees, and councils; and to amend and reenact sections 15-39.1-05 and 23-14-04 of the North Dakota Century Code, relating to the appointment of members of the board of trustees of the teachers' fund for retirement and district boards of health.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 3 NAYS, 1 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; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Moore; Naaden; Nelson

ABSENT AND NOT VOTING: Krauter

SB 2410 passed and the title was agreed to.

SB 2425: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to registration fees of motor vehicles owned by collectors.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, 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 2425 passed and the title was agreed to.

SB 2437: A BILL for an Act to amend and reenact subdivision b of subsection 1, subdivision b of subsection 2, and subdivision f of subsection 3 of section 39-12-04 of the North Dakota Century Code, relating to width and height exemptions for implements of husbandry and length limitations for towed vehicles.

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 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 2437 passed and the title was agreed to.

SB 2443: A BILL for an Act to amend and reenact section 61-16.1-40.1 of the North Dakota Century Code, relating to maintenance of flood control or soil conservation service projects.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 31 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Ewen; Heigaard; Holmberg; Ingstad; Kelsh; Kinnoin; Lashkowitz; Lips; Lodoen; Mathern; Meyer, W.; Mushik; Nalewaja; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Vosper; Waldera

NAYS: Axtman; David; Dotzenrod; Freborg; Hanson; Heinrich; Hilken; Keller; Krauter; Krebsbach; Langley; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; O'Connell; Olson; Peterson; Richard; Robinson; Stenehjem; Streibel; Tennefos; Todd; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2443 lost.

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 52 YEAS, 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; 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: Maxson

ABSENT AND NOT VOTING: None

SB 2465 passed and the title was agreed to.

SB 2476: A BILL for an Act to create a legislative council interim committee on elections and provide a mechanism for a mail ballot primary election; to provide an appropriation; and to provide an expiration date.

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, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Kelsh; Langley; Moore

ABSENT AND NOT VOTING: None

SB 2476 passed and the title was agreed to.

SB 2492: A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, relating to aboveground storage tanks.

MOTION

SEN. D. MEYER MOVED the previous question, which motion prevailed.

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Richard; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland

NAYS: Heinrich; Lips; Maixner; Mathern; Maxson; Olson; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Yockim

ABSENT AND NOT VOTING: None

SB 2492 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that 300 copies of SB 2173 be reprinted.

REQUEST

SEN. MAIXNER REQUESTED a recorded roll call vote on the motion to reprint SB 2173, which request was granted.

ROLL CALL

The question being on the motion to reprint 300 copies of SB 2173, 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 2173 prevailed.

MOTION

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SB 2094, SB 2207, SB 2247, SB 2235, SCR 4009, and SCR 4035, the Senate stand adjourned until 1:00 p.m., Wednesday, February 8, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2018 has had the same under consideration and

recommends by a vote of 10 YEAS, 3 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, remove the second "and"

Page 1, line 3, after "fund" insert "; to provide for a contingency loan from the coal trust fund; and to repeal the ANG plant closure contingency line item of section 1 and section 4 of chapter 34 of the 1987 Session Laws of North Dakota, relating to the ANG plant closure contingency loan"

Page 1, after line 17, insert:

"Dakota coal gasification plant closure contingency"	5,000,000
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Page 1, line 20, replace "3,978,012" with "8,978,012"

Page 1, line 21, replace "3,844,122" with "8,844,122"

Page 2, line 1, replace "The" with "Notwithstanding section 57-51.1-07 of the North Dakota Century Code, the"

Page 2, line 2, replace "is" with "may be"

Page 2, line 5, after "Dakota" insert "by the state treasurer at the request of the commissioner of university and school lands"

Page 2, line 6, after "grants" insert "for the biennium beginning July 1, 1989, and ending June 30, 1991"

Page 2, after line 6, insert:

"SECTION 3. CONTINGENCY LOAN. The amount of \$5,000,000 appropriated in section 1 of this Act for a Dakota coal gasification plant closure contingency line item shall be made available to the energy development impact office only if the Dakota coal gasification plant closes. If the Dakota coal gasification plant closes, the board of university and school lands shall lend \$5,000,000 from the coal trust fund, or so much thereof as may be necessary, to the energy development impact office for the purpose of providing grants to political subdivisions which are affected by the plant closure.

SECTION 4. GRANTS. Section 54-44.1-11 of the North Dakota Century Code shall not apply to appropriations made for oil impact grants in section 1 of this Act nor to the appropriation for coal impact grants in section 8 of chapter 729 of the 1987 Session Laws of North Dakota.

SECTION 5. REPEAL. The \$5,000,000 ANG plant closure contingency line item of section 1 and section 4 of chapter 34 of the 1987 Session Laws of North Dakota are hereby repealed."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 226 - LAND DEPARTMENT

This amendment provides:

1. A \$5,000,000 contingency loan to the energy development impact office from the coal trust fund if the Dakota Coal Gasification Plant closes to provide grants to political subdivisions which may be affected by the plant closure and that the similar contingency loan included in chapter 34 of the 1987 Session Laws be repealed.
2. That Section 57-51.1-07 of the North Dakota Century Code, which includes the purposes for which the moneys in the resources trust fund may be used, does not apply to the transfer of \$2,000,000 from the resources trust fund for oil development impact grants.
3. That Section 54-44.1-11 of the North Dakota Century Code, which cancels, at the end of a biennium, all unexpended balances of appropriations of that biennial period, does not apply to the oil impact grants in Section 1 nor to the \$1,050,000 coal impact grant appropriation in Section 8 of Chapter 729 of the 1987 Session Laws.

SB 2018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2020 has had the same under consideration and recommends by a vote of 13 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, remove lines 8 through 14

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - STATE INDUSTRIAL COMMISSION

This amendment deletes Section 2 of the bill which appropriated from the abandoned oil and gas well plugging and site restoration fund the funds necessary for plugging or replugging oil and gas wells. Section 2 of the bill is not necessary since the Industrial Commission has the statutory authority to do what the section provided for through North Dakota Century Code Section 38-08-04.5.

SB 2020 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. Kelsch, Chairman) to which was referred SB 2055 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 12, replace "opthamology" with "ophthalmology"

Page 7, line 10, replace "Routine inquiry and required request - Search and" with "Request for consent to an anatomical gift - Protocol - Exceptions."

1. When death occurs, or is deemed to be imminent, in a hospital to a patient who has not made an anatomical gift, the hospital administrator or a designated representative, other than a person connected with the determination of death, shall request the person described in subsection 1 of section 23-06.2-03, in the order of priority stated, when persons in prior classes are not available at the time of death, and in the absence of actual notice of contrary indication by the decedent or one in a prior class, to consent to the gift of organs of the decedent's body as an anatomical gift. The hospital must develop a protocol that includes the training of employees or other persons designated to make the request, the procedure to be followed in making the request, and a form of record identifying the person making the request and the response and relationship to the decedent. The protocol must encourage reasonable discretion and sensitivity to the family circumstances in all discussions regarding anatomical gifts.
2. If, based upon medical criteria, a request would not yield an anatomical gift that would be suitable for use, there is authorized an exception to the request required by this section.
3. If, based upon the attending physician's special and peculiar knowledge of the decedent or the circumstances surrounding the death of the patient, the attending physician determines that a request will not be made for an anatomical gift, that determination must be noted in the patient's medical record. The determination is an exception to the request required by this section."

Page 7, remove lines 11 through 29

Page 8, remove lines 1 through 7

Renumber accordingly

SB 2055 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2094 has had the same under consideration and recommends by a vote of 9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2094 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 2169 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 5, replace "subsections 7 and" with "subsection"

Page 1, line 19, replace "Subsections 7 and" with "Subsection"

Page 1, line 20, replace "are" with "is"

Page 2, remove lines 1 through 14

Page 5, line 13, replace "nonnutritive" with "non-nutritive"

Page 5, line 20, replace "is" with "are"

Page 7, line 13, replace "19" with "6"

Re-number accordingly

SB 2169 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2207 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2207 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2235 has had the same under consideration and recommends by a vote of 11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2235 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2247 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

SB 2247 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2252 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, remove "6-09-15.4,"

Page 6, line 17, after "loans" insert "are specifically authorized and funded by the legislative assembly and"

Page 6, line 21, replace "issued" with "insured"

Page 7, line 14, after "k." insert "To instrumentalities of this state."

1."

Page 10, line 4, remove "6-09-15.4,"

Renumber accordingly

SB 2252 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 2309 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 and be rereferred to the Committee on Appropriations:

Page 1, line 4, remove "and oil and gas" and after "fund" insert "; and to provide an expiration date"

Page 1, line 10, remove "and oil and gas"

Page 2, line 15, remove "and oil and gas"

Page 2, line 18, remove "and oil and gas"

Page 2, line 28, remove the overstrike over "~~six~~"

Page 2, line 29, remove the overstrike over "~~percent~~" and remove "the base rate charged by the Bank of North Dakota, except that, for"

Page 3, line 1, replace "loans" with ". Loans may be" and replace the first underscored comma with "if"

Page 3, line 2, remove the first "that"

Page 3, line 4, remove "qualifies for loans"

Page 3, remove lines 5 and 6

Page 3, line 7, remove "Dakota minus six percentage points"

Page 3, line 9, remove "and oil and gas"

Page 3, line 18, remove "and oil and gas"

Page 4, line 7, remove "and oil and gas"

Page 4, line 13, remove "and oil and gas"

Page 4, line 16, replace "canceled" with "forgiven"

Page 4, after line 23, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective through June 30, 1991, and after that date is ineffective."

Renumber accordingly

SB 2309 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was rereferred SB 2363 has had the same

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

Page 1, line 11, after "state" insert "except as otherwise required by this Act"

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

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

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

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

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

Page 5, overstrike line 5

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

Page 5, overstrike line 7

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

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

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

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

Renumber accordingly

SB 2363 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2372 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 10, after the underscored period insert "However, the board may not make any disposal or transfer before hearing an assessment of any proposed disposal or transfer by the superintendent of the state historical board."

Renumber accordingly

SB 2372 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SB 2493 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, line 3, after the underscored period insert "No investment income may be retained and added to the principal if it would result in a decrease in distributions to the common schools or other fund beneficiaries from the amount distributed during the preceding year."

Renumber accordingly

SB 2493 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 2496 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 6, after the period insert "No state agency or institution may provide appropriated funds to the state railroad museum nor is the state responsible for any obligations of the museum."

Renumber accordingly

SB 2496 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 SCR 4009 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.

SCR 4009 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 4025 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 4025 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1017: A BILL for an Act making an appropriation for the homestead tax credit.

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

HB 1282: A BILL for an Act to amend and reenact subsection 3 of section 12.1-23-09 of the North Dakota Century Code, relating to prima facie evidence of theft in auction-related situations.

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

HB 1336: A BILL for an Act to amend and reenact section 5-01-11 of the North Dakota Century Code, relating to unfair competition in the alcoholic beverage business.

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

HB 1356: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to prepayment of travel expenses for state officers and employees.

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

HB 1369: A BILL for an Act to amend and reenact subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to the duty of burial.

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

HB 1379: 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 licensing of estheticians and manicurists; and to amend and reenact section 43-11-01 of the North Dakota Century Code, relating to definitions.

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

HB 1393: A BILL for an Act to amend and reenact section 11-15-08 of the North Dakota Century Code, relating to commissions collected by sheriff in certain proceedings.

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

HB 1467: A BILL for an Act to amend and reenact subsections 1 and 2 of section 26.1-41-19 of the North Dakota Century Code, relating to the statute of limitations for no-fault insurance claims.

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

HB 1484: A BILL for an Act to amend and reenact subsection 1 of section 57-38-40 of the North Dakota Century Code, relating to a claim for credit or refund; and to provide an effective date.

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

HB 1491: A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to trapping near occupied buildings.

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

HB 1493: A BILL for an Act to amend and reenact section 16.1-07-07 of the North Dakota Century Code, relating to applications for absentee ballots.

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

HB 1522: A BILL for an Act to amend and reenact section 65-12-11 of the North Dakota Century Code, relating to workers' compensation boiler inspection fees.

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

HB 1531: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to personalized plates for motorcycles.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3004: A concurrent resolution directing the Legislative Council to establish a Jobs Development Commission composed of legislators, officials from the executive branch of state government, officials from higher education, and representatives of the private sector to study methods and coordinate efforts to initiate and sustain state economic development and to stimulate the creation of new employment opportunities for the citizens of North Dakota.

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

HCR 3006: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating various organizational and investment functions of the Public Employees Retirement System, Teachers' Fund for Retirement, and State Investment Board.

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

HCR 3007: A concurrent resolution for the ratification of a proposed amendment to the Constitution of the United States, providing for a delay in an increase in compensation to members of Congress until an intervening election of representatives has occurred.

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

HCR 3021: A concurrent resolution urging employers to provide employment opportunities for older workers.

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

HCR 3041: A concurrent resolution designating the fourth Wednesday of each September through the year 2000 to be American Indian and Alaska Native Youth Day and urging the communities of North Dakota to support and participate in appropriate activities.

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

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

PATRICIA CONRAD, Secretary