

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, February 14, 1989
The Senate convened at 1:00 p.m., with President Omdahl presiding.

The prayer was offered by Father Daniel Pilon, St. Benedict Catholic Church, Horace.

Father in heaven: We praise Your Holy Name. You are our loving God, delivering Your people from suffering and injustice. (These Your legislators have been chosen by the people of our state.)

You are the Supreme Legislator, giving us laws for our fuller happiness and growth. We believe in Your wisdom and enlightenment in all You guide us.

These legislators are appointed to discover and carry out Your will in our state. We ask You to send Your Spirit of wisdom and enlightenment upon them. May the discussions and debates that go on here be a means of discovering the truth and best means of fulfilling Your will. May the laws enacted be signs of Your justice and love for all Your people.

We thank You, Lord, trusting that You do what is best for us even before we ask.

We are filled with gratitude that You give us leaders willing to struggle to discover and carry out Your will.

May Your Holy Name always be praised and glorified.

The roll was called and all Senators were present.

A quorum was declared by the President.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following resolution was delivered to the Secretary of State for his filing at the hour of 9:45 a.m., February 14, 1989: SCR 4027.

THE PRESIDENT ANNOUNCED that the following bill was delivered to the Governor for his approval at the hour of 9:48 a.m., February 14, 1989: SB 2279.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2289, SB 2302, SB 2400, SB 2402, SB 2441, SB 2449, SB 2497, SCR 4003, SCR 4028, SCR 4030, SCR 4036, SCR 4038.

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 1029, HB 1049, HB 1126, HB 1186, HB 1276, HB 1352, HB 1471, HB 1499, HB 1505, HB 1532, HB 1564, HB 1613, HB 1638, HB 1644.

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-ninth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2085 as recommended by the Committee on Agriculture as printed on pages 575-578 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2085 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. HILKEN MOVED that the amendments to SB 2335 as recommended by the Committee on Transportation as printed on pages 578-583 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. SCHOENWALD MOVED that the rules be suspended, that SB 2335 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2335: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3, sections 39-01-15 and 39-04-10.2, subsection 7 of section 39-06.1-06, and section 39-07-07.1 of the North Dakota Century Code, relating to vehicle refueling services, parking privileges, and traffic regulations concerning mobility impaired persons; to provide a penalty; and to provide a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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 2335 passed and the title was agreed to.

MOTION

SEN. MAIXNER MOVED that 500 copies of SB 2335 be reprinted, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2360 as recommended by the Committee on Agriculture as printed on pages 583-584 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2360 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. KRAUTER MOVED that the amendments to SB 2399 as recommended by the Committee on Natural Resources as printed on page 584 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the rules be suspended so that Senate Rule 326, paragraph 2, would allow SB 2399 to be rereferred to the Committee on Appropriations since it is now after the Twenty-third Legislative Day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to SB 2403 as recommended by the Committee on Agriculture as printed on pages 584-585 of the Senate Journal be adopted, and when so amended, recommends the same DO NOT PASS, which motion prevailed.

SB 2403 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 2506 as recommended by the Committee on Agriculture as printed on page 585 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

SB 2506 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to SB 2507 as recommended by the Committee on Political Subdivisions as printed on pages 585-586 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2507 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act providing an appropriation for defraying the expenses of the legislative branch of government; and declaring 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 2001 passed, the title was agreed to, and the emergency clause carried.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

February 14, 1989

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

Dear Mr. President:

I request the advice and consent of the North Dakota Senate to the nomination of Allan Braaten, Barney, North Dakota 58008, to the office of State Board of Higher Education for the term of July 1, 1989 to June 30, 1996.

Thank you.

Sincerely,

GEORGE A. SINNER
Governor

SECOND READING OF SENATE BILL

SB 2013: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

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 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: None

SB 2013 passed and the title was agreed to.

MOTION

SEN. NAADEN MOVED that SB 2015 be further amended as follows:

Page 1, line 11, replace "14,508,025" with "14,614,196"

Page 1, line 16, replace "18,295,949" with "18,402,120"

Page 2, line 6, replace "17,735,291" with "17,841,462"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 504 - HIGHWAY PATROL

This amendment provides that \$106,171 from the state highway fund be added to the salaries and wages line item for two FTE at the Hague scalehouse which were deleted in the executive budget. This change provides the Highway Patrol with 204 FTE, four more than the 1987-89 biennium. The two FTE, including the five percent and four percent recommended salary increase, are as follows:

One compliance officer	\$	55,576
One compliance officer		50,595

REQUEST

SEN. NAADEN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to engrossed SB 2015, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2015, the roll was called and there were 20 YEAS, 33 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Freborg; Ingstad; Lips; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Shea; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper

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

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2015 lost.

SECOND READING OF SENATE BILL

SB 2015: A BILL for an Act making an appropriation for defraying the expenses of the highway patrol of the state of North Dakota and providing for a transfer of funds from the state highway 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 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; 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: Hilken; Meyer, D.

ABSENT AND NOT VOTING: None

SB 2015 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that SB 2055, which is on the Eleventh order, be rereferred to the Committee on Human Services and Veterans Affairs, which motion prevailed. Pursuant to Sen. Stenehjem's motion, SB 2055 was rereferred.

SECOND READING OF SENATE BILLS

SB 2074: A BILL for an Act to amend and reenact section 4-12.1-03 of the North Dakota Century Code, relating to charging fees for items sold to promote honey.

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 2074 passed and the title was agreed to.

SB 2153: A BILL for an Act to create and enact a new section to chapter 1-03 of the North Dakota Century Code, relating to the closing of state offices on Christmas Eve.

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 2153 passed and the title was agreed to.

SB 2241: A BILL for an Act to create and enact six new sections to chapter 15-62.1 of the North Dakota Century Code, to provide definitions relating to the state guaranteed student loan program and to provide for access to governmental records, pay deductions for indebtedness to the agency, and the confidentiality of agency records; to amend and reenact sections 15-62.1-01, 15-62.1-02, 15-62.1-05, 15-62.1-09, 15-62.1-10, subsection 1 of section 57-38.3-02 and subsection 2 of section 57-38.3-10 of the North Dakota Century Code, relating to the state guaranteed student loan programs, the Administrative Agencies Practices Act, the setoff of income tax refunds; to repeal sections 15-62.1-04, 15-62.1-07, and 15-62.1-08 of the North Dakota Century Code; to provide an effective date; and to provide for transition.

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 3 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Mathern; Mushik

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

ABSENT AND NOT VOTING: Meyer, D.

SB 2241 lost.

SB 2264: A BILL for an Act to amend and reenact section 50-24.1-02.3, relating to determination of eligibility for medical assistance.

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 3 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Stenehjem; Streibel

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; 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; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer, D.

SB 2264 lost.

MOTION

SEN. HEIGAARD MOVED that SB 2270 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2281: A BILL for an Act to amend and reenact section 35-05-04 of the North Dakota Century Code, relating to the invalidity of crop security agreements that claim security interests in other personal property.

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 2281 passed and the title was agreed to.

SB 2336: A BILL for an Act to amend and reenact section 27-20-49, subsection 1 of section 28-33-02, sections 28-33-05, 31-01-16, and 31-01-18 of the North Dakota Century Code, relating to payment of district court case witness fees and expenses and compensation and appointment of interpreters for deaf persons in judicial and administrative proceedings.

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 2336 passed and the title was agreed to.

SB 2338: A BILL for an Act to amend and reenact sections 21-03-14 and 21-03-30 of the North Dakota Century Code, relating to the initiation of the issuance of bonds and the sale of refunding bonds by political subdivisions.

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 2338 passed and the title was agreed to.

SB 2389: A BILL for an Act to create a new subsection to section 11-16-01 and a new section to chapter 25-03.1 of the North Dakota Century Code, relating to duties of states attorneys in commitment proceedings and to combination of preliminary and treatment hearings; and to amend and reenact sections 25-03.1-01, 25-03.1-02, 25-03.1-04, 25-03.1-06, 25-03.1-07, 25-03.1-08, 25-03.1-09, 25-03.1-11, 25-03.1-13, 25-03.1-14, 25-03.1-17, 25-03.1-18, 25-03.1-19, 25-03.1-21, 25-03.1-22, 25-03.1-25, 25-03.1-26, 25-03.1-27, subsection 5 of section 25-03.1-30, sections 25-03.1-34, 25-03.1-42, 25-03.1-43, and 25-03.1-46, relating to civil commitment of mentally ill and chemically dependent persons.

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; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Meyer, D.; Naaden; Streibel

ABSENT AND NOT VOTING: None

SB 2389 passed and the title was agreed to.

SB 2398: A BILL for an Act to amend and reenact sections 14-05-22 and 14-09-06.2 of the North Dakota Century Code, relating to the consideration of evidence of domestic violence by courts in determining rights to custody and visitation of children.

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 2398 passed and the title was agreed to.

MOTION

SEN. HEIGAARD MOVED that SB 2408 and SB 2407, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2436: A BILL for an Act to create and enact a new section to chapter 18-04 of the North Dakota Century Code, relating to creation of a special fund in the state treasury for distribution of insurance tax proceeds to fire departments; to amend and reenact section 18-04-05 and subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the distribution of insurance tax to cities, rural fire

protection districts, and rural fire departments, and the allocation of a portion of the insurance premium tax to the insurance tax distribution fund; 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 2436 passed and the title was agreed to.

SB 2457: A BILL for an Act to amend and reenact section 47-26-04, subsections 7 and 18 of section 58-03-07, sections 58-04-05, 58-09-02, 58-13-04, and 58-13-05 of the North Dakota Century Code, relating to fence viewer fees, penalties for violations of township rules, township association membership fees, salary of township officials, mileage expenses of township assessors, and impounding animals; and to repeal subsection 19 of section 58-06-01 and section 58-13-02 of the North Dakota Century Code, relating to township budgets for 1988 and 1989 and fees of poundmasters.

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, 1 NAY, 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; 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: Naaden

ABSENT AND NOT VOTING: Kelsh

SB 2457 passed and the title was agreed to.

SB 2464: A BILL for an Act to amend and reenact sections 26.1-36-08 and 26.1-36-09 of the North Dakota Century Code, relating to group health

policy and health service contract coverage for substance abuse and mental illness.

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 2464 passed and the title was agreed to.

SB 2467: A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to tax receipt documentation required for transfer of title of a mobile home; and to amend and reenact section 39-18-03 of the North Dakota Century Code, relating to transfer of title to mobile homes by the department of 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 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 2467 passed and the title was agreed to.

SB 2489: A BILL for an Act to amend and reenact subsection 17 of section 38-14.1-24 of the North Dakota Century Code, relating to surface coal mining environmental protection standards.

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 18 YEAS, 35 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Ingstad; Keller; Krauter; Langley; Lashkowitz; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Richard; Robinson; Waldera; Wogsland

NAYS: Axtman; David; Ewen; Freborg; Hanson; Hilken; Holmberg; Kelsh; Kinnoin; Krebsbach; Lips; Lodoen; Maxson; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Yockim

ABSENT AND NOT VOTING: None

SB 2489 lost.

MOTIONS

SEN. SATROM MOVED that the Senate reconsider the action by which SB 2070 passed, which motion prevailed on a verification vote.

SEN. HEIGAARD MOVED that SB 2070 be laid over two legislative days, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand at recess until 3:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

SECOND READING OF SENATE BILLS

SB 2182: A BILL for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to the establishment of a special fund in the state treasury for cash deposits paid by applicants for a transient merchant's license; and to provide a continuing appropriation.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Richard

SB 2182 passed and the title was agreed to.

SB 2298: A BILL for an Act to amend and reenact subsections 1 and 2 of section 27-20-49 of the North Dakota Century Code, relating to payment by the state of the costs of transportation necessary for court-ordered medical examinations and treatment of a child.

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; 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: Maixner

SB 2298 passed and the title was agreed to.

SB 2303: A BILL for an Act to amend and reenact section 47-18-05.1 of the North Dakota Century Code, relating to notice of waiver of homestead exemption.

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 2303 passed and the title was agreed to.

SB 2333: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to creation of the initiative and referendum measures committee; and to provide an appropriation.

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 38 YEAS, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Shea; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Holmberg; Ingstad; Kinnoin; Maxson; Mutch; Naaden; Nelson; Nething; Schoenwald; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: None

SB 2333 passed and the title was agreed to.

SB 2362: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to the jurisdiction and authority of the industrial commission over individuals engaged in the business of proving the accuracy of meters and other measuring devices; to amend and reenact section 38-08-20 of the North Dakota Century Code, relating to the commingling of production from two or more gas or oil wells and to the testing of meters on oil and gas wells; and to repeal section 64-02-15.1 of the North Dakota Century Code, relating to the public service commission's authority to regulate meters on oil and gas wells.

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 20 YEAS, 33 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Hanson; Heigaard; Heinrich; Hilken; Kelsh; Kinnoin; Lashkowitz; Mathern; Maxson; Meyer, J.; Mushik; Mutch; O'Connell; Redlin; Satrom; Schoenwald; Tallackson; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Holmberg; Ingstad; Keller; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Meyer, D.; Meyer, W.; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Richard; Robinson; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: None

SB 2362 lost.

SB 2369: A BILL for an Act to prohibit the operation of a vessel while under the influence of alcohol, a controlled substance, or a combination of alcohol and a controlled substance; and to provide a penalty.

ROLL CALL

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

YEAS: Heigaard; Lashkowitz; Moore; Shea; Stromme; Thane

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; 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; Stenehjem; Streibel; Tallackson; Tennefos; Todd; Vosper; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2369 lost.

SB 2380: A BILL for an Act to amend and reenact section 18-10-04 of the North Dakota Century Code, relating to appointment of, and payment of salary to, a secretary-treasurer of a rural fire protection district.

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 2380 passed and the title was agreed to.

MOTIONS

SEN. HOLMBERG MOVED that SB 2384 be amended as follows:

Page 1, line 20, remove the overstrike over "~~To receive any~~"

Page 1, remove the overstrike over line 21

Page 1, line 22, remove the overstrike over "~~matching funds.~~"

Page 2, line 1, remove the overstrike over "~~which provide fifty percent matching~~"

Page 2, line 2, remove the overstrike over "~~funds~~"

Page 2, line 11, remove the overstrike over "~~Moneys retained by the county treasurer due to the failure~~"

Page 2, remove the overstrike over lines 12 and 13

Page 2, line 14, remove the overstrike over "~~distribution fund~~"

Renumber accordingly

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

SEN. INGSTAD MOVED that SB 2384 be further amended as follows:

Page 1, line 5, after "treasurer" insert "; and to provide an effective date"

Page 13, after line 16, insert:

"SECTION 8. EFFECTIVE DATE. This Act becomes effective July 1, 1991."

Renumber accordingly

SEN. INGSTAD MOVED that the proposed amendments be adopted, which motion lost.

SECOND READING OF SENATE BILLS

SB 2384: A BILL for an Act to amend and reenact sections 54-27-19.1, 57-51-14, subsection 3 of section 57-51-15, sections 57-58-01, 57-60-14, 57-60-15, and subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to distribution of various funds to political subdivisions by the state treasurer.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Richard

SB 2384 passed and the title was agreed to.

SB 2393: A BILL for an Act to create and enact a new section to chapter 52-04 of the North Dakota Century Code, relating to a job service

special finance fund; to provide an appropriation; and to provide an effective date.

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 36 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Krebsbach; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Meyer, W.

SB 2393 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that SB 2397 be moved to the top of the calendar, which motion prevailed.

SEN. TENNEFOS MOVED that SB 2397 be amended as follows:

Page 4, line 24, replace "by ordinance" with "upon approval of the qualified electors of the city"

Renumber accordingly

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2397, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2397, the roll was called and there were 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Keller; Lodoen; Mutch; Naaden; Nelson; Nething; Redlin; Robinson; Streibel; Yockim

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2397 were adopted.

SEN. HEIGAARD MOVED that the Senate vote on SB 2397 no later than 4:45 p.m., which motion prevailed.

SECOND READING OF SENATE BILL

SB 2397: A BILL for an Act to create and enact three new sections to chapter 12.1-30 of the North Dakota Century Code, relating to the conduct of business on Sundays, an employee day of rest, and business leases or agreements; to amend and reenact sections 5-02-05, 12.1-30-01, and 12.1-30-02 of the North Dakota Century Code, relating to the conduct of business on Sundays; to provide a penalty; 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 27 YEAS, 26 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Holmberg; Ingstad; Kelsh; Krebsbach; Langley; Lashkowitz; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Nalewaja; Olson; Peterson; Richard; Satrom; Shea; Stenehjerm; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera

NAYS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Hilken; Keller; Kinnoin; Krauter; Maixner; Mathern; Meyer, J.; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Schoenwald; Streibel; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: None

SB 2397 passed, the title was agreed to, and the emergency clause lost.

MOTIONS

SEN. OLSON MOVED that the vote by which SB 2397 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed on a verification vote.

SEN. HEIGAARD MOVED that the Senate stand at recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

SEN. HEIGAARD MOVED that SB 2427, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2482: A BILL for an Act to amend and reenact section 53-06.1-03 of the North Dakota Century Code, relating to local authorization for public-spirited organizations to conduct raffles or bingo.

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 39 YEAS, 13 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Ewen; Lodoen; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Robinson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Richard

SB 2482 passed and the title was agreed to.

MOTIONS

SEN. D. MEYER MOVED that SB 2490 be amended as follows:

Page 1, line 20, after "centerline" insert "except that land bordering state or federal wildlife refuges is open to the centerline of the highway, street, or road bordering the refuge"

Renumber accordingly

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

SECOND READING OF SENATE BILL

SB 2490: A BILL for an Act to amend and reenact section 20.1-01-17 of the North Dakota Century Code, relating to posting of lands to prohibit hunting.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Kinnoin; Krauter; Langley; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Richard; Satrom; Shea; Stromme; Tallackson; Wogsland

NAYS: David; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krebsbach; Lashkowitz; Lips; Lodoen; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Yockim

ABSENT AND NOT VOTING: None

SB 2490 lost.

MOTION

SEN. NELSON MOVED that SB 2512, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4034: A concurrent resolution directing the Legislative Council to study the administration of building and mechanical code enforcement at the state and local level.

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

SCR 4034 was declared adopted on a voice vote.

SCR 4037: A concurrent resolution requesting the United States Congress and the United States Customs Service to assume the responsibility for establishing and operating a twenty-four-hour port of entry at Fortuna, North Dakota.

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

SCR 4037 was declared adopted on a voice vote.

SCR 4039: A concurrent resolution directing the Legislative Council to study the operation and effect of North Dakota's no-fault insurance law in comparison with no-fault insurance laws in other states.

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

SCR 4039 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2249: A BILL for an Act to amend and reenact subsection 1 of section 57-15-06.7, subsection 18 of section 57-15-10, subsection 4 of section 57-15-12.2, and subsection 6 of section 57-15-20.2 of the North Dakota Century Code, relating to political subdivision mill levies for airport purposes.

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 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Ingstad; O'Connell; Stenehjem

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

ABSENT AND NOT VOTING: None

SB 2249 lost.

SB 2308: A BILL for an Act to create and enact a new section to chapter 31-04 of the North Dakota Century Code, relating to the inadmissibility of evidence and information obtained during mediation.

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; Stretbel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: None

SB 2308 passed and the title was agreed to.

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 2324, SB 2415, SB 2418, SB 2428, SB 2029, SB 2293, SB 2346, SB 2102, SB 2480, SB 2517, and SCR 4044, the Senate stand adjourned until 1:00 p.m., Wednesday, February 15, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations (Sen. Tallackson, Chairman) to which was referred SB 2004 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 16, replace "3,186,421" with "3,086,340"

Page 1, line 17, replace "298,054" with "398,135"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 627 - UPPER GREAT PLAINS TRANSPORTATION INSTITUTE

This amendment provides an additional \$100,081 of general fund moneys for salaries and wages of the core program and reduces other funds.

This amendment changes the funding source for salaries and wages of the core program from other funds to the state general fund in the amount of \$100,081. The funding source detail for the salaries and wages of the core program after this change is presented below.

Core Program Salaries and Wages

General fund	\$ 342,025
Federal funds	50,000
Other funds	38,975
Total	<u>\$ 431,000</u>

SB 2004 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 2008 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 11, replace "353,025" with "368,025"

Page 1, line 16, replace "2,675,993" with "2,690,993"

Page 1, line 17, replace "2,155,062" with "2,170,062"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 412 - AERONAUTICS COMMISSION

Adds \$15,000 from other funds to the salary and wages line item to provide additional funds for temporary staff.

SB 2008 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 2009 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 1, line 15, replace "608,280" with "626,330"

Page 1, after line 15, insert:

"Special assessments 7,481"

Page 1, line 17, replace "2,380,303" with "2,405,834"

Page 1, line 19, replace "1,060,898" with "1,086,429"

Page 1, line 22, replace "237,830" with "348,631"

Page 2, line 1, replace "62,457" with "73,363"

Page 2, line 2, replace "2,400" with "4,074"

Page 2, line 4, replace "1,782,687" with "1,906,068"

Page 2, line 5, replace "2,843,585" with "2,992,497"

Page 2, line 7, replace "4,162,990" with "4,311,902"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

This amendment provides \$18,050 of additional operating expenses from the state general fund for the following:

Up-front costs for state fleet services	\$	14,210
Employee assistance program		2,000
Registration fees for employee professional development seminars		940
Employee awards program		900
Total	\$	<u>18,050</u>

In addition, this amendment provides \$7,481 in a special line item from the state general fund for special assessments due the city of Lisbon.

DEPARTMENT 321 - DEPARTMENT OF VETERANS AFFAIRS

This amendment increases the salaries and wages line item by \$110,801 to restore two FTE for the veterans aid loan program which were deleted in the executive budget. This change provides the Department of Veterans Affairs with six FTE, the same as the 1987-89 biennium. The two FTE, including the five percent and four percent recommended salary increase, are as follows:

One loan officer	\$	73,645
One secretary		37,156
Total	\$	<u>110,801</u>

This amendment increases the operating expenses line item of the Department of Veterans Affairs by \$10,906 from the state general fund for the following:

Claims program - travel and supplies	\$	5,000
Administration program - travel		1,598
Administrative committee reimbursement		1,800
Rent		1,000
Loan program		1,508
Total	\$	<u>10,906</u>

This amendment increases the equipment line item of the Department of Veterans Affairs by \$1,674 from the state general fund for the veterans aid loan program.

SB 2009 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 2024 has had the same under consideration and recommends by a vote of 14 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 14, replace "4,545,304" with "4,576,055"

Page 1, line 15, replace "677,338" with "680,703"

Page 1, line 16, replace "2,582,330" with "2,592,620"

Page 1, line 17, replace "535,814" with "536,739"

Page 1, line 20, replace "9,152,273" with "9,197,604"

Page 1, line 21, replace "8,935,146" with "8,980,477"

Page 2, line 2, replace "\$8,478,786" with "\$8,494,105"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 485 - WORKERS COMPENSATION BUREAU

Provides for \$45,331 (\$30,012 from federal funds and \$15,319 from the workers compensation fund) for an additional FTE position within the bureau to collect, compile, and analyze accident statistics for the Bureau of Labor and Statistics to compare North Dakota incident rates with national rates. The funds will be used as follows:

Salaries and wages	\$	30,751
Data processing		3,365
Operating expenses		10,290
Equipment		925
Total special funds	\$	45,331

SB 2024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2029 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2029 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 2089 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 1, line 16, after "commission" insert "but such amount may not exceed an amount equal to an annual return of two percent of the cash bond deposit"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment limits the amount that the Industrial Commission can deposit into the cash bond fund to an amount equal to a two percent annual return on the cash bond deposit.

SB 2089 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2098 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to require motor vehicle liability insurance policies for private passenger automobiles to include property damage coverage for rented automobiles.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Motor vehicle liability policy - Rental vehicles covered.

1. Every motor vehicle liability insurance policy, as that term is defined in section 39-16.1-11, covering private passenger motor vehicles must provide that all of the obligation for damage and loss of use to a rented vehicle will be covered by the property damage liability portion of the policy. The obligation of the policy must not be contingent on fault or negligence of the insured.
2. A vehicle is rented for purposes of this section if the vehicle is rented under an agreement for thirty continuous days or less.
3. The policy or certificate issued by the insurer must inform the insured of the application of the insurance policy to rental vehicles and that the insured may not need to purchase additional coverage from the rental company.
4. If an insured has two or more vehicles covered by a plan or plans of liability insurance containing the rented motor vehicle coverage required under subsection 1, the insured may select the policy that the insured wishes to collect from and the insurer that issued that plan is entitled to a pro rata contribution from any other plan or insurers based upon the property damage limits of liability. If the person renting the motor vehicle is also covered by that person's employer's insurance policy or the employer's automobile self-insurance plan, the insurer or obligor under the employer's policy or self-insurance plan has primary responsibility to pay claims arising from use of the rented vehicle.
5. A notice advising the insured of rental vehicle coverage must be given by the insurer to each current insured with their first renewal notice following the effective date of this Act. The notice must be approved by the commissioner of insurance. The commissioner may specify the form of the notice.
6. A rental car company may not require as a condition to its rental contract that the renter make a deposit for a prior payment of damage to the rented vehicle or loss of use of that vehicle.

7. For each day a damaged vehicle is out of service because of damage to the vehicle while rented to others, the rental car company is entitled to collect sixty percent of the daily rental fee applicable to the contract in force when the car was damaged."

Renumber accordingly

SB 2098 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 2102 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2102 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2248 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 57-43.3-01, 57-43.3-02, 57-43.3-03, 57-43.3-05, 57-43.3-06, and 57-43.3-07 of the North Dakota Century Code, relating to aviation fuel; and to repeal section 57-43.3-04 of the North Dakota Century Code, relating to the imposition of a separate and additional tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-43.3-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-01. Definitions. As used in this chapter unless the context otherwise requires:

1. "Aviation fuel" means aviation gasoline, jet motor fuel, and other motor fuel used by aircraft.
2. "Commercial aircraft carrier" means a provider of advertized scheduled passenger or cargo air transportation services holding a federal aviation administration part 121 or part 135 certificate.
3. "Commission" means the North Dakota aeronautics commission.
- ~~3-~~ 4. "Commissioner" means the North Dakota tax commissioner.
- ~~4-~~ 5. "Dealer" means aviation fuel dealer.
- ~~5-~~ 6. "User" means aviation fuel user.

SECTION 2. AMENDMENT. Section 57-43.3-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-02. Imposition and collection of tax. An excise tax of eight cents per gallon [3.79 liters] is hereby imposed on the sale or delivery of aviation fuel by a dealer to a user as follows:

1. Nine cents per gallon [3.79 liters] on all sales or delivery of aviation gasoline and other motor fuel, except jet motor fuel, used in aircraft.
2. Eight cents per gallon [3.79 liters] on all sales or delivery of jet motor fuel to a noncommercial aircraft carrier.
3. Four percent on the sale of jet motor fuel to a commercial aircraft carrier.

The dealer shall collect the tax from the user and pay the tax to the commissioner.

SECTION 3. AMENDMENT. Section 57-43.3-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-03. Refund of tax. Any user aerial applicator of agricultural chemicals shall be reimbursed the tax levied by subsection 1 of section 57-43.3-02 pursuant to the refund provisions of chapter 57-43.1 for fuel used in an aircraft or helicopter which qualifies for the reduced aircraft excise tax rate in section 57-40.5-02. Upon refund of the tax imposed under subsection 1 of section 57-43.3-02, a special excise tax of four percent is imposed on the sale of aviation gasoline or other motor fuel, except jet motor fuel, used in a qualified aircraft or helicopter, which tax must be deducted from the refund.

SECTION 4. AMENDMENT. Section 57-43.3-05 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-05. Administration of tax. The commissioner shall administer this chapter and is empowered to adopt reasonable rules and regulations relating to administration and enforcement. The commissioner shall audit returns and make assessments pursuant to section sections 57-43.1-17 and 57-43.2-14. The commissioner shall be authorized and empowered to determine the purchase price of aviation fuel used by aircraft and at the time of approving a refund of the taxes imposed by section 57-43.3-02 on such fuel, he shall deduct the tax imposed by section 57-43.3-04 from the amount of such refund. Claims for refund of taxes imposed by section 57-43.3-02 shall be in such form and subject to such conditions and requirements, including time for filing, as are provided in the refund motor fuel tax law, chapter 57-43.1.

SECTION 5. AMENDMENT. Section 57-43.3-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-06. Distribution of revenue to state aeronautics commission construction fund. The Fifty percent of the tax collected by the commissioner pursuant to section 57-43.3-04 57-43.3-02 shall be deposited by the commissioner in the office of the state treasurer, who shall must deposit such moneys in a special fund known as the state aeronautics commission construction fund. These funds are hereby appropriated to the commission and shall be disbursed by warrant-check

prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget for the purpose of matching of any funds made available by political subdivisions or airport authorities of this state, the state, or the United States, only if the political subdivision or airport authority is not qualified for or does not receive any funds under section 2-05-06.5. These funds shall be used for airport construction or improvement projects including airport administration and terminal buildings, hangars, landing strips for aircraft, and purchase of sites for airports or landing fields and easements; and for maintenance, clearing of sites, marking, lighting, and engineering and navigational aids, all related to aeronautics in amounts as the commission may determine and upon projects as the commission may approve.

SECTION 6. AMENDMENT. Section 57-43.3-07 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-43.3-07. Allocation of unclaimed refund revenue - Appropriation Distribution of revenue to state aeronautics commission special fund. ~~The Fifty percent of the tax collected by the commissioner pursuant to section 57-43.3-02, upon which no refund is claimed, and those revenues remaining as unclaimed refunds shall~~ must be deposited in the office of the state treasurer, who shall deposit such moneys in a special fund known as the state aeronautics commission special fund. These funds are hereby appropriated to the commission and shall be disbursed by warrant-check prepared by the office of management and budget upon vouchers submitted by the commission and approved by the office of management and budget and shall be administered and expended by the commission for construction, reconstruction, repair, maintenance, and operation of airports near communities, recreational areas, or parks including the international peace garden airport and for necessary expenses and for the purchase of land and easements for such facilities.

SECTION 7. REPEAL. Section 57-43.3-04 of the North Dakota Century Code is hereby repealed."

Renumber accordingly

SB 2248 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2293 has had the same under consideration and recommends by a vote of 4 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SB 2293 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 2324 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 2324 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2346 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2346 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 rereferred SB 2361 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 1, after "A BILL" replace the remainder of the bill with "for an Act to establish a grant program for students enrolled in adult education and training programs.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Adult education and training - Grants to students. Job service North Dakota may make grants of up to five hundred dollars per person to eligible students enrolled in adult basic and secondary education programs and training programs for adults approved by job service North Dakota. No grants may be made unless federal funds received by the state for supportive services as defined in the Job Training Partnership Act [Pub. L. 97-300; 96 Stat. 1361; 29 U.S.C. 1604] have been depleted. Job service may collect an administrative fee not to exceed ten percent of the amount of grants made under this section. Job service North Dakota shall, in cooperation with the superintendent of public instruction, the department of vocational education, and any other state agency providing or administering adult education services, coordinate the grant program established under this section. Job service North Dakota shall adopt rules to implement the grant program established under this section including rules regarding eligibility requirements and use of grant proceeds."

Renumber accordingly

SB 2361 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2395 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 34-06 of the North Dakota Century Code, relating to the application of wage and hour standards to persons providing companionship services, personal care services, and family home care.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 34-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exemption for companionship and personal care services and family home care.

1. Employees who provide companionship services for individuals who, because of age or disability, are unable to care for themselves are exempt from any minimum wage and hour standards that may be prescribed under this chapter, to the extent that those companionship services are provided by an employee from ten p.m. to nine a.m., up to a total of eight hours, during which time the employee is available to perform duties for the aged or disabled individual, but is free to sleep and otherwise engage in normal private pursuits in the aged or disabled individual's home. Employees who provide companionship services are not entitled to any overtime premium that may be prescribed under this chapter.
2. Individuals who provide personal care services or family home care under written contract with a county social service board are exempt from any minimum wage and hour standards that may be prescribed under this chapter.
3. As used in this section:
 - a. "Companionship services" means those services that provide fellowship, care, and protection for individuals who, because of advanced age or physical or mental disabilities, cannot care for their own needs. Those services may include household work related to the care of the aged or disabled person, including meal preparation, bed making, washing of clothes, and other similar services, and may include the performance of general household work if that work does not exceed twenty percent of the total weekly hours worked. "Companionship services" do not include services relating to the care and protection of the aged or disabled which require and are performed by trained personnel, including a registered or practical nurse, and do not include individuals who provide care and protection for infants and young children who are not physically or mentally disabled.
 - b. "Family home care" means family home care as defined in section 50-06.2-02.
 - c. "Personal care services" means personal care services as defined under the home and community-based waiver for the aged and disabled, secured by the department of human services pursuant to 42 U.S.C. 1396n(c)."

Re-number accordingly

SB 2395 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2415 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2415 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2417 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "an Act" replace the remainder of the bill with "to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for early childhood service facilities licensed by the state; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new subsection to section 57-02-08 of the 1987 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

The portion of fixtures, buildings, and improvements, used primarily to provide early childhood services by a corporation or organization licensed under chapter 50-11.1. For purposes of this subsection, property is used primarily for early childhood services when more than seventy-five percent of the time the property is used is devoted to licensed childhood services. However, this exemption is not available for residential property.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1988."

Renumber accordingly

SB 2417 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2418 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 2418 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2428 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2428 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred SB 2473 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "Act" insert "to require the use of a pupil's legal surname in schools; and"

Page 1, after line 3, insert:

"SECTION 1. Use of pupils' legal surnames. Each pupil enrolled in a public, private, or parochial school or a day care center, child care facility, head start program, or nursery school must be registered in that pupil's legal surname, and all records maintained by the school, center, facility, or program with regard to a pupil must be maintained in that pupil's legal surname. All officials, teachers, administrators, and other employees of a school, center, facility, or program shall use the legal surname in all communications in which a surname of a pupil is used."

Renumber accordingly

SB 2473 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 2480 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2480 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 2500 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, replace "a nonprofit corporation" with "the state board of higher education" and replace "build" with "accept"

Page 1, line 5, replace "Nonprofit corporation authorized to build a" with "Authorization to accept"

Page 1, line 6, replace "- Powers. Notwithstanding section 15-10-12.1, a nonprofit corporation" with "The state board of higher education may accept as a gift a paleontological museum to be built with private and local funds at Dickinson state university."

Page 1, remove lines 6 through 20

Page 2, remove lines 1 through 10

Page 2, line 13, replace "10,000" with "4,000"

Renumber accordingly

SB 2500 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 2517 has had the same under consideration and

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

SB 2517 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 4044 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.

SCR 4044 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred SCR 4046 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 BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

Page 1, remove lines 7 and 8

Page 2, remove lines 6 and 7

Page 2, line 16, remove "adopt policies to" and after "Day" insert "in those years when Labor Day occurs on or before the fourth of September"

ReNUMBER accordingly

SCR 4046 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 HB 1109 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 1109 was placed on the Fourteenth 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 HB 1133 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 1133 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred HB 1534 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1534 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1029: A BILL for an Act to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of insurance premium tax on accident and health insurance and other lines of insurance; and to provide an effective date.

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

HB 1049: A BILL for an Act to create and enact a new subsection to section 10-30.1-04 and two new sections to chapter 10-30.2 of the North Dakota Century Code, relating to investments made by venture capital corporations and procedures for claiming the income tax credit for investment in the Myron G. Nelson Fund, Incorporated, and venture capital corporations; and to amend and reenact sections 10-30.1-01, 10-30.1-06, subsection 2 of section 10-30.1-07, and sections 10-30.2-06, 10-30.2-11, 10-30.2-12, 10-30.2-13, and 10-30.2-14 of the North Dakota Century Code, relating to investments made by venture capital corporations and tax credits for investment in the Myron G. Nelson Fund, Incorporated, and venture capital corporations, and board of director liability and investment policy of the Myron G. Nelson Fund, Incorporated.

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

HB 1126: A BILL for an Act to amend and reenact section 54-12-14 of the North Dakota Century Code, relating to the assets forfeiture fund; and to provide a continuing appropriation.

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

HB 1186: A BILL for an Act to create and enact three new sections to chapter 43-13 of the North Dakota Century Code, relating to optometry board disciplinary powers and board immunity and impaired optometrists; and to amend and reenact sections 43-13-02, 43-13-03, 43-13-04, 43-13-06, 43-13-07, 43-13-11, 43-13-12, 43-13-13, 43-13-15, 43-13-16, 43-13-17, 43-13-18, 43-13-19, 43-13-20, 43-13-21, 43-13-22, 43-13-23, 43-13-24, 43-13-25, 43-13-26, 43-13-28, and 43-13-31 of the North Dakota Century Code, relating to licensing of optometrists.

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

HB 1276: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code, relating to recall of elected officials of political subdivisions; and to amend and reenact subsection 4 of section 16.1-01-09 of the North Dakota Century Code, relating to recall petitions.

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

HB 1352: A BILL for an Act to create and enact a new section to chapter 19-04 of the North Dakota Century Code, relating to the distribution of anabolic steroids; and to provide a penalty.

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

HB 1471: A BILL for an Act to amend and reenact subsection 1 of section 47-30.1-06 of the North Dakota Century Code, relating to abandonment of certificates of deposit.

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

HB 1499: A BILL for an Act to create and enact a new section to chapter 57-39.2 and a new section to chapter 57-40.2 of the North Dakota Century Code, relating to a reduced sales and use tax rate for manufacturing equipment purchased by a new or expanding business; and to amend and reenact section 57-40.2-02.1 of the North Dakota Century Code, relating to a reduced use tax rate for manufacturing equipment purchased by a new business.

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

HB 1505: A BILL for an Act to amend and reenact subsections 1 and 2 of section 20.1-02-17.1 and section 20.1-02-18.1 of the North Dakota Century Code, relating to land acquisitions for wildlife and fish restoration.

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

HB 1532: A BILL for an Act to amend and reenact subsection 5 of section 20.1-03-11 of the North Dakota Century Code, relating to preferential landowner antelope licenses.

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

HB 1564: A BILL for an Act to create and enact a new section to chapter 31-01 of the North Dakota Century Code, relating to duty of courts to warn parties of perjury; and to amend and reenact section 28-32-11 of the North Dakota Century Code, relating to duty of administrative hearing officers to warn parties of perjury.

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

HB 1613: A BILL for an Act to create and enact a new subsection to section 57-39.2-04, a new subsection to section 57-40.2-04, two new subsections to section 57-60-01, and a new subsection to section 57-60-02 of the North Dakota Century Code, relating to the exemption of beneficiated coal from the sales tax and use tax, the definition of coal beneficiation and the definition of, and the imposition of a tax upon the operator of a coal beneficiation plant; and to amend and reenact subsections 1 and 2 of section 57-60-01 and section 57-60-03 of the North Dakota Century Code, relating to the inclusion of coal beneficiation plants in the definition of a coal conversion facility and the measurement and recording of beneficiated coal.

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

HB 1638: A BILL for an Act to create and enact a new section to chapter 26.1-03 of the North Dakota Century Code, relating to imposition of an insurance claims tax, deposit of tax revenues in the uninsured children's benefit account, and grants from the uninsured children's benefit account; and providing a continuing appropriation.

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

HB 1644: A BILL for an Act to amend and reenact section 31-01-16.2 of the North Dakota Century Code, relating to compensation of municipal court witnesses.

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

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

PATRICIA CONRAD, Secretary