

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 15, 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 Heavenly Father, Sovereign Ruler of the universe, who holds the King's heart in Your hands, bless your Holy Name forever and ever.

I pray for a spiritual awakening to begin here in North Dakota that would sweep across our great nation. I pray that You, Lord, would reestablish Your righteous priorities in our homes, churches, and nation. Help us to turn from our wicked ways, for we have substituted playing for praying, feasting for fasting, religion for righteousness, organizing for agonizing, and compatibility for confrontation.

Send our nation a revival of repentance at the individual level and then let our legislative leaders reflect the basic changes of a righteous nation which seeks after Your wisdom.

Lord, bless this Senate session today. Bless every legislator who desires Your divine guidance and may Thy will be done in all that transpires this afternoon.

And Lord, restore to us that which our founding fathers had, a firm reliance on the protection of Your divine providence.

In the name of our Lord and Saviour, I pray. Amen.

The roll was called and all Senators were present, except Senators Freborg, Heigaard, and Lashkowitz.

A quorum was declared by the President.

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 10:00 a.m., March 15, 1989: 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 2211, SB 2228.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1050, HB 1051, HB 1094, HB 1123, HB 1124, HB 1131, HB 1134, HB 1192, HB 1197, HB 1240, HB 1347, HB 1352, HB 1370, HB 1371, HB 1504, HCR 3031, HCR 3040.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4054.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1009, HB 1084, HB 1140, HB 1212, HB 1256, HB 1259, HB 1275, HB 1287, HB 1290, HB 1331, HB 1344, HB 1425, HB 1607, HB 1651, HCR 3001, HCR 3002, HCR 3006, HCR 3024, HCR 3027, HCR 3033, HCR 3041, HCR 3042, HCR 3043, HCR 3044, HCR 3050, HCR 3052, HCR 3053, HCR 3057, HCR 3062, HCR 3063, HCR 3068, HCR 3070.

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

MR. SPEAKER: The Senate has failed to pass: HB 1199, HB 1241, HB 1264, HB 1322, HB 1453.

SIGNING of BILLS and RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SB 2039, SB 2040, SB 2054, SB 2194, SB 2280, SB 2315, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425, SB 2426, SB 2435, SCR 4018.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2039, SB 2040, SB 2054, SB 2194, SB 2280, SB 2315, SB 2406, SB 2408, SB 2414, SB 2420, SB 2425, SB 2426, SB 2435, SCR 4018.

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

MR. PRESIDENT: The House has amended and subsequently failed to pass: SB 2350.

Page 2, line 17, after "individual" insert "except individuals employed as staff adjusters with an insurance company"

Page 2, line 20, after "of" insert "property or casualty"

Renumber accordingly

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2175, SB 2203, SB 2246, SB 2278, SB 2486, SB 2514, SCR 4030.

HOUSE AMENDMENTS TO SB 2175

Page 1, line 4, after "reenact" insert "subdivision e of subsection 1 and"

Page 2, after line 24, insert:

"SECTION 2. AMENDMENT. Subdivision e of subsection 1 of section 10-04-11 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

- e. Has failed to file with the commissioner any financial statement record required pursuant to subsection 3 section 10-04-10.3, or has refused to permit an examination into his affairs as provided by section 10-04-10.3 and subsection 3 of this section; or"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2203

Page 1, line 3, remove "and"

Page 1, line 5, after "registration" insert "; and to declare an emergency"

Page 2, after line 11, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2246

Page 3, line 16, replace "makes any recommendations or" with an underscored colon

Page 3, replace lines 17 through 19 with:

- "a. Makes any recommendations or otherwise renders advice regarding securities directly to advisory clients;
- b. Manages the accounts or portfolios of clients;
- c. Determines which recommendations or advice regarding securities should be given if that person is a member of the investment adviser's investment committee that determines general investment advice to be given to clients or, if the investment adviser has no investment committee, the person determines general client advice (if there are more than five such persons, only the supervisors of such persons are deemed to be investment adviser representatives);
- d. Solicits, offers, or negotiates for the sale of or sells investment advisory services unless that person is a dealer licensed in this state or a licensed salesman of a dealer and the person would not be an investment adviser representative except for the performance of the activities described in this subdivision; or
- e. Immediately supervises employees in the performance of any of the foregoing."

Page 24, line 10, overstrike "statement" and insert immediately thereafter "record"

Page 24, line 12, after "10-04-10.3" insert "and subsection 3 of this section"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2278

Page 1, line 12, remove "making the required payment" and overstrike "within five years of initial eligibility or by"

Page 1, line 13, overstrike "July 1,", remove "1991", overstrike ", whichever is later" and insert immediately thereafter "making the required payment", and remove "The required payment, if made within"

Page 1, remove line 14

Page 1, line 15, remove "teacher on withdrawal with interest." and remove "other"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2486

Page 1, line 2, after "comission" insert "; and to declare an emergency"

Page 1, after line 21, insert:

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

Renumber accordingly

HOUSE AMENDMENTS TO SB 2514

Page 4, line 5, after "device" insert "- Notice"

Page 5, after line 20, insert:

"5. Within a reasonable time, but not later than ninety days after the termination of the period of an order or extension of an order, the judge to whom the application was presented shall cause to be served on the persons named in the order or application, and on any other party the notification of whom the judge determines is in the interest of justice, notice of:

- a. The fact of the entry of the order.
- b. The date of the entry and the period of authorized installation and use of the pen register or trap and trace device.
- c. The fact that during the period of the order or extension information was obtained through use of the pen register or trap and trace device."

Renumber accordingly

HOUSE AMENDMENTS TO SCR 4030

Page 1, line 10, after the second comma insert "children of high school students,"

Renumber accordingly

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

MR. PRESIDENT: The House has failed to pass: SB 2155, SB 2377, SB 2471, SB 2481, SB 2494, SCR 4003.

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

MR. PRESIDENT: The House has passed unchanged: SB 2156, SB 2282, SB 2287, SB 2330, SB 2442, SCR 4001, SCR 4002, SCR 4014, SCR 4025, SCR 4028, SCR 4034, SCR 4037, SCR 4039, SCR 4042.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1198, HB 1233, HB 1273, HB 1332, HB 1336, HB 1339, HB 1373, HB 1392, HB 1395, HB 1408, HB 1409, HB 1412, HB 1429, HB 1467, HB 1470, HB 1477, HB 1485, HB 1488, HB 1496, HB 1502, HB 1519, HB 1520.

49th DAY

WEDNESDAY, MARCH 15, 1989

1131

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
MR. PRESIDENT: The Speaker has signed: SB 2050, SB 2051, SB 2052, SB 2053,
SB 2057, SB 2106, SB 2134, SB 2136, SB 2159, SB 2198, SB 2232, SB 2284,
SB 2289, SB 2297, SB 2302, SB 2317, SB 2329, SB 2339, SB 2340, SB 2341,
SB 2351, SB 2366, SB 2374, SB 2380, SB 2402.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
OFFICE OF THE GOVERNOR
Bismarck

March 15, 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 14, 1989, I signed the following: SB 2038, SB 2056, SB 2074, SB 2075, SB 2076, SB 2080, SB 2099, SB 2132, SB 2138, SB 2140, SB 2142, SB 2143, SB 2144, SB 2147, SB 2148, SB 2154, SB 2160, SB 2161, SB 2162, SB 2163, SB 2164, SB 2167, SB 2168, SB 2170, SB 2171, SB 2174, SB 2183, SB 2188, SB 2195, SB 2199, SB 2204, SB 2205, SB 2209, SB 2214, SB 2215, SB 2239, SB 2250, SB 2257, SB 2277.

Sincerely,

GEORGE A. SINNER
Governor

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Forty-fifth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1034, line 3, replace "Senator" with "Senators" and after "Schoenwald" insert "Krauter, Waldera and Representatives Nelson, Haugland"

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

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Forty-seventh Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1086, line 32, replace "1336" with "1366"

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

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-eighth Day and finds it to be correct.

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

CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to HB 1024 as recommended by the Committee on Appropriations as printed on page 1121 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. LANGLEY MOVED that the amendments to HB 1119 as recommended by the Committee on Industry, Business and Labor as printed on pages 1121-1122 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1119 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1127 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1122 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1127 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. KELSH MOVED that the amendments to HB 1167 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 1122 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1167 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SEN. HEINRICH MOVED that the amendments to HB 1304 as recommended by the Committee on Education as printed on pages 1122-1124 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1304 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Philip Berube
Former Representative Olaf Opedahl

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a bill for an Act to authorize the state board of higher education to convey certain state-owned land.

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. Robinson and Reps. Gerntholz, V. Olson introduced:
(Approved by the Committee on Delayed Bills)

SB 2532: A BILL for an Act to authorize the state board of higher education to convey certain state-owned land.

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 subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of seasonal residential property; to amend and reenact subsection 5 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to assessment of seasonal residential property; and to provide an effective date.

Your Committee on Delayed Bills cast a ballot of 3 YEAS, 2 NAYS, in favor of this bill.

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

FIRST READING OF SENATE BILL

Sen. Hilken introduced:
(Approved by the Committee on Delayed Bills)

SB 2533: A BILL for an Act to create and enact a new subsection to section 57-02-01 of the North Dakota Century Code, relating to the definition of seasonal residential property; to amend and reenact subsection 5 of section 57-02-01 and section 57-02-27 of the North Dakota Century Code, relating to assessment of seasonal residential property; 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 26.1-39 of the North Dakota Century Code, relating to property insurance coverage for damage caused by rodents or other animals.

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. Schoenwald introduced:
(Approved by the Committee on Delayed Bills)

SB 2534: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to property insurance coverage for damage caused by rodents or other animals.

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 concurrent resolution directing the Legislative Council to study the economic and social impact to North Dakota political subdivisions, agriculture, and businesses resulting from the increasing number of acres of land acquired by the federal and state governments.

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. J. Meyer, D. Meyer, W. Meyer and Reps. Murphy, Stofferahn introduced:
(Approved by the Committee on Delayed Bills)

SCR 4066: A concurrent resolution directing the Legislative Council to study the economic and social impact to North Dakota political subdivisions, agriculture, and businesses resulting from the increasing number of acres of land acquired by the federal and state governments.

Was read the first time and referred to the Committee on Political Subdivisions.

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 feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities in accordance with the state's mental health commitment laws.

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 4067: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of authorizing tribal courts to order involuntary commitments to state-operated facilities in accordance with the state's mental health commitment laws.

Was read the first time and referred to the Committee on Human Services and Veterans Affairs.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Maixner, Chairman) has examined a concurrent resolution requesting the United States Congress to provide funds to construct bank protective works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams.

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. Mushik, W. Meyer, Lips and Reps. Ulmer, Gerl introduced:
(Approved by the Committee on Delayed Bills)

SCR 4068: A concurrent resolution requesting the United States Congress to provide funds to construct bank protective works on the Missouri River downstream from the Garrison Dam and other Pick-Sloan dams.
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 directing the Legislative Council to study state employee compensation levels and practices.

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. Thane, Stromme introduced:

(Approved by the Committee on Delayed Bills)

SCR 4069: A concurrent resolution directing the Legislative Council to study state employee compensation levels and practices.

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

MOTION

SEN. HEIGAARD MOVED that HB 1330 and HB 1005 be placed at the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1330: A BILL for an Act to amend and reenact section 6-06-29 of the North Dakota Century Code, relating to taxation of credit unions.

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 24 YEAS, 27 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Ewen; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krebsbach; Lodoen; Maxson; Moore; Nalewaja; Nelson; Olson; Peterson; Redlin; Robinson; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Vosper

NAYS: Axtman; David; Hanson; Heinrich; Kelsh; Krauter; Langley; Lips; Maixner; Mathern; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nething; O'Connell; Richard; Satrom; Schoenwald; Shea; Thane; Todd; Waldera; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Lashkowitz

HB 1330 lost.

MOTIONS

SEN. HEIGAARD MOVED that HB 1005 be moved to the bottom of the calendar, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1023 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1321: A BILL for an Act to amend and reenact sections 54-52-02, 54-52-02.1, subsection 3 of section 54-52.1-01, and section 54-52.1-03.1 of the North Dakota Century Code, relating to participation in the public employees retirement system by a city health department providing health services in a county and city health district and participation by district health units in the uniform group insurance program.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Lashkowitz

HB 1321 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that HB 1005 and HB 1023 be moved to the top of the calendar, which motion prevailed.

SEN. MAIXNER MOVED that HB 1005 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1005 adopted by the Senate as printed on pages 1109 and 1110 of the Senate Journal, engrossed House Bill No. 1005 is amended as follows:

Page 1, line 17, replace "1,311,350" with "1,466,350"

Page 1, line 19, replace "7,542,457" with "7,697,457"

Page 1, line 20, replace "1,324,650" with "1,479,650"

Page 1, after line 21, insert:

"SECTION 2. APPROPRIATION - COURT MONITOR. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the director of institutions of the state of North Dakota for the purpose of defraying the expenses of the court monitor, for the period beginning January 1, 1989, and ending June 30, 1991, as follows:

Court monitor 1985-87 biennium	\$21,270
Court monitor 1987-89 biennium	<u>31,730</u>

- Total general fund appropriation \$53,000"
- Page 2, line 2, replace "\$1,261,350" with "\$1,416,350"
- Page 2, line 5, replace "biennium" with "period" and replace "July 1, 1989," with "with the effective date of this section"
- Page 2, line 14, after "1" insert "and section 3"
- Page 2, line 15, replace "is" with "are", remove "an", and replace "measure" with "measures"
- Page 2, after line 15, insert:

"SECTION 6. EMERGENCY. Section 2 of this Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 130 - DIRECTOR OF INSTITUTIONS

These amendments add \$155,000 from the Capitol building fund for the following Capitol building projects:

1. Agency space renovation	\$ 25,000
2. Fire safety requirements	15,000
3. Basement vault renovation	5,000
4. Elevator synchronization	<u>110,000</u>
	\$155,000

In addition, these amendments provide that funds may be transferred from the Capitol building fund on an emergency basis to allow for beginning installation of the replacement elevator prior to July 1, 1989. The bill as amended provides a total of \$210,000 for automating one elevator and providing for elevator synchronization.

In addition, these amendments add \$53,000 from the general fund to the Director of Institutions for the expenses of the court monitor as follows:

1985-87 biennium	\$21,270
1987-89 biennium	<u>31,730</u>
	\$53,000

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

CONFLICT OF INTEREST

SEN. INGSTAD REQUESTED permission not to vote on HB 1005, because of a conflict in interest.

MOTION

SEN. MAIXNER MOVED that Sen. Ingstad be excused from voting on HB 1005, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1005: A BILL for an Act making an appropriation for defraying the expenses of the director of institutions of the state of North Dakota; to provide for a transfer from the capitol building fund; to provide for a statement of legislative intent regarding state employee compensation adjustments; 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 36 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: David; Kinnoin; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Shea; Stenehjem; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Freborg; Ingstad; Lashkowitz

HB 1005 passed, the title was agreed to, and the emergency clause carried.

HB 1023: A BILL for an Act making an appropriation for defraying the expenses of the parks and recreation department of the state of North Dakota and providing for a transfer from the snowmobile fund and the trail tax transfer fund.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Lashkowitz

HB 1023 passed and the title was agreed to.

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HB 1182, HB 1440, and HCR 3010 and subsequently passed the same.

The House does not concur in the Senate amendments to HB 1351 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1351: Reps. Belter, Bernstein, V. Thompson

SECOND READING OF HOUSE BILLS

HB 1353: A BILL for an Act to amend and reenact subsection 3 of section 51-07-18 and section 51-07-22 of the North Dakota Century Code, relating to the location of dispute settlement hearings when a consumer seeks to return a defective motor vehicle and disclosure upon resale of returned vehicles.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Heigaard; Lashkowitz

HB 1353 passed and the title was agreed to.

HB 1372: A BILL for an Act to create and enact a new section to chapter 43-18 of the North Dakota Century Code, relating to advertising by plumbers; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Heigaard; Lashkowitz

HB 1372 passed and the title was agreed to.

HB 1375: A BILL for an Act to create and enact a new section to chapter 43-09 of the North Dakota Century Code, relating to advertising by electricians; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; 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: Freborg; Lashkowitz; Meyer, J.

HB 1375 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Speaker of the House Oscar Solberg

SECOND READING OF HOUSE BILL

HB 1389: A BILL for an Act to amend and reenact section 15-47-06 of the North Dakota Century Code, relating to recounts in school district elections.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; 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: Freborg; Lashkowitz

HB 1389 passed and the title was agreed to.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested: HB 1349, HB 1356, HB 1391, HB 1448, HB 1471, HB 1528, HB 1529, HB 1530, HB 1531, HB 1534, HB 1549, HB 1556, HB 1572, HB 1573, HB 1575, HB 1590, HB 1598, HB 1601, HB 1602, HB 1608, HB 1613, HB 1632, HB 1644, HB 1650.

SECOND READING OF HOUSE BILL

HB 1469: A BILL for an Act to amend and reenact section 5-01-08 of the North Dakota Century Code, relating to the suspension of driving privileges for underage persons who commit alcohol-related offenses.

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 19 YEAS, 32 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Hilken; Kelsh; Kinnoin; Krauter; Mathern; Moore; Redlin; Richard; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tallackson; Waldera; Wogsland; Yockim

NAYS: Axtman; David; Dotzenrod; Ewen; Hanson; Holmberg; Ingstad; Keller; Krebsbach; Langley; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Shea; Stromme; Tennefos; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Freborg; Lashkowitz

HB 1469 lost.

MOTION

SEN. MAIXNER MOVED that HB 1061 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to provide counties and cities the option of funding crime victim and witness programs through fees assessed as part of criminal sentences.

SEN. MAIXNER MOVED the previous question, which motion prevailed.

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 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Maixner; Mathern; Meyer, J.; Mushik; Nalewaja; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Yockim

NAYS: David; Dotzenrod; Ewen; Hanson; Keller; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Richard; Stenehjem; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Freborg; Lashkowitz

HB 1061 passed and the title was agreed to.

MOTIONS

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 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 1603, HB 1411, HB 1576, HB 1515, HB 1652, HB 1427, HB 1343, HB 1569, HB 1586, HB 1623, HB 1545, HCR 3072, HCR 3078, SB 2527, and SB 2529, the Senate stand adjourned until 1:00 p.m., Thursday, March 16, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred SB 2527 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

SB 2527 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2529 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2529 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1343 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 1343 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 1383 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 9, after "school" insert "building" and after "area" insert "unless a school board designates a smoking area for a specific individual event"

Renumber accordingly

HB 1383 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 1390 has had the same under consideration and recommends by a vote of 6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

Page 1, line 14, after the period insert "'Teacher", as used in this section, does not include any person employed in teaching in any state institution of higher education."

Renumber accordingly

HB 1390 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 rereferred HB 1411 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 1411 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HB 1427 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 1427 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 HB 1451 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 6, underscore ", unless the board of county commissioners adopts a resolution"

Page 2, underscore lines 7 and 8

Page 2, line 12, after the underscored period insert "Counties having a population of six thousand or less and exercising the option provided in section 5 of this Act, may contract with the state court administrator for the provision of shared funding for register of deeds services."

Renumber accordingly

HB 1451 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 1515 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 1515 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 1545 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 1545 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 Reengrossed HB 1569 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1569 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HB 1576 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 1576 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred HB 1585 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 2, line 1, replace the second "distribution" with "sale"

Page 2, after line 26, insert:

"h. A manufacturer or a manufacturer's sales representative or agent."

Page 2, line 28, after "wholesale" insert "drug" and remove "of prescription drugs"

Page 3, line 3, remove "manufacturers' representatives;"

Renumber accordingly

HB 1585 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 1586 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 1586 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 1603 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 1603 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 1623 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1623 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 Engrossed HB 1631 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 3, after "crossings" insert "; and to amend and reenact subsection 1 of section 39-10-43 of the North Dakota Century Code, relating to vehicles required to stop at railroad crossings"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Subsection 1 of section 39-10-43 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The driver of a bus carrying passengers, or of any schoolbus ~~carrying any schoolchild~~, or of any vehicle carrying any chlorine, empty or loaded cargo tank vehicles used to transport dangerous articles or any liquid having a flashpoint below two hundred degrees Fahrenheit [93.33 degrees Celsius], cargo tank vehicles transporting a commodity having a temperature above its flashpoint at the time of loading, certain cargo tank vehicles transporting commodities under special permits issued by the hazardous materials regulations board, and every motor vehicle which must have the following placards: "explosives", "poison", "flammable oxidizers", "compressed gas", "corrosives", "flammable gas", "radioactive", or "dangerous", before crossing at grade any track or tracks of a railroad, shall stop such vehicle within fifty feet [15.24 meters] but not less than fifteen feet [4.57 meters] from the nearest rail of such railroad and while so stopped shall listen and look in both directions along such track for any approaching train, and for signals indicating the approach of a train and may not proceed until ~~he~~ the driver can do so safely. After stopping as required herein and upon proceeding when it is safe to do so, the driver of any said vehicle shall cross only in such gear of the vehicle that there will be no necessity for manually changing gears while traversing such crossing and the driver may not manually shift gears while crossing the track or tracks."

Page 1, underscore lines 7 and 8

Page 1, line 9, underscore "CROSSINGS."" and remove "The sign may be covered or concealed if the driver of"

Page 1, remove lines 10 and 11

Renumber accordingly

HB 1631 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 1642 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 1642 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 1643 has had the same under consideration and recommends by a vote of 5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1643 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 1652 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 1652 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 HCR 3072 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 3072 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 3078 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3078 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