

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 2, 1989

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

The prayer was offered by Rev. George Walker, Evangelical Free Church, Bismarck.

Almighty God, we stand before You to ask for Your wisdom and guidance for the men and women of this Senate as they begin this new legislative day. May each Senator remember, as consideration is given on each decision to be made this day, that their responsibility is for the good of all the people of our great state. So it is for this purpose we ask for Your wisdom and direction. Thank You, God, that You are interested in each of us as we fulfill the task You have given us. May we faithfully serve You and the people of North Dakota. In the name of Christ we pray. Amen.

The roll was called and all Senators were present, except Senators David, Heigaard, Krebsbach, Lashkowitz, and Waldera.

A quorum was declared by the President.

SIGNING OF BILLS AND RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: SB 2041, SB 2065, SB 2069, SB 2088, SB 2104, SB 2115, SB 2181, SB 2184, SB 2186, SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225, SB 2258, SB 2325.

MESSAGE TO THE HOUSE FROM THE SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2041, SB 2065, SB 2069, SB 2088, SB 2104, SB 2115, SB 2181, SB 2184, SB 2186, SB 2196, SB 2197, SB 2202, SB 2217, SB 2221, SB 2225, SB 2258, SB 2325.

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 Thirty-ninth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2520 as recommended by the Committee on Industry, Business and Labor as printed on page 936 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

SB 2520 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

SEN. DOTZENROD MOVED that the amendments to HB 1177 as recommended by the Committee on Political Subdivisions as printed on page 938 of the Senate

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

MOTION

SEN. DOTZENROD MOVED that the rules be suspended, that HB 1177 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. DOTZENROD MOVED that the amendments to HB 1195 as recommended by the Committee on Political Subdivisions as printed on page 938 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1195 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. D. MEYER MOVED that the amendments to HB 1512 as recommended by the Committee on State and Federal Government as printed on page 939 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1512 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Schoenwald, Chairman) appointed to consider the nomination for the Office of Commissioner of Banking and Financial Institutions, do advise and consent to the appointment of:

Gary D. Preszler

The committee cast a unanimous vote.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Gary D. Preszler, for the Commissioner of Banking and Financial Institutions", the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Gary D. Prezler for Commissioner of Banking and Financial Institutions.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Langley, Chairman) appointed to consider the nomination for Securities Commissioner do advise and consent to the appointment of:

Glenn Pomeroy

The committee cast a unanimous vote.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Glenn Pomeroy, for Securities Commissioner", the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Glenn Pomeroy for Securities Commissioner.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Satrom, Chairman) appointed to consider the nomination for Director of Institutions do advise and consent to the appointment of:

Richard L. Rayl

The committee cast a unanimous vote.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Richard L. Rayl for Director of Institutions", the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Richard L. Rayl for Director of Institutions.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Dotzenrod, Chairman) appointed to consider the nomination for the State Board of Higher Education do advise and consent to the appointment of:

Allan Braaten

The committee cast a unanimous vote.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Allan Braaten, for the State Board of Higher Education", the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Allan Braaten for the State Board of Higher Education.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Redlin, Chairman) appointed to consider the nomination for the State Board of Higher Education do advise and consent to the appointment of:

Richard E. Lokken

The committee cast a unanimous vote.

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Mr. Richard E. Lokken, for the State Board of Higher Education", the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

The Senate advises and consents to the nomination of Richard E. Lokken for the State Board of Higher Education.

MOTION

SEN. MAIXNER MOVED that the Confirmation Session be dissolved, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4049: A concurrent resolution directing the Legislative Council to study mandates causing increased local government expenditures or decreased local government revenues.

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

SCR 4049 was declared adopted on a voice vote.

SCR 4052: A concurrent resolution directing the Legislative Council to study methods of ensuring that all operators of motor vehicles maintain automobile liability insurance.

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

SCR 4052 was declared adopted on a voice vote.

SCR 4055: A concurrent resolution directing the Legislative Council to study the ethical, social, economic, and legal implications of various medical, bioethical, and health issues.

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

SCR 4055 was declared adopted on a voice vote.

SCR 4060: A concurrent resolution directing the Legislative Council to study the methods in which the state acquires and holds real property, the effect of such acquisition on local tax bases, the feasibility of simplifying laws for acquisition and holding of real property by the state, and the feasibility of requiring divestiture of certain real property owned by the state.

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

SCR 4060 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LANGLEY MOVED that the Senate do not concur in the House amendments to SB 2032 as printed on page 922 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2032: Sens. Keller, Krauter, Nething.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2032, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2032: Sens. Keller, Krauter, Nething

MOTION

SEN. D. MEYER MOVED that HB 1202, HB 1227, and HB 1428 which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1177: A BILL for an Act to amend and reenact sections 6-09.4-03, 6-09.4-06, 6-09.4-09, 6-09.4-10, 6-09.4-12, 6-09.4-13, 6-09.4-14, 6-09.4-16, 6-09.4-17, 6-09.4-18, 6-09.4-19, 6-09.4-20, and 6-09.4-21 and subdivision 1 of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the North Dakota municipal bond bank; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1177 passed, the title was agreed to, and the emergency clause carried.

HB 1201: A BILL for an Act to create and enact a new chapter to title 23 and four new sections to chapter 23-09 of the North Dakota Century Code, relating to food establishments; and to amend and reenact sections 23-09-01, 23-09-02, 23-09-02.1, 23-09-03, 23-09-05, 23-09-06, 23-09-07, 23-09-08, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-20, 23-09-20.1, and 23-09-21 of the North Dakota Century Code, relating to hotels, lodginghouses, restaurants, and boardinghouses; and to repeal sections 23-09-12, 23-09-18, 23-09-19, and 23-09-22 of the North Dakota Century Code, relating to food establishments; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 3 YEAS, 46 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Lips; Mushik; Shea

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

ABSENT AND NOT VOTING: David; Heigaard; Krebsbach; Lashkowitz

HB 1201 lost.

HB 1242: A BILL for an Act to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1242 passed and the title was agreed to.

HB 1135: A BILL for an Act to amend and reenact section 10-22-06 of the North Dakota Century Code, relating to filing of an application of a corporation for a certificate of authority.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1135 passed and the title was agreed to.

HB 1148: A BILL for an Act to amend and reenact section 6-08-26 of the North Dakota Century Code, relating to the filing fee for foreign banks and trust companies serving as fiduciaries in this state.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1148 passed and the title was agreed to.

MOTION

SEN. DOTZENROD MOVED that the rules be suspended and that HB 1177 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1177.

SECOND READING OF HOUSE BILLS

HB 1157: A BILL for an Act to create and enact a new section to chapter 45-11 of the North Dakota Century Code, relating to fictitious partnership names.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1157 passed and the title was agreed to.

HB 1159: A BILL for an Act to amend and reenact section 49-04-05 of the North Dakota Century Code, relating to commission approval when a public utility disposes of assets.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1159 passed and the title was agreed to.

HB 1165: A BILL for an Act to amend and reenact subsection 5 of section 41-09-42 and subsection 3 of section 41-09-43 of the North Dakota Century Code, relating to fees for filing uniform commercial code documents.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1165 passed and the title was agreed to.

MOTIONS

SEN. MUSHIK MOVED that HB 1182 be amended as follows:

Page 4, line 18, overstrike "his" and insert immediately thereafter "a"

Re-number accordingly

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

SECOND READING OF HOUSE BILLS

HB 1182: A BILL for an Act to create and enact section 36-09-02.1 of the North Dakota Century Code, relating to standards for recording livestock brands or marks; to amend and reenact sections 36-09-02, 36-09-09, and 36-09-10 of the North Dakota Century Code, relating to applications for the exclusive use of brands or marks and the rerecording of previously recorded brands or marks; and to repeal section 36-09-05 of the North Dakota Century Code, relating to recording of similar brands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1182 passed and the title was agreed to.

HB 1187: A BILL for an Act to amend and reenact subsection 3 of section 43-23-11.1 and section 43-23-13 of the North Dakota Century Code, relating to investigations, grounds for refusal, suspension, or revocation of real estate licenses, hearings and appeals, and licensing fees of the real estate commission.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS the roll was called and there were 38 YEAS, 11 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Holmberg; Ingstad; Keller; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: Heinrich; Hilken; Kelsh; Lodoen; Maxson; Meyer, D.; Nalewaja; O'Connell; Peterson; Stenehjem; Tennefos

ABSENT AND NOT VOTING: David; Heigaard; Krebsbach; Lashkowitz

HB 1187 passed and the title was agreed to.

HB 1193: A BILL for an Act to provide for confidentiality of certain trade secrets and commercial and financial information obtained by any state agency under a contract or a license agreement and confidentiality of computer software program for which any state agency acquires a copyright or a patent.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1193 passed and the title was agreed to.

HB 1214: A BILL for an Act to amend and reenact section 57-43.1-04 of the North Dakota Century Code, relating to forms used for refunds of taxes paid on motor vehicle fuels.

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

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

NAYS: Maxson

ABSENT AND NOT VOTING: David; Heigaard; Krebsbach; Lashkowitz

HB 1214 passed and the title was agreed to.

HB 1224: A BILL for an Act to amend and reenact section 40-57.3-04 of the North Dakota Century Code, relating to the due date for city lodging and restaurant tax returns; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1224 passed and the title was agreed to.

HB 1231: A BILL for an Act to amend and reenact subsections 4 and 9 of section 14-15-16 of the North Dakota Century Code, relating to disclosure of adoption information under the Revised Uniform Adoption 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 42 YEAS, 7 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera

NAYS: Kinnoin; Mathern; O'Connell; Robinson; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: David; Heigaard; Krebsbach; Lashkowitz

HB 1231 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that Joint Rule 203 be amended to read Forty-first legislative day, which motion prevailed.

SEN. MAIXNER MOVED that the absent members 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 Ninth order of business, and at the conclusion of the Ninth order, and after the reading of HB 1393, HB 1583, HB 1126, HB 1294, HB 1288, HB 1064, HB 1160, HB 1602, HB 1496, HB 1572, HB 1190, HB 1079, HB 1194, HB 1359, HB 1549, HB 1188, HB 1136, HB 1300, HB 1404, HB 1420, HB 1440, HCR 3034, HCR 3025, HCR 3042, HCR 3053, HCR 3049, HCR 3057, HCR 3044, HCR 3043, and SCR 4054, the Senate stand adjourned until 12:30 p.m., Friday, March 3, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred SCR 4054 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 PASS and BE PLACED ON THE CONSENT CALENDAR.

SCR 4054 was placed on the Tenth 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 1064 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 1064 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred Engrossed HB 1079 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 1079 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred HB 1126 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 and be rereferred to the Committee on Appropriations.

HB 1126 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred Engrossed HB 1136 has had the same under consideration and recommends by a vote of 4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1136 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. Kinnoin, Vice Chairman) to which was referred HB 1158 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 and be rereferred to the Committee on Appropriations.

HB 1158 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1160 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 1160 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred Engrossed HB 1188 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1188 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1190 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 1190 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1194 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 1194 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 Engrossed HB 1288 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 1288 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 Engrossed HB 1294 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 1294 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources (Sen. Krauter, Chairman) to which was referred Engrossed HB 1300 has had the same under consideration and recommends by a vote of 4 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1300 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HB 1351 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 11, replace "The" with "Any" and after "person" insert "except law enforcement or judicial officers functioning in their official capacity,"

Renumber accordingly

HB 1351 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1359 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 1359 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred Engrossed HB 1393 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 1393 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1404 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1404 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred Engrossed HB 1420 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1420 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HB 1440 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1440 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1496 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 1496 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred Engrossed HB 1549 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same DO PASS.

HB 1549 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1572 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 1572 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. Maxson, Vice Chairman) to which was referred Engrossed HB 1583 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 NOT PASS.

HB 1583 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred Engrossed HB 1602 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1602 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred Engrossed HCR 3025 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3025 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HCR 3034 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3034 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation (Sen. Hilken, Chairman) to which was referred HCR 3042 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.

HCR 3042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3043 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 PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3043 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3044 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 PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3044 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3049 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3049 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3053 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3053 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture (Sen. W. Meyer, Chairman) to which was referred HCR 3057 has had the same under consideration and

recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

HCR 3057 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary