

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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

The prayer was offered by Rev. Barry Lee, Church of God of Prophecy, Bismarck.

Our Father in Heaven, Lord God All Mighty, Jehovah Elohim, Eternal Creator - hallowed be Thy name.

We come into Your presence this afternoon with praise and appreciation asking that Your will be done in this legislative body today. Let Your will be done in North Dakota as it is in Heaven. Your will is done in Heaven, let Your will be done in our state and in this Senate today.

I pray for our state, that revival would come to North Dakota. I pray for a spiritual awakening to take place among our legislators and leaders.

As these rulers take counsel together this afternoon, grant them righteous wisdom to do Your will. Let each heart here this day be stirred with Your grace - Your grace being a God-given desire to do Your divine will.

Lord, I recall the time Your spirit came upon King David before his death. His last words as king, as the sweet Psalmist of Israel, Lord, as Your spirit spoke in him and by him saying, "He that ruleth over men must be just, ruling in the fear of God."

If any of the councilors or Senators be unjust, convict their souls till they repent and let Your will be done in the counsel of their hearts.

In Thy Holy Name, I pray. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz, Naaden, and Wogsland.

A quorum was declared by the President.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: 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.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:56 a.m., March 7, 1989: 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 Senate has amended and subsequently passed: HB 1195, HB 1512.

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

MR. SPEAKER: The Senate has failed to pass: HB 1265, HB 1346, HB 1378.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

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

MR. SPEAKER: The President has signed: HB 1048, HB 1053, HB 1054, HB 1055, HB 1059, HB 1100, HB 1118, HB 1121, HB 1177.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HCR 3080.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled resolution: HCR 3080.

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

MR. SPEAKER: The President has signed: HB 1073, HB 1081, HB 1082, HB 1086, HB 1087, HB 1091, HB 1092, HB 1093, HB 1096, HB 1099, HB 1102, HB 1103, HB 1107, HB 1109, HB 1111, HB 1112, HB 1114, HB 1115, HB 1120, HB 1129, HB 1133, HB 1137, HB 1138, HB 1141, HB 1143, HB 1147, HB 1150, HB 1154, HB 1156, HB 1162, HB 1168, HB 1174, HB 1176, HB 1179, HB 1180, HB 1203, HCR 3080.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2195 and subsequently passed the same.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1066, HB 1070, HB 1105, HB 1108, HB 1204, HB 1232, HB 1236, HB 1239, HB 1243, HB 1253, HB 1255, HB 1260, HB 1263, HB 1269, HB 1270, HB 1274, HB 1291, HB 1305, HB 1317, HB 1328, HB 1377, HB 1394, HB 1397, HB 1464.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2520.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has failed to pass: SB 2151.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has passed unchanged: SB 2056, SB 2132, SB 2138, SB 2140, SB 2142, SB 2143, SB 2144, SB 2147, SB 2148, SB 2154, SB 2161, SB 2163, SB 2164, SB 2167, SB 2168, SB 2170, SB 2174, SB 2183.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The House has amended and subsequently passed: SB 2119, SB 2136, SB 2226, SB 2251, SCR 4018.

HOUSE AMENDMENTS TO SB 2119

Page 1, line 17, after "section" insert ", unless good cause for failure to obey is shown,"

Re-number accordingly

HOUSE AMENDMENTS TO SB 2136

Page 1, line 12, overstrike "tax commissioner"

Page 1, line 13, after the overstruck comma insert "auditor"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2226

Page 2, line 1, remove "The sale and leasing of these lands must be done in accordance with"

Page 2, remove lines 2 through 4

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2251

Page 2, line 29, after the period insert "A certified history of purchases detailing required information may be accepted by the commissioner in lieu of original sales invoices or sales tickets."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SCR 4018

Page 1, line 18, after "care" insert ", including mental health and educational services,"

Re-number accordingly

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do not concur in the House amendments to SB 2394 as printed on page 923 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 2394: Sens. Axtman, Kinnoin, David.

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 Forty-second Day and finds it to be correct.

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

MOTIONS

SEN. HEIGAARD MOVED moved that the Senate reprint 500 copies each of Engrossed SB 2003 and SB 2005, and that the Senate reprint 100 copies of SB 2505, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1545 and HB 1647 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1647 be rereferred to the Committee on Transportation, which motion prevailed. Pursuant to Sen. Heigaard's motion, HB 1647 was rereferred.

SEN. HEIGAARD MOVED that HB 1545 be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Heigaard's motion, HB 1545 was rereferred.

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby HB 1294 passed, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1294 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Sen. Heigaard's motion, HB 1294 was rereferred.

SEN. HEIGAARD MOVED that a committee of three be appointed for the Memorial Service, which motion prevailed.

THE PRESIDENT APPOINTED as such committee Sens. Mathern, Hanson, and Moore.

SEN. HEIGAARD MOVED that HB 1130, which is on the Fourteenth order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Heigaard's motion, HB 1130 was rereferred.

SEN. SATROM MOVED that HB 1614 and HB 1640 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

SEN. SATROM MOVED that HB 1614 and HB 1640 be rereferred to the Committee on Education, which motion prevailed. Pursuant to Sen. Satrom's motion, HB 1614 and HB 1640 were rereferred.

SEN. HEIGAARD MOVED that the absent members be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be at recess until reconvened at the Joint Session with the House, and 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, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 1:00 p.m., Wednesday, March 8, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Joint Constitutional Revision (Sen. Stromme, Chairman) to which was referred SCR 4005 has had the same under consideration and recommends by a vote of 8 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

SCR 4005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred HB 1134 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 2, after "records" insert "; to amend and reenact section 23-07-21 of the North Dakota Century Code, relating to penalties for releasing confidential records or information concerning reportable diseases; and to provide a penalty"

Page 1, underscore lines 6 through 12

Page 1, after line 12, insert:

"SECTION 2. AMENDMENT. Section 23-07-21 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

23-07-21. Penalties. Any Except as otherwise provided in this section, any person:

1. Who violates or fails to obey any of the provisions of this chapter, any lawful rule or regulation made by the state department of health and consolidated laboratories, or any order issued by any state, district, county, or municipal health officer;
2. Who violates any quarantine law or regulation, or who leaves a quarantined area without being discharged; or
3. Who, knowing that he is infected with a venereal disease, willfully exposes another person to infection,

is guilty of an infraction. Any person who releases or makes public confidential information or otherwise breaches the confidentiality requirements of section 1 of this Act is guilty of a class C felony."

Renumber accordingly

HB 1134 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 1197 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 "23" insert "and a new section to chapter 50-06"

Page 1, line 3, after "laboratories" insert "and the establishment of reasonable rates for basic care facilities by the department of human services"

Page 1, line 6, remove "50-18-06.1,"

Page 1, line 10, remove the second "and"

Page 1, line 12, after the first comma insert "50-18-06.1,"

Page 1, line 14, after "services" insert "; and to provide a penalty"

Page 3, line 9, replace "Burleigh" with "the county in which the basic care facility is located"

Page 3, line 10, remove "County"

Page 6, after line 26, insert:

"SECTION 6. A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Department to establish reasonable rates. The department may establish reasonable rates payable to basic care facilities for the care and maintenance of individuals dependent in whole or in part upon state or county supplementation of supplemental security income benefits under title XVI of the Social Security Act, as amended, for a reasonable subsistence compatible with decency and health."

Page 7, remove lines 16 through 23

Page 11, line 9, after the sixth comma insert "50-18-06.1,"

Re-number accordingly

HB 1197 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 Engrossed HB 1198 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 1198 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 Engrossed HB 1199 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 2, line 9, remove the overstrike over "~~commanding officer,~~"

Page 2, line 10, remove the overstrike over "~~North Dakota wing, civil air patrol,~~" and remove "adjutant general"

Page 2, line 14, replace "adjutant general" with "civil air patrol"

Page 3, line 2, replace "adjutant general" with "civil air patrol"

Renumber accordingly

HB 1199 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 Engrossed HB 1228 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 rereferred to the Committee on Appropriations.

Engrossed HB 1228 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1233 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.

HB 1233 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 rereferred HB 1273 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 1273 was placed on the Fourteenth 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 Engrossed HB 1320 has had the same under consideration and recommends by a vote of 5 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 8, remove "directly or indirectly"

Page 1, line 14, after the first "plaintiff" insert "in a case in which the action alleges a violation of section 1 of this Act"

Page 1, line 19, after "period" insert "not to exceed five days"

Renumber accordingly

HB 1320 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 Engrossed HB 1332 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 1332 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 1336 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 1336 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 rereferred Engrossed HB 1339 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 1339 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 1356 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 1356 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1470 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.

HB 1470 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 1502 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 1502 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 1528 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1528 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 Engrossed HB 1530 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.

HB 1530 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 1540 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 17, remove "No"

Page 1, remove lines 18 through 22

Page 2, remove line 1

Page 2, line 4, remove "or to alter an existing insurance agreement,"

Renumber accordingly

HB 1540 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 Engrossed HB 1608 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 1608 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 HCR 3006 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.

HCR 3006 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 HCR 3007 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.

HCR 3007 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 HCR 3027 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.

HCR 3027 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 HCR 3033 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.

HCR 3033 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 HCR 3041 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.

HCR 3041 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 HCR 3050 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.

HCR 3050 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary