

## JOURNAL OF THE SENATE

## Fifty-first Legislative Assembly

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Bismarck, April 17, 1989

The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Rev. Ross Reinhiller, Church of the Good Shepherd, United Methodist, Mandan.

Let us pray. Heavenly Father, for this day we thank You and for the opportunity to serve You. God, I pray that as we come together here, the end of the long session with still a lot of work to do, that we will not do what is expedient to do, but that what will be done is right. We will not just serve ourselves or serve our districts, but serve You as well as our people. Let us never confuse the voice of the people and Your voice. Let us always do the right thing, the thing that You would call us to do, that North Dakota will be a place that is in Your blessing.

God, open the hearts of each of these to see the good and to put aside the bad. In Jesus' name. Amen.

The roll was called and all Senators were present, except Senators Keller, Lashkowitz, W. Meyer, Richard.

A quorum was declared by the President.

## MOTION

SEN. HEIGAARD MOVED that SB 2417, SB 2455, HB 1011, and HB 1626 be moved to the top of the calendar, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the conference committee report on Engrossed SB 2417 as printed on page 1953 of the Senate Journal be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2417: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption that may be granted by the governing body of a political subdivision for early childhood service facilities licensed by the state; and to provide an effective date.

## ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsch; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem;

1960

JOURNAL OF THE SENATE

72nd DAY

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

NAYS: None

ABSENT AND NOT VOTING: Keller; Lashkowitz; Meyer, W.; Richard

SB 2417 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. REDLIN MOVED that the conference committee report on Engrossed HB 1011 as printed on pages 1949-1951 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1011: A BILL for an Act to provide for an appropriation for defraying the expenses of the adjutant general of the state of North Dakota and the civil air patrol; to provide for an appropriation and transfer of funds from the national guard tuition trust fund; and to provide for a statement of legislative intent.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Streibel

ABSENT AND NOT VOTING: Keller; Lashkowitz; Meyer, W.; Richard

HB 1011 passed and the title was agreed to.

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MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 10:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2541.

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1040 and HB 1049 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1040: Reps. Belter, A. Hausauer, J. DeMers

HB 1049: Reps. Timm, A. Hausauer, Tomac

#### DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

THE PRESIDENT ANNOUNCED that the following bills were delivered to the Governor for his approval at the hour of 9:01 a.m., April 17, 1989: SB 2042, SB 2093, SB 2173, SB 2187, SB 2201, SB 2230, SB 2256, SB 2262, SB 2291, SB 2468, SB 2470, SB 2501.

THE PRESIDENT ANNOUNCED that the following resolutions were delivered to the Secretary of State for his filing at the hour of 9:05 a.m., April 17, 1989: SR 1, SCR 4026, SCR 4065, SCR 4070, SCR 4071, SCR 4073.

#### MOTION

SEN. HEIGAARD MOVED that the Senate stand at recess until 1:00 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House has concurred in the Senate amendments to HCR 3005 and HCR 3040 and subsequently passed the same.

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 Seventy-first Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 1953, line 12, replace "1468-1469" with "1325-1326" and replace the second "House" with "Senate"

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

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2024 as printed on pages 1940-1941 of the Senate Journal.

#### MOTION

SEN. HEIGAARD MOVED that SB 2024, which is on the Twelfth order, be rereferred to the Committee on Industry, Business and Labor, which motion prevailed. Pursuant to Sen. Heigaard's motion, SB 2024 was rereferred.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to SB 2538 as printed on pages 1941-1944 of the Senate Journal, which motion prevailed.

#### MOTION

SEN. MAIXNER MOVED that SB 2538, which is on the Twelfth order, be laid over one legislative day, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on SB 2412, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SB 2412: Sens. Keller, Krauter, Todd.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1004, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1004: Sens. Mushik, Wogsland, Lips.

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

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4043.

HOUSE FLOOR AMENDMENTS TO SCR 4043

Page 1, line 14, replace "primary" with "general"

Renumber accordingly

SIGNING OF BILLS AND RESOLUTIONS (Patricia Conrad, Secretary)

THE SECRETARY ANNOUNCED that the President signed the following enrolled bills and resolution: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1004: Sens. Mushik, Wogsland, Lips

REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on SB 2455 as printed on pages 1953-1956 of the Senate Journal be adopted, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2455: A BILL for an Act to create and enact a new subdivision to subsection 5 of section 12.1-28-02, two new subsections to section 53-06.1-07, a new section to chapter 53-06.1, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to seizure of illegal gaming devices, the maximum prize per play in electronic video gaming device play of games of chance, commingling of games of charitable gaming tickets, imposition of a tax in lieu of sales taxes on charitable gaming tickets, and sales and use tax exemption for proceeds from games of chance conducted through use of electronic gaming devices; and to amend and reenact subsection 3 of section 53-06.1-11, sections 53-06.1-12, and 53-06.1-12.1 of the North Dakota Century Code, and subsections 4 and 5 of section 53-06.1-14 of the North Dakota Century Code, as contained in House Bill No. 1641, as approved by the fifty-first legislative assembly, relating to expense limitations for organizations, distributors, and manufacturers of gaming devices, and games of chance taxes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Freborg; Hilken; Moore; Naaden; Nelson; Peterson; Redlin; Streibel; Tennefos; Todd; Vosper

ABSENT AND NOT VOTING: Lashkowitz; Richard

SB 2455 passed and the title was agreed to.

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REPORT OF CONFERENCE COMMITTEE

SEN. RICHARD MOVED that the conference committee report on SB 2475 as printed on pages 1956-1958 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2475: A BILL for an Act to amend and reenact sections 57-36-10, 57-36-25, subsection 1 of section 57-36-26, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to compensation available to distributors and the rate of excise tax on the wholesale purchase price of tobacco products; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 42 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Freborg; Hanson; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Krebsbach; Lips; Lodoen; Maixner; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Kinnoin; Langley; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Streibel; Tennefos

ABSENT AND NOT VOTING: Lashkowitz; Richard

SB 2475 passed and the title was agreed to.

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MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2417, SB 2455, SB 2475, and HB 1011 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

1964

JOURNAL OF THE SENATE

72nd DAY

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2417, SB 2455, SB 2475, and HB 1011 be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand at recess until 3:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has reconsidered its action whereby it passed and did concur with the House amendments to SB 2412, and subsequently did not concur with the House amendments to SB 2412, and the President has appointed as a conference committee to meet with a like committee from the House on:

SB 2412: Sens. Keller, Krauter, Todd

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1011 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2417, SB 2455, and SB 2475 and subsequently passed the same.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1040, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1040: Sens. Maixner, Robinson, Tennefos.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. SATROM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1049, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1049: Sens. Satrom, Maixner, Moore.

MOTION

SEN. D. MEYER MOVED that SB 2024 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. D. Meyer's motion, SB 2024 was rereferred.

REPORT OF CONFERENCE COMMITTEE

SEN. W. MEYER MOVED that the conference committee report on Engrossed HB 1626 as printed on page 1944 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1626: A BILL for an Act to create and enact a new section to chapter 63-01.1 of the North Dakota Century Code, relating to county weed board mill levies for noxious weed control; and to provide an appropriation.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Satrom

HB 1626 passed and the title was agreed to.

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MOTIONS

SEN. HEIGAARD MOVED that the vote by which HB 1626 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that HB 1626 be messaged to the House immediately, which motion prevailed.

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

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

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1040: Sens. Maixner, Robinson, Tennefos

HB 1049: Sens. Satrom, Maixner, Moore

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. SATROM MOVED that the Senate do concur in the House amendments to SB 2542 as printed on page 1951 of the Senate Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2542: A BILL for an Act to create and enact a new subsection to section 21-03-07 of the North Dakota Century Code, relating to issuance of bonds by political subdivisions when emergency conditions exist; and to declare an emergency.

ROLL CALL

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

YEAS: Axtman; David; Dotzenrod; Ewen; 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; Nething; O'Connell; Olson; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Lashkowitz; Richard; Shea

SB 2542 passed, the title was agreed to, and the emergency clause carried.

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MOTIONS

SEN. HEIGAARD MOVED that the vote by which SB 2542 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. HEIGAARD MOVED that the rules be suspended and that SB 2542, be messaged to the House immediately, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby it messaged HB 1626 to the House, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate reconsider its action whereby HB 1626 passed, which motion prevailed.

SEN. HEIGAARD MOVED that HB 1626 be laid over one legislative day, which motion prevailed.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2542 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has signed: SB 2010, SB 2015, SB 2018, SB 2019, SB 2022, SB 2023, SB 2090, SB 2094, SB 2153, SB 2210, SB 2536, SB 2539, SCR 4074.

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 Seventh order of business, and at the conclusion of the Seventh order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 8:00 a.m., Tuesday, April 18, 1989, which motion prevailed.

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

PATRICIA CONRAD, Secretary