

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 8, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Rev. John Nicolai, Trinity Lutheran Church, Bismarck.

Lord God and Father of all, we bow before You in honor, reverence, and praise; in honor, because You are God and in Your hand is power to do according to Your holy will; in reverence, because in Your wisdom lies the destiny of all things, yea, even our lives; in praise, because You have called each of us to be Your own and have shown Your love in Your Son, Jesus Christ, His death and resurrection. May Your Holy Spirit guide these legislators as they continue to seek to serve our state, as they weigh these serious measures, and as they place their vote upon each bill. In Jesus' name. Amen.

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

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2220, SB 2315, SB 2316, SB 2319, SB 2329, SB 2337, SB 2340, SB 2442, SB 2459, SB 2469, SB 2508, SCR 4024.

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 1142, HB 1188, HB 1212, HB 1254, HB 1258, HB 1266, HB 1335, HB 1390.

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-fifth Day and finds it to be correct.

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

MOTION

SEN. EWEN MOVED that, as Aprill Hastings, who is one of five teachers named a 1989 Christa McAuliffe Educator by the National Foundation for the Improvement of Education, is in the Senate Chamber, a committee of two be appointed to escort Ms. Hastings to the rostrum to address the Senate, which motion prevailed.

THE PRESIDENT APPOINTED as such committee Sens. Nalewaja and Wogsland.

Ms. Hastings was escorted to the rostrum and introduced to the assembly.

REMARKS OF APRILL HASTINGS

Thank you Senator Ewen. Good afternoon ladies and gentlemen. It has been a year of honors for me. First, being invited to participate in the "learning

tomorrow" conference sponsored by the NFIE, Hitachi Corporation, and Johnson Foundation, then being selected as one of five Christa McAuliffe Educators for 1989, and now, being presented to this chamber.

I want you all to know that I am here today to tell you about my expectations for this year and to say thank you. I feel I am here as a representative of a much larger team; that team began here in this chamber when you had the foresight to appropriate \$400,000 for educational pioneering. Other members of the team I represent are Dr. Sanstead and the Department of Public Instruction, Mayville State University administrator, President Schobel, and Dr. Dennis Kost who wrote the grants for the German by Satellite program, my community Mayville-Portland, and its school board and administration for being brave enough to explore new methods of educating their students.

All of you are a part of the statewide team which has brought national attention to North Dakota's commitment to education, particularly the distant learning initiatives which feature satellite and computer interactive capabilities.

Twenty years ago the National Foundation for the Improvement of Education was founded. Its goal was to empower teachers to develop themselves to the best professional level. One of the branches of the NFIE is the Christa McAuliffe Institute for Educational Pioneering. The Challenger disaster affected people so strongly that money came in from all over the United States. People wanted to somehow enable teachers to continue Christa McAuliffe's pioneering spirit.

Being selected as a Christa McAuliffe Educator for 1989, I hope to continue the pioneering spirit which Christa began. North Dakota is a young state, only one hundred years old, and it is easy to remember our pioneering spirit. I feel especially honored to be a lifelong resident of this state. I will be able to represent my state in Washington, D.C. next month and again in June.

I, along with the other four educators, will spend sixteen days at Stanford University conducting a workshop for twenty Christa McAuliffe Fellows. The other four educators are the components of a very diverse group. We were selected for our diversity and our use of technology. One of my colleagues teaches special needs students in California, another teaches gifted students in Pennsylvania. Another is a math teacher at an inner-city school in Fort Worth, Texas, and another has his doctorate and teaches at a middle school in Colorado. I am an English teacher in Mayville-Portland.

Each time I meet with these outstanding individuals I am proud of what we have here in North Dakota. Here we are, a state whose largest city is equal to one school district in Texas, and we have as much concern, commitment, and motivation as the most progressive urban areas of America. We are not complacent about ourselves. We are aware of the need for educating our kids so they can compete in the information age. We are not afraid to cooperate with each other to secure the one thing we all want - a future for our children.

It is my hope that after this year as a Christa McAuliffe Educator I can contribute all that I have experienced and learned. I hope that I can become a resource to further the North Dakota pioneer attitude toward education. I hope I can somehow repay the team that has brought me to this point.

MOTION

SEN. HEIGAARD MOVED that the address of Ms. Hastings be printed in the Senate Journal.

REQUEST

THE PRESIDENT REQUESTED that Sens. Nalewaja and Wogsland escort Ms. Hastings from the chamber.

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2018 as recommended by the Committee on APPROPRIATIONS as printed on pages 478-480 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. TALLACKSON MOVED that the amendments to SB 2020 as recommended by the Committee on Appropriations as printed on page 480 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2020 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. STENEHJEM MOVED that SB 2055, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to SB 2169 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 481-482 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2169 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 2252 as recommended by the Committee on State and Federal Government as printed on page 482 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2252 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2309 as recommended by the Committee on Political Subdivisions as printed on pages 482-483 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2309 was rereferred to the Committee on Appropriations.

SEN. D. MEYER MOVED that the amendments to SB 2363 as recommended by the Committee on State and Federal Government as printed on page 483 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2363 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 2372 as recommended by the Committee on State and Federal Government as printed on page 484 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

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

SEN. HEINRICH MOVED that the amendments to SB 2493 as recommended by the Committee on Education as printed on pages 484-485 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2493 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 2496 as recommended by the Committee on State and Federal Government as printed on page 485 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2496 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, so that Senate Rule 326, paragraph 2, would allow SB 2309 to be rereferred to the Committee on Appropriations since it is now after the Twenty-third Legislative Day, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4014: A concurrent resolution directing the Legislative Council to carry out a comprehensive study, with additional public and private sector involvement, of the governmental and societal impact of the incidence and cost of organ and tissue transplants, and the appropriate statutory and regulatory policy to address those impacts.

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

SCR 4014 was declared adopted on a voice vote.

SCR 4029: A concurrent resolution urging the State Engineer to adopt measures to require the plugging of abandoned water wells.

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

SCR 4029 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2200: A BILL for an Act to create and enact a new section to chapter 23-03, a new section to chapter 23-04, and a new section to chapter 23-14 of the North Dakota Century Code, relating to the county health officer, city health officer, and withdrawal from health districts; to amend and reenact sections 23-03-01, 23-03-02, 23-03-03, 23-03-05, 23-03-07, 23-03-08, 23-03-10, 23-04-01, 23-04-02, 23-04-03, 23-04-04, 23-04-05, 23-04-06, 23-04-08, 23-05-01, 23-05-02, 23-05-03, 23-05-04, 23-05-07, 23-05-12, 23-14-01, 23-14-01.1, 23-14-03, 23-14-04, 23-14-05, 23-14-07, 23-14-08, 23-14-09, 23-14-10, 23-14-13, and 23-14-14 of the North Dakota Century Code, relating to local boards of health; and to repeal sections 23-03-04, 23-03-06, 23-03-09, 23-03-11, 23-04-07, 23-04-09, 23-05-08, and 23-05-09 of the North Dakota Century Code, relating to local 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 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 2200 passed and the title was agreed to.

SB 2219: A BILL for an Act to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to the inactive status of nonresident social workers; and to amend and reenact section 43-41-05, subsection 6 of section 43-41-09, sections 43-41-10, and 43-41-11 of the North Dakota Century Code, relating to registration with the board of social work examiners, licensure fees for social workers, authority of the board of social work examiners to issue probationary licenses, and disciplinary hearings by the board of social work examiners.

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 2219 passed and the title was agreed to.

SB 2299: A BILL for an Act to create and enact a new section to chapter 26.1-05 of the North Dakota Century Code, relating to call options and financial futures contracts.

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 2299 passed and the title was agreed to.

SB 2317: A BILL for an Act to create and enact a new section to chapter 6-03, a new subdivision to subsection 1 of section 6-09-15, and a new section to chapter 54-17 of the North Dakota Century Code, relating to bank investment in federal agricultural mortgage corporation stock, 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.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Stromme

SB 2317 passed and the title was agreed to.

SB 2386: A BILL for an Act to establish a game and fish commission; to create and enact a new subsection to section 20.1-01-02 of the North Dakota Century Code, relating to the definition of commission; to amend and reenact sections 20.1-01-20, 20.1-02-01, subsection 3 of section 20.1-02-04, subsections 7, 9, and 25 of section 20.1-02-05, sections 20.1-02-07, 20.1-02-16.2, 20.1-03-07.1, subsections 2, 4, 5, 6, and 7 of section 20.1-03-11, sections 20.1-03-12.1, 20.1-04-06, 20.1-04-07, subsection 2 of section 20.1-04-11, sections 20.1-06-03, 20.1-06-06, subsection 2 of section 20.1-06-07, sections 20.1-06-08, 20.1-06-12, subsection 1 of section 20.1-07-03.1, sections 20.1-07-05, 20.1-08-01, 20.1-08-02, 20.1-08-03, 20.1-08-04, 20.1-08-04.1, 20.1-08-04.2, 20.1-08-04.3, 20.1-08-04.4, 20.1-08-04.5, 20.1-08-04.6, 20.1-08-05, and subsection 1 of section 54-07-01.2 of the North Dakota Century Code, relating to the powers and duties of the governor; and to repeal sections 20.1-02-23, 20.1-02-24, and 20.1-02-25 of the North Dakota Century Code, relating to the game and fish advisory board.

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 8 YEAS, 45 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Lodoen; Meyer, D.; Naaden; Nelson; Peterson; Tennefos

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

ABSENT AND NOT VOTING: None

SB 2386 lost.

SB 2419: A BILL for an Act to create and enact a new section to chapter 61-01, a new section to chapter 61-20, and a new subsection to section 61-20-06 of the North Dakota Century Code, relating to the plugging of abandoned water wells.

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 2419 passed and the title was agreed to.

SB 2501: A BILL for an Act to create and enact a new section to chapter 6-09 of the North Dakota Century Code, relating to transfers from the Bank of North Dakota profits to the beginning farmer revolving loan fund.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2501 passed and the title was agreed to.

RECOGNITION

PRESIDENT OMDAHL ANNOUNCED to the assembly that the Sergeant-at-Arms would escort the Cub Scouts and Boy Scouts from around the state who are here to bring attention to National Boy Scout Week to the front so they could be recognized.

PRESIDENT OMDAHL: This week is Scout Week and the Boy Scouts of America are celebrating their 79th anniversary. Exactly 79 years ago today, on February 8, 1910, the Boy Scouts of America was started by an American businessman, W. D. Boyce, who is thought to be a former North Dakotan, from around the LaMoure area, before moving to Chicago.

At noon, the Bismarck Rotary Club sponsored the annual Boy Scout "Report to the Governor." Cub Scouts and Boy Scouts from around the state participated in the program and I would like to introduce them to you at this time. Would you please step forward as I read your name:

Cub Scout - David Dockter, Belfield, North Dakota
 Cub Scout - Brick Thompson, Dickinson, North Dakota
 Life Scout - Daron Janzen, Fargo, North Dakota
 Star Scout - Travis Anderson, Battle View, North Dakota
 Cub Scout - Michael Nelson, Turtle Lake, North Dakota
 Chris Soper, Lodge Chief, Order of the Arrow, Devils Lake, North Dakota
 Eagle Scout - Brent Wissbrod, Noonan, North Dakota

We would also like to recognize Troops 431, 436, and 437 from the Minot Air Force Base.

SECOND READING OF SENATE BILLS

SB 2232: A BILL for an Act to amend and reenact subsections 3 and 5 of section 19-03.1-05, subdivision d of subsection 3 of section 19-03.1-07, subsections 4 and 8 of section 19-03.1-07, subsections 4 and 6 of section 19-03.1-09, subsections 4 and 6 of section 19-03.1-11, section 19-03.1-13, and subsection 4 of section 19-03.1-37 of the North Dakota Century Code, relating to controlled substances.

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 2232 passed and the title was agreed to.

SB 2233: A BILL for an Act to create and enact a new subsection to section 15-40.1-06 of the North Dakota Century Code, relating to a deficiency levy for school funding.

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

YEAS: Heinrich; Holmberg; Ingstad; Krebsbach; Lips; Lodoen; Mathern; Maxson; Mushik; Nalewaja; Olson; Peterson

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

ABSENT AND NOT VOTING: None

SB 2233 lost.

SB 2246: A BILL for an Act to create and enact section 10-04-10.3 of the North Dakota Century Code, relating to postregistration requirements for registered dealers, salesmen, investment advisers, and investment adviser representatives; and to amend and reenact section 10-04-02, subsection 1 of section 10-04-03, sections 10-04-10, 10-04-10.1, 10-04-10.2, 10-04-11, and 10-04-12 of the North Dakota Century Code, relating to registration requirements for investment advisers and investment adviser representatives, and suspension or revocation of dealer's, salesman's, investment adviser's, and investment adviser representative's registration.

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 2246 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 2:29 p.m., February 8, 1989: SB 2064.

SECOND READING OF SENATE BILLS

SB 2295: A BILL for an Act to amend and reenact section 27-20-36 of the North Dakota Century Code, relating to limitations of time on orders of disposition for placement of minors in foster care under 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2295 passed and the title was agreed to.

SB 2345: A BILL for an Act to create and enact a new section to title 12.1 of the North Dakota Century Code, relating to the offense of aiding suicide.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelsh; Lashkowitz; Lodoen; Mathern; Mutch; Naaden; Nelson; Nething; Olson; Robinson; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Vosper; Wogsland

NAYS: Ewen; Hanson; Heigaard; Heinrich; Keller; Kinnoin; Krauter; Krebsbach; Langley; Lips; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; O'Connell; Peterson; Redlin; Richard; Satrom; Schoenwald; Stenehjem; Todd; Waldera; Yockim

ABSENT AND NOT VOTING: None

SB 2345 lost.

SB 2404: A BILL for an Act to amend and reenact section 41-04-30 of the North Dakota Century Code, relating to a customer's right to stop payment and liability for wrongful stop payment.

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 1 YEAS, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Freborg

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

ABSENT AND NOT VOTING: None

SB 2404 lost.

SB 2488: A BILL for an Act to amend and reenact sections 54-44.1-04, 54-44.1-07, and 54-44.1-13 of the North Dakota Century Code, relating to the deadline for submission of state agencies' and institutions' biennial budget requests, the date the director of the budget presents

the governor's budget and revenue proposals to the budget section of the legislative council, and to the date the legislative and judicial branches' budget requests must be provided to the director of the budget.

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 13 YEAS, 40 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Krebsbach; Lodoen; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Todd; Vosper

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

ABSENT AND NOT VOTING: None

SB 2488 lost.

SB 2510: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to false publication in political advertising.

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 2510 passed and the title was agreed to.

SB 2514: A BILL for an Act relating to pen registers and trap and trace devices.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 51 YEAS, 1 NAY, 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; 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: Lodoen

SB 2514 passed and the title was agreed to.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, and after the reading of SB 2497 and SB 2343, the Senate stand adjourned until 1:00 p.m., Thursday, February 9, 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 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:

In lieu of the amendments to Senate Bill No. 2055 as printed on pages 480 and 481 of the Senate Journal, Senate Bill No. 2055 is amended as follows:

Page 2, line 12, replace "ophthamology" 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

Page 13, line 20, after the period insert "By July 1, 1991, the state highway department shall develop a system to require each applicant for an operator's license or renewal of an operator's license to determine whether or not the applicant wishes to be a donor under this Act."

Renumber accordingly

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred SB 2270 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 18, replace "invest" with "deposit"

Page 2, line 19, after "fund" insert "in any interest-bearing account at the Bank of North Dakota"

Page 2, line 20, after the second "fund" insert "in the state treasury"

Page 2, line 21, after "Moneys" insert ", and any earnings on the moneys,"

Renumber accordingly

SB 2270 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred SB 2289 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, remove "and" and after "penalty" insert "; and to declare an emergency"

Page 2, after line 18, insert:

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

Re-number accordingly

SB 2289 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 2343 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2343 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 2392 has had the same under consideration and recommends by a vote of 5 YEAS, 3 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 18, after the period insert "If the difference in continuous service between any two teachers with recall rights is less than three years, those teachers are deemed equal. The recall hiring decision must be made by the school district based on these criteria, in order of consideration:

- a. Number of terms of teaching experience in the specific subject area.
- b. Academic preparation in the specific subject area beyond a bachelor's degree.
- c. Specific findings from evaluations.
- d. Other criteria determined by the school district."

Page 2, line 6, after "area" insert "and the teacher has a major or minor degree in the class or subject area and has taught the class or subject area within ten years prior to the date of nonrenewal"

Page 2, line 16, after "must" insert "contain, in descending order of preference, the names of the teachers entitled to recall rights and must" and remove "If the teacher"

Page 2, replace lines 17 through 19 with "Any teacher who fails to accept recall rights in writing, within fourteen days after the date of mailing of the written notice, is deemed to have waived recall rights against that position. The open position must be offered to the teacher who is entitled to preference under this section and who has accepted recall rights for the open position."

Page 2, line 23, after "position" insert "for which the teacher is qualified"

Page 2, after line 25, insert:

"4. Notwithstanding the provisions of this section, no school district is prohibited from entering into a negotiated agreement with the teachers of that district which establishes a recall procedure based exclusively on seniority."

ReNUMBER accordingly

SB 2392 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 2402 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 10, after the comma insert "if the person is under the direct supervision of a person twenty-one or more years of age,"

Page 2, line 11, after "mixing" insert ", dispensing,"

ReNUMBER accordingly

SB 2402 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 2441 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 9, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 2, line 4, after "willfully" insert ", as defined in section 12.1-02-02,"

Page 2, line 17, after "willfully" insert ", as defined in section 12.1-02-02,"

ReNUMBER accordingly

SB 2441 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 2483 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 18, remove "When the"

Page 1, remove lines 19 and 20

ReNUMBER accordingly

SB 2483 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 2497 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 2497 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 HB 1073 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.

HB 1073 was placed on the Fourteenth 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 HB 1111 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.

HB 1111 was placed on the Fourteenth 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 HB 1255 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1255 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1142: A BILL for an Act to amend and reenact sections 26.1-05-04, 26.1-12-10, and 26.1-18-23 of the North Dakota Century Code, relating to solvency requirements for stock insurance companies, incorporated mutual insurance companies, county mutual insurance companies, and health maintenance organizations.

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

HB 1188: A BILL for an Act to create and enact a new section to chapter 61-02 of the North Dakota Century Code, relating to the condemnation power of the state water commission for the southwest pipeline project; and to amend and reenact subsection 2 of section 61-16.1-09 of the North Dakota Century Code, relating to the powers of water resource boards.

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

HB 1212: A BILL for an Act to amend and reenact sections 64-02-01, 64-02-02, 64-02-03, 64-02-04, 64-02-05, 64-02-07, 64-02-08, 64-02-09, 64-02-10, 64-02-11, 64-02-12, 64-02-13, 64-02-14, 64-02-15, 64-02-15.1, 64-02-20, 64-03-01, 64-03-02, 64-03-03, 64-03-06, 64-03-07, 64-03-09, 64-03-10, 64-03-11, 64-03-12, 64-04-01, 64-04-02, 64-04-03, 64-04-04, and 64-04-05 of the North Dakota Century Code, relating to weights and measures; and to repeal sections 64-02-05.1, 64-02-06, 64-02-19, and 64-03-05 of the North Dakota Century Code, relating to weights and measures.

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

HB 1254: A BILL for an Act to create and enact a new section to chapter 15-38.2 of the North Dakota Century Code, relating to the confidentiality of teachers' personnel files; to amend and reenact sections 15-29-10 and 15-51-10 of the North Dakota Century Code, relating to school district and school board records; and to provide a penalty.

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

HB 1258: A BILL for an Act to provide for imposition of a transfer tax on the purchase price of land sold to certain governmental entities and to provide for distribution of tax revenues; and to declare an emergency.

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

HB 1266: A BILL for an Act to amend and reenact section 43-44-01, subsection 1 of section 43-44-02, and section 43-44-06 of the North Dakota Century Code, relating to definitions, membership of the board of dietetic practice, and licensure, titles, and abbreviations for dietitians and nutritionists.

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

HB 1335: A BILL for an Act to amend and reenact sections 43-30-01, 43-30-03, 43-30-04, 43-30-05, 43-30-06, 43-30-08, 43-30-09, 43-30-12, 43-30-13, 43-30-14, and 43-30-15 of the North Dakota Century Code, relating to the functions, powers, and duties of the state private investigative and security board.

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

HB 1390: A BILL for an Act to create and enact a new section to chapter 15-38.2, relating to documentation of material in teachers' personnel files.

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

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

PATRICIA CONRAD, Secretary