

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 9, 1989

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

The prayer was offered by Rev. Terry Kern, First Evangelical Free Church, Bismarck.

Our Heavenly Father, we pause for this minute to worship You - to acknowledge Your sovereignty, to remind ourselves that as our Creator, You are also our owner and thus You are the authority over all of life - over our life and over these proceedings this afternoon.

In Your Holy Word, through Solomon, the man You made wise, You summed up life in these words: "The conclusion, when all has been heard, is fear God and keep His commandments because this applies to every person." (Ecclesiastes 12:13)

Our Lord, for each of these legislators we give You thanks. We pray for them today. When they must tire of "hearing", when it surely must seem as if they have heard it all, help them to fear You, help them to know and to keep your commands, and to honor You in all of their deliberations this afternoon and throughout this session. Give them strength, courage, and Your wisdom to seek the best for our state and its people. In Jesus' name. Amen.

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

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 2038, SB 2074, SB 2075, SB 2076, SB 2080, SB 2099, SB 2160, SB 2162, SB 2171, SB 2183, SB 2188, SB 2199, SB 2204, SB 2205, SB 2209, SB 2214, SB 2215, SB 2239, SB 2250, SB 2257, SB 2277.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2038, SB 2074, SB 2075, SB 2076, SB 2080, SB 2099, SB 2160, SB 2162, SB 2171, SB 2183, SB 2188, SB 2199, SB 2204, SB 2205, SB 2209, SB 2214, SB 2215, SB 2239, SB 2250, SB 2257, SB 2277.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1117, HB 1122, HB 1242, and HB 1512 and subsequently passed the same.

The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2394: Reps. Martinson, Lindgren, Gilmore

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

MR. PRESIDENT: The Speaker has signed: 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 2195.

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

MR. PRESIDENT: The Speaker has signed: SB 2031, SB 2034, SB 2061, SB 2063, SB 2068, SB 2087, SB 2091, SB 2092, SB 2100, SB 2101, SB 2107, SB 2111, SB 2112, SB 2113, SB 2126, SB 2127, SB 2149, SB 2165, SB 2179, SB 2185, SB 2228.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4004, SCR 4016, SCR 4029, SCR 4035, SCR 4036, SCR 4044, SCR 4045.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3069, HCR 3076, HCR 3081, HCR 3082, HCR 3083.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: 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.

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-fourth Day and finds it to be correct.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the state board of architecture, definitions, exemptions, board membership, rules, the practice of architecture, examinations, fees, board powers and duties, license revocation, and penalties; to repeal chapter 43-03 of the North Dakota Century Code, relating to architects and the practice of architecture; and to provide a penalty.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sens. Satrom, Todd, Lips and Reps. Tollefson, Martinson, Mertens introduced: (Approved by the Committee on Delayed Bills)

SB 2524: A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the state board of architecture, definitions, exemptions, board membership, rules, the practice of architecture, examinations, fees, board powers and duties, license revocation, and penalties; to repeal chapter 43-03 of the North Dakota Century Code, relating to architects and the practice of architecture; and to provide a penalty.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to require market value rental for leases of certain real property owned by the state.

Your Committee on Delayed Bills cast a ballot of 3 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING in favor of this bill.

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

FIRST READING OF SENATE BILL

Sen. Moore introduced:

(Approved by the Committee on Delayed Bills)

SB 2525: A BILL for an Act to require market value rental for leases of certain real property owned by the state.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to amend and reenact subsection 1 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to classifications of property for assessment purposes; and to provide an effective date.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sen. Moore introduced:

(Approved by the Committee on Delayed Bills)

SB 2526: A BILL for an Act to amend and reenact subsection 1 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to classifications of property for assessment purposes; and to provide an effective date.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to maternity benefit health insurance coverage for complications of pregnancy.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sens. Keller, J. Meyer introduced:

(Approved by the Committee on Delayed Bills)

SB 2527: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to maternity benefit health insurance coverage for complications of pregnancy.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact four new sections to chapter 4-30 of the North Dakota Century Code, relating to a release of dairy processors' records, plants, reports, and notice to dairy producers; and to amend and reenact sections 4-18.1-14, 4-30-03.2, 4-30-03.3, and 40-30-03.8 of the North Dakota Century Code, relating to the release of information to the commissioner of agriculture or the dairy commissioner, the filing of a surety bond or other security by dairy processors, and surety bond protection for in-state dairy producers.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sens. Krauter, Maixner and Reps. Martin, Nicholas introduced:

(Approved by the Committee on Delayed Bills)

SB 2528: A BILL for an Act to create and enact four new sections to chapter 4-30 of the North Dakota Century Code, relating to a release of dairy processors' records, plants, reports, and notice to dairy producers; and to amend and reenact sections 4-18.1-14, 4-30-03.2, 4-30-03.3, and 40-30-03.8 of the North Dakota Century Code, relating to the release of information to the commissioner of agriculture or the dairy commissioner, the filing of a surety bond or other security by dairy processors, and surety bond protection for in-state dairy producers.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to discrimination by alcoholic beverage manufacturers and suppliers; and to provide a penalty.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sens. D. Meyer, Schoenwald and Rep. Dorso introduced:

(Approved by the Committee on Delayed Bills)

SB 2529: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to discrimination by alcoholic beverage manufacturers and suppliers; and to provide a penalty.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to create and enact a new section to chapter 32-07 of the North Dakota Century Code, relating to meritorious defenses to a claim for delivery and possession of property.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sen. Kelsh introduced:

(Approved by the Committee on Delayed Bills)

SB 2530: A BILL for an Act to create and enact a new section to chapter 32-07 of the North Dakota Century Code, relating to meritorious defenses to a claim for delivery and possession of property.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a Bill for an Act to provide for the establishment of a North Dakota rural area development corporation to administer programs of economic development assistance to rural areas of the state; to provide an appropriation; to provide an effective date; and to declare an emergency.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this bill.

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

FIRST READING OF SENATE BILL

Sens. D. Meyer, Heigaard and Reps. Stofferahn, R. Anderson introduced:

(Approved by the Committee on Delayed Bills)

SB 2531: A BILL for an Act to provide for the establishment of a North Dakota rural area development corporation to administer programs of economic development assistance to rural areas of the state; to provide an appropriation; to provide an effective date; and to declare an emergency.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging Congress not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Schoenwald, Krauter, Waldera and Reps. Nelson, Haugland introduced:
(Approved by the Committee on Delayed Bills)

SCR 4061: A concurrent resolution urging Congress not to approve legislation authorizing the use of eminent domain to acquire property for coal slurry pipelines.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging Congress to make the federal highway trust fund permanent and to provide for use of the fund for purposes for which the fund was established.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Tennefos, Hilken and Rep. Timm introduced:
(Approved by the Committee on Delayed Bills)

SCR 4062: A concurrent resolution urging Congress to make the federal highway trust fund permanent and to provide for use of the fund for purposes for which the fund was established.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution directing the Legislative Council to study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Tennefos and Rep. Timm introduced:
(Approved by the Committee on Delayed Bills)

SCR 4063: A concurrent resolution directing the Legislative Council to study the legal status and policies for use of the receipts, disbursements, and transfers of motor vehicle license, registration, and fuels tax revenues.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution urging Congress and the Department of the Treasury to rescind or amend legislative and rulemaking provisions that require Disaster Assistance Act of 1988 payments to farmers to be treated as income in a single taxable year.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sen. Richard introduced:

(Approved by the Committee on Delayed Bills)

SCR 4064: A concurrent resolution urging Congress and the Department of the Treasury to rescind or amend legislative and rulemaking provisions that require Disaster Assistance Act of 1988 payments to farmers to be treated as income in a single taxable year.

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

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution directing the Legislative Council to study policies, planning, and funding of local and regional airports in North Dakota.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Satrom, Richard, Tennefos introduced:

(Approved by the Committee on Delayed Bills)

SCR 4065: A concurrent resolution directing the Legislative Council to study policies, planning, and funding of local and regional airports in North Dakota.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. D. MEYER MOVED that the Senate do concur in the House amendments to SB 2211 as printed on page 922 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2211: A BILL for an Act to amend and reenact sections 15-04-10, 15-07-04, 15-07-20, 38-09-15, 38-11-04, 44-08-12, and 44-08-13 of the North Dakota Century Code, relating to the requirements governing the leasing and sale of state lands and the use of facsimile signatures on leases issued by the board of university and school lands.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

SB 2211 passed and the title was agreed to.

SECOND READING OF HOUSE BILLS

HB 1198: A BILL for an Act to amend and reenact sections 25-06-03 and 25-07-02 of the North Dakota Century Code, relating to the consolidation of the offices of superintendent of the school for the deaf and the school for the blind.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

HB 1198 passed and the title was agreed to.

HB 1233: A BILL for an Act to amend and reenact subsection 1 of section 15-39.1-09 and subsection 1 of section 15-39.1-10 of the North Dakota Century Code, relating to assessments and eligibility for retirement benefits under the teachers' fund for retirement.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

HB 1233 passed and the title was agreed to.

HB 1273: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to designated depositories for pre-need funeral contracts.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1273 passed and the title was agreed to.

MOTIONS

SEN. J. MEYER MOVED that HB 1320, which is on the Sixth order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. J. Meyer's motion, HB 1320 was rereferred.

SEN. MAIXNER MOVED that HCR 3010 be moved to the head of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that HCR 3010 be amended as follows:

Page 2, line 9, replace "a February" with "an April"

ReNUMBER accordingly

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

SEN. MAIXNER MOVED that the rules be suspended, that HCR 3010 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution urging the Federal Crop Insurance Corporation of the United States Department of Agriculture to increase the amount of indemnity on major crops to levels that reflect anticipated market price or target price, to maintain yield guarantee levels to at least the yield guarantee levels for 1988 and to move the last day of replant for small grains up ten days.

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

HCR 3010 was declared adopted on a voice vote.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1195 and subsequently passed the same.

MOTIONS

SEN. HEIGAARD MOVED that HB 1379, HB 1411, HB 1057, HB 1462, and HB 1042 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1379 and HB 1411 be rereferred to the Committee on State and Federal Government, that HB 1057 and HB 1462 be rereferred to the Committee on Judiciary, and that HB 1042 be rereferred to the Committee on Education, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1332: A BILL for an Act to amend and reenact subsection 3 of section 18-12-25 and subsection 1 of section 54-21.3-03 of the North Dakota Century Code, relating to the state building code.

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, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: O'Connell; Tallackson

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nothing

HB 1332 passed and the title was agreed to.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4024.

SECOND READING OF HOUSE BILLS

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

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1336 passed and the title was agreed to.

HB 1339: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to the certification of welders by the oil and gas division of the industrial commission; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1339 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 25 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Holmberg; Ingstad; Kelsh; Krauter; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; O'Connell; Olson; Redlin; Richard;

Robinson; Satrom; Schoenwald; Shea; Stenehjerm; Thane; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Freborg; Hanson; Hilken; Keller; Kinnoin; Krebsbach; Langley; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Peterson; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nething; President Omdahl

HB 1356 lost for want of a Constitutional majority.

VOTE CHANGE FOR RECONSIDERATION

SEN. SCHOENWALD changed his vote on HB 1356 from "yea" to "nay" for the purpose of reconsideration, so the vote was 24 YEAS, 26 NAYS, 3 ABSENT AND NOT VOTING.

SECOND READING OF HOUSE BILLS

HB 1373: A BILL for an Act to amend and reenact section 57-15-12.1 of the North Dakota Century Code, relating to tax levies or service charges by cities or park districts for forestry purposes.

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, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Freborg; Hanson; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krebsbach; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Naaden; Nalewaja; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjerm; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland;

NAYS: David; Dotzenrod; Hilken; Krauter; Lodoen; Meyer D.; Moore; Mutch; Nelson; Peterson; Streibel; Tennefos; Todd; Yockim

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nething

HB 1373 passed and the title was agreed to.

HB 1392: A BILL for an Act to create a new section to chapter 61-24.3 of the North Dakota Century Code, relating to the distribution of water through the southwest pipeline project.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1392 passed and the title was agreed to.

HB 1395: A BILL for an Act to create and enact a new section to chapter 26.1-24 of the North Dakota Century Code, relating to insurance audits by insurers.

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, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Lips; Shea

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nothing

HB 1395 passed and the title was agreed to.

HB 1408: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 26.1-25-03 of the North Dakota Century Code, relating to the making of rates for insurance companies.

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, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Lips; Shea

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nothing

HB 1408 passed and the title was agreed to.

HB 1409: A BILL for an Act to amend and reenact sections 26.1-41-04 and 26.1-41-14 of the North Dakota Century Code, relating to optional excess no-fault benefits.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

HB 1409 passed and the title was agreed to.

HB 1412: A BILL for an Act to amend and reenact sections 21-06-05, 21-06-06, and 54-46-12 of the North Dakota Century Code, relating to city and park district records.

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; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Maixner; Nething

HB 1412 passed and the title was agreed to.

HB 1429: A BILL for an Act to amend and reenact section 20.1-04-09 of the North Dakota Century Code, relating to the taking of wild turkeys.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1429 passed and the title was agreed to.

MOTIONS

SEN. FREBORG MOVED that HB 1440 be amended as follows:

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

Page 2, after line 10, insert:

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

Re-number accordingly

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

SEN. MAIXNER MOVED that the rules be suspended, that HB 1440 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1440: A BILL for an Act to amend and reenact section 10-06-01 of the North Dakota Century Code, relating to conversion of a farm corporation to a business corporation; 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 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Schoenwald; Shea; Wogsland

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nething

HB 1440 passed, the title was agreed to, and the emergency clause carried.

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

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

HB 1467 passed and the title was agreed to.

HB 1470: A BILL for an Act to amend and reenact section 15-27.2-02 of the North Dakota Century Code, relating to exchanges of school district property by school boards.

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, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Nelson

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nething

HB 1470 passed and the title was agreed to.

HB 1477: A BILL for an Act to create and enact a new subsection to section 15-29-08 of the North Dakota Century Code, relating to the powers of a school board to designate an official school district newspaper; to amend and reenact sections 15-28-06, 15-28-11, subsection 17 of section 15-29-08, sections 15-34.2-07, 15-34.2-07.1, 15-47-15, and subsection 7 of section 21-03-07 of the North Dakota Century Code, relating to official newspapers of school districts; and to repeal section 15-22-23 of the North Dakota Century Code, relating to publication of notice of school elections by county superintendents of schools.

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

NAYS: None

ABSENT AND NOT VOTING: Ewen; Heigaard; Lashkowitz; Nothing

HB 1477 passed and the title was agreed to.

HB 1485: A BILL for an Act to amend and reenact sections 4-10.2-01, 4-10.2-02, 4-10.2-03, 4-10.2-08, 4-10.2-09, 4-10.2-10, subdivision c of subsection 1 of section 4-14.2-02, sections 4-24-07, and 4-24-09 of the North Dakota Century Code, relating to changing the name and membership of the sunflower council and assessments relating to sunflower, safflower, rapeseed or canola, crambe, and flax.

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 47 YEAS, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Hilken; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nothing

HB 1485 passed and the title was agreed to.

HB 1488: A BILL for an Act to amend and reenact subsection 2 of section 54-10-01 of the North Dakota Century Code, relating to the waiver of charges by the state auditor.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1488 passed and the title was agreed to.

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

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 25 YEAS, 25 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Keller; Kelsh; Kinnoin; Langley; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; O'Connell; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Hanson; Hilken; Holmberg; Ingstad; Krauter; Krebsbach; Lips; Lodoen; Meyer D. ; Moore; Mutch; Naaden; Nalewaja; Nelson; Olson; Peterson; Redlin; Robinson; Stenehjem; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nothing; President Omdahl

HB 1491 lost for want of a Constitutional majority.

HB 1496: A BILL for an Act to amend and reenact section 12-44.1-02 of the North Dakota Century Code, relating to the abilities of cities and counties to contract with private entities to provide adult jail services.

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; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Nalewaja; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland

NAYS: Mathern; Meyer J.; Nelson; Shea; Stenehjem; Tennefos; Yockim

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Naaden; Nothing

HB 1496 passed and the title was agreed to.

HB 1502: A BILL for an Act to create and enact twelve new sections to chapter 60-03 of the North Dakota Century Code, relating to the insolvency of roving grain or hay buyers; to amend and reenact sections 60-03-01, 60-03-02, 60-03-04, 60-03-04.1, and 60-03-06 of the North Dakota Century Code, relating to roving grain or hay buyers; to repeal section 60-03-09.1 of the North Dakota Century Code, relating to complaint procedure for roving grain or hay buyers; 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 PASS, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nothing

HB 1502 passed and the title was agreed to.

HB 1519: A BILL for an Act to amend and reenact section 4-10.4-04 of the North Dakota Century Code, relating to the establishment of barley districts.

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

YEAS: Axtman; David; Dotzenrod; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; 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: Ewen; Lashkowitz; Nething

HB 1519 passed and the title was agreed to.

HB 1520: A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to the health council membership.

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 44 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Mathern; Mushik; O'Connell; Redlin; Schoenwald

ABSENT AND NOT VOTING: Ewen; Lashkowitz; Nething

HB 1520 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that Senate Rule 402, paragraph 3, be amended to read Forty-ninth legislative day, which motion prevailed.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fourth order of business, and at the conclusion of the Fourth order, the Senate be on the Fifth order of business, and at the conclusion of the Fifth 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, and after the reading of HB 1032, HB 1212, HB 1264,

HB 1322, HB 1330, HB 1607, HB 1651, and HB 1660, the Senate stand adjourned until 12:30 p.m., Friday, March 10, 1989, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

March 9, 1989

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

Dear Mr. President:

This is to inform you that on March 9, 1989, I signed the following: 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.

Sincerely,

GEORGE A. SINNER
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation (Sen. Satrom, Chairman) to which was referred SB 2518 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 18, after "Notwithstanding" insert "the vacancy requirement or"

Page 1, line 19, replace "city" with "municipality" and remove "annual"

Page 1, line 20, replace "for" with "during"

Page 2, line 1, replace "city" with "municipality" and after "county" insert ", or is a county,"

Page 2, line 3, replace "city" with "United States, the state, or a political subdivision of the state"

Page 2, after line 4, insert:

"For property within city limits, the project operator shall apply to the governing body of the city annually for the exemption and the governing body of the city may grant the exemption for only one year at a time. For property outside city limits, the project operator shall apply to the board of county commissioners for the exemption and the board of county commissioners may grant the exemption for no more than three years at a time."

Remember accordingly

SB 2518 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 Engrossed HB 1032 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 1032 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 1212 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 1212 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 1264 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 1264 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 1322 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 1322 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 1330 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1330 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 1607 has had the same under consideration and recommends by a vote of 3 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING that the same DO PASS.

HB 1607 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 1651 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 PASS.

HB 1651 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

45th DAY

THURSDAY, MARCH 9, 1989

1051

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred Engrossed HB 1660 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 1660 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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

PATRICIA CONRAD, Secretary