

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

TWENTY-FOURTH DAY

Bismarck, February 4, 1983

The Senate convened at 12:30 p.m., with President Sands presiding.

The prayer was offered by Rev. Wilbur Fisher, Our Savior's Lutheran Church, Larimore.

O God, You made us in Your own likeness, and You love what You have made. Give to those whom You have placed in the seats of honor and power a sense of awe and humility before You as their Creator and Lord. Help us to see the unity of the human family and to promote it. Enable us to feel the suffering of humankind and to alleviate it. Encourage us to pursue the truth of human history and to learn from it. Give to us the blessing of sound judgment, the skill of making wise decisions, the patience to act in due time, and the tact for being mutually helpful.

Create in each one of us the earnest desire to serve faithfully, and permit us to experience the joys of noble service completed, for a grateful people. Encourage cooperation, Lord, from those who are served and from those who help to serve.

To God be the glory for all He has done and for all He continues to do in our land and in our lives through Jesus Christ our Lord. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-third day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2032, SB 2068, SB 2088, SB 2185, SB 2206, SB 2212,
SB 2213, SB 2222, SB 2245, SB 2247, SB 2251, SB 2267,
SB 2295, SB 2306, SB 2331, SB 2339, SB 2342

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1054, HB 1055, HB 1153, HB 1165, HB 1238, HB 1278,
HB 1288, HB 1307, HB 1318, HB 1325, HB 1344, HB 1349,
HB 1356, HB 1422, HB 1433, HB 1484, HB 1505, HB 1547,
HB 1580, HB 1595, HB 1610, HB 1660, HB 1722

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4024

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bills and find the same correctly engrossed:

SB 2046, SB 2146, SB 2216, SB 2226, SB 2232, SB 2270,
SB 2386, SB 2438, SB 2456, SB 2474

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly reengrossed:

SB 2250

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing on February 4, 1983:

SCMR 1

SEN. FRITZELL, Chairman

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

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2037 as recommended by the Committee on Appropriations as printed on pages 504 and 505 of the Senate Journal be adopted.

REQUEST

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2037, which request was granted.

SEN. GOODMAN MOVED that the amendments to SB 2037 be laid over two legislative days.

SEN. NETHING MOVED that the amendments to SB 2037 be placed at the foot of the calendar, and that the Rules Committee meet to rule on the motion that the amendments to SB 2037 be laid over two days.

SEN. STREIBEL MOVED that the members of the Rules Committee meet at this time to make a ruling concerning SB 2037, which motion prevailed.

RULING

SEN. STREIBEL, Chairman of the Rules Committee, announced that according to Senate Rule 311 the motion that the amendments to SB 2037 be laid over two days has precedence over the motion for a roll call vote to adopt the amendments to SB 2037. The motion that the amendments to SB 2037 be laid over two legislative days prevailed on a division vote.

SEN. LODOEN MOVED that the amendments to SB 2062 as recommended by the Committee on State and Federal Government as printed on pages 505 and 506 of the Senate Journal be adopted, and that SB 2062 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2082 as recommended by the Committee on Finance and Taxation as printed on pages 506 and 507 of the Senate Journal be adopted, which motion prevailed. SB 2082 has committee recommendation of DO NOT PASS.

SEN. REITEN MOVED that the amendments to SB 2271 as recommended by the Committee on Industry, Business, and Labor as printed on

page 507 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2284 as recommended by the Committee on Industry, Business, and Labor as printed on page 507 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2420 as recommended by the Committee on Finance and Taxation as printed on page 509 of the Senate Journal be adopted, which motion prevailed.

MOTIONS

SEN. ERICKSON MOVED that SB 2398 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

SEN. ERICKSON REQUESTED the unanimous consent of the Senate to withdraw SB 2398. There being no objection, it was so ordered by the President.

SEN. ERICKSON MOVED that SB 2409 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

SEN. ERICKSON REQUESTED the unanimous consent of the Senate to withdraw SB 2409. There being no objection, it was so ordered by the President.

SEN. PARKER MOVED that SB 2425 be returned to the Senate floor from the Committee on Industry, Business, and Labor, which motion prevailed.

SEN. PARKER REQUESTED the unanimous consent of the Senate to withdraw SB 2425. There being no objection, it was so ordered by the President.

SEN. KUSLER MOVED that SB 2480 be returned to the Senate floor from the Committee on Transportation, which motion prevailed.

SEN. KUSLER REQUESTED the unanimous consent of the Senate to withdraw SB 2480. There being no objection, it was so ordered by the President.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2152 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SB 2152 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2157 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SB 2157 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2308 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 2, line 7, after the word "systems" insert the words "purchased after June 30, 1983"
- On page 2, line 13, remove the overstrike over the words "~~or electronic voting~~"
- On page 2, line 14, remove the overstrike over the word "~~systems~~" and immediately thereafter insert the words "purchased before July 1, 1983"
- On page 2, line 34, delete the word "~~or~~" and insert in lieu thereof an underscored comma
- On page 2, line 35, after the word "system" and before the period insert the words "purchased after June 30, 1983, and the ballot label when using an electronic voting system purchased before July 1, 1983"
- On page 4 line 28, after the word "means" insert the words ", for an electronic voting system purchased after June 30, 1983,"
- On page 4, line 31, after the period insert the words "For an electronic voting system purchased before July 1, 1983, ballot card means a tabulating card on which votes may be recorded."
- On page 5, delete lines 1 through 4 and insert in lieu thereof the following:
 - '4. "Ballot label" means, for an electronic voting system purchased before July 1, 1983, the booklet or guide containing the names of offices, candidates, and questions to be voted on, which is used in conjunction with the voting device and voting card."
- On page 5, line 5, remove the overstrike over the numeral "~~5~~"

On page 5, line 8, remove the overstrike over the numeral "~~6~~." and delete the numeral "5."

On page 5, line 9, remove the overstrike over the words "~~bailet labels ex~~"

On page 5, line 13, remove the overstrike over the numeral "~~7~~." and delete the numeral "6."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2308 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2324 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2324 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2329 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2329 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2345 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2345 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2347 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2347 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2356 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

SB 2356 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2375 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

SB 2375 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2389 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2389 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2400 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 24, after the word "assessment" insert the words "or refund"

On page 3, line 28, overstrike the word "or"

On page 3, overstrike lines 29 and 30

On page 3, line 33, remove the overstrike over the word "~~until~~", and after the overstruck word "~~month~~" insert the words "one year", and remove the overstrike over the words "~~following the filing of~~"

On page 3, line 34, remove the overstrike over the words "~~such return or consent with the tax commissioner~~", overstrike the word "consent" and insert the word "report", and delete the words "and a"

On page 4, delete line 1

On page 4, line 2, delete the words "any time"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2400 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2414 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, delete the word "a" and insert in lieu thereof the word "one"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

SB 2414 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2417 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2417 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 to which was referred SB 2424 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2424 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2430 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2430 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2432 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, delete the word "seventy-five" and insert in lieu thereof the word "twenty-five"

SEN. HOLMBERG, Chairman

SB 2432 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2444 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact a new section to chapter 40-09"

On page 1, line 2, delete the words "of the North Dakota Century Code, relating to a biennial vote on"

On page 1, line 3, delete the words "whether city commission proceedings should be published in the"

On page 1, line 4, delete the words "official newspaper; and"

On page 1, delete lines 20 through 27

On page 2, delete lines 1 and 2

SEN. HOLMBERG, Chairman

SB 2444 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2450 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 24, delete the word "thirty" and insert in lieu thereof "ninety"

SEN. HOLMBERG, Chairman

SB 2450 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2457 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

SB 2457 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2465 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2465 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 to which was referred SB 2473 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "or damages"

On page 2, line 24, after the word "property" insert the words "located on the premises and"

On page 2, line 25, after the second word "lessee" insert immediately thereafter the words "who is delinquent in paying rent"

On page 2, delete line 26

On page 2, line 27, delete the words "the lessee's guest"

On page 2, line 28, delete the words "and damages are" and insert in lieu thereof the word "is"

On page 3, line 15, after the word "a" insert the word "total"

SEN. LODOEN, Chairman

SB 2473 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2484 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2484 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2485 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

SB 2485 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2490 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

SB 2490 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2491 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2491 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SCR 4025 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

SCR 4025 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1111 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1111 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1154 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1154 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2146: A BILL for an Act to authorize public agencies of North Dakota and Indian tribes to enter into mutual agreements to perform any administrative service, activity, or undertaking as authorized by law and to resolve any disputes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 43 YEAS, 10 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland

NAYS: Bakewell; Grotberg; Heigaard; Lashkowitz; Matchie; Meyer, D.; Satrom; Stenehjeme; Walsh; Wright

ABSENT AND NOT VOTING: None

SB 2146 passed and the title was agreed to.

SB 2216: A BILL for an Act to create and enact a new section to chapter 38-08 of the North Dakota Century Code, relating to purchasing and processing of gas; to amend and reenact

section 49-19-19 of the North Dakota Century Code, relating to discrimination between shippers in transportation of oil and gas by common pipeline carriers; and to repeal section 49-19-21 of the North Dakota Century Code, relating to the preventing of waste of oil and gas; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2216 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NOTHING MOVED that SB 2216 be reprinted, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2226: A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code, relating to the schedule for distribution of foundation program payments to school districts; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 31 YEAS, 22 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjerm;

Streibel; Tennefos; Thane; Todd; Tweten; Vosper;
Wenstrom

NAYS: Barth; Berube; Dotzenrod; Grotberg; Heigaard;
Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;
Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom;
Stromme; Tallackson; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2226 passed, the title was agreed to, but the emergency clause lost.

SB 2232: A BILL for an Act to create and enact a new section to chapter 54-44.3 of the North Dakota Century Code, relating to the consolidation of personnel functions.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 3 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: David; Dykshoorn; Vosper

NAYS: Adams; Bakewell; Berube; Christensen; Dotzenrod;
Erickson; Fritzell; Goodman; Grotberg; Heigaard;
Miller Heinrich; Hilken; Holmberg; Kilander; Krauter;
Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen;
Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch;
Naaden; Nelson; Nething; Olson; Parker; Peterson;
Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;
Tallackson; Tennefos; Thane; Todd; Tweten; Waldera;
Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Barth

SB 2232 was declared lost.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1171

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1171

LEO LEIDHOLM, Secretary

MOTION

SEN. GOODMAN MOVED that SB 2250 be laid over two legislative days, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILLS

SB 2264: A BILL for an Act to amend and reenact sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code, relating to sales and use taxes on heating fuels used for residential and commercial purposes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Fritzell; Goodman; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lodoen; Maixner; Matchie; Meyer, J.; Naaden; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Tennefos; Thane; Todd; Waldera; Walsh; Wright

NAYS: Barth; Berube; Dotzenrod; Erickson; Grotberg; Hilken; Leibhan; Lips; Meyer, D.; Moore; Mutch; Nelson; Parker; Streibel; Stromme; Tallackson; Tweten; Vosper; Wenstrom; Wogsland

ABSENT AND NOT VOTING: None

SB 2264 was declared lost for lack of a two-thirds majority.

SB 2270: A BILL for an Act to amend and reenact subsection 11 of section 26-30-04 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 11 of section 26.1-04-03 of the North Dakota Century Code, relating to the definition of unfair methods of competition and unfair or deceptive acts or practices with respect to insurance; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Berube; Dotzenrod

SB 2270 passed, the title was agreed to, and the emergency clause carried.

SB 2311: A BILL for an Act to amend and reenact sections 24-01-05 and 24-05-16 of the North Dakota Century Code, relating to the designation of a county highway system.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2311 passed and the title was agreed to.

SB 2316: A BILL for an Act to amend and reenact section 12.1-23-08 of the North Dakota Century Code, relating to the penalties for selling mortgaged property.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Grotberg; Heigaard; Hilken; Maixner; Satrom; Wogsland

ABSENT AND NOT VOTING: None

SB 2316 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that SB 2337 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2385: A BILL for an Act to provide for rates and conditions of service for cogenerators and small power producers.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Erickson; Fritzell; Miller Heinrich; Kusler; Lashkowitz; Lee; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Tweten; Vosper; Waldera; Walsh

NAYS: Adams; Bakewell; Barth; Christensen; David; Dykshoorn; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme;

Tallackson; Tennefos; Thane; Todd; Wenstrom; Wogsland;
Wright

ABSENT AND NOT VOTING: None

SB 2385 was declared lost.

SB 2386: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to modification of the traditional public school calendar following approval by the superintendent of public instruction.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Kilander; Meyer, D.; Todd

ABSENT AND NOT VOTING: Tallackson

SB 2386 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that SB 2386 be reprinted, which motion prevailed.

SB 2387. A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 22 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to the county emergency fund mill levy.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: Moore; Tweten; Vosper; Walsh

ABSENT AND NOT VOTING: Miller Heinrich; Tallackson

SB 2387 passed and the title was agreed to.

SB 2390: A BILL for an Act to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to comparative negligence.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Fritzell; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie; Meyer, J.; Nething; Olson; Redlin; Satrom; Stenehjem; Streibel; Stromme; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Hilken; Lee; Leibhan; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Reiten; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Tallackson

SB 2390 was declared lost.

SB 2393: A BILL for an Act to amend and reenact sections 23-12-09, 23-12-10, and 23-11-11 of the North Dakota

Century Code, relating to designation of smoking areas in places of public assembly; and to provide a penalty.

Which has been read and has committee recommendation of DO NOT PASS.

MOTION

SEN. MATCHIE MOVED that SB 2393 be amended as follows:

On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to enforcement of laws concerning smoking in public; and to"

On page 3, after line 17, insert the following new section:

"SECTION 4. A new section to chapter 23-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

Enforcement. The state laboratories department director shall adopt reasonable rules necessary to implement sections 23-12-09, 23-12-10, and 23-12-11."

And renumber the lines accordingly

MOTIONS

SEN. MATCHIE MOVED that the proposed amendments be adopted, which motion lost on a division vote.

SEN. NETHING MOVED that the Senate reconsider its action whereby the amendments to SB 2393 lost, which motion prevailed.

SEN. MATCHIE MOVED that SB 2393 be amended as follows:

On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to enforcement of laws concerning smoking in public; to"

On page 2, line 34, delete the words "If a bar is designated as a smoking area in"

On page 2, delete line 35

On page 3, delete lines 1 and 2

On page 3, after line 17, insert the following new section:

"SECTION 4. A new section to chapter 23-12 of the North Dakota Century Code is hereby created and enacted to read as follows:

Enforcement. The state laboratories department director shall adopt reasonable rules necessary to implement sections 23-12-09, 23-12-10, and 23-12-11."

And renumber the lines accordingly

MOTIONS

SEN. MATCHIE MOVED that the proposed amendments be adopted, which motion prevailed on a division vote.

SEN. MATCHIE MOVED that the rules be suspended, that SB 2393 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2393: A BILL for an Act to create and enact a new section to chapter 23-12 of the North Dakota Century Code, relating to enforcement of laws concerning smoking in public; to amend and reenact sections 23-12-09, 23-12-10, and 23-11-11 of the North Dakota Century Code, relating to designation of smoking areas in places of public assembly; and to provide a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 15 YEAS, 37 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Heigaard; Hilken; Krauter; Kusler; Lee; Maixner; Matchie; Meyer, J.; Redlin; Satrom; Waldera; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Holmberg; Kilander; Lashkowitz; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Tallackson

SB 2393 was declared lost.

SB 2395: A BILL for an Act to create and enact a new subsection to section 53-06.1-01 and a new section to chapter 53-06.1 of the North Dakota Century Code, relating to the definition of "nonprofit voluntary health association" and to the creation and operation of a North Dakota health association foundation; and to amend and reenact section 53-06.1-02 of the North Dakota Century Code, relating to

the use of net proceeds from games of chance by nonprofit voluntary health associations.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

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

YEAS: Adams; David; Dykshoorn; Erickson; Moore; Peterson; Tennefos; Tweten; Vosper

NAYS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Tallackson

SB 2395 was declared lost.

SB 2399: A BILL for an Act to allow professional corporations to contribute corporate stock to a retirement plan trust for licensed and nonlicensed employees; and to amend and reenact sections 10-31-01, 10-31-02, 10-31-07, and 10-31-13 of the North Dakota Century Code, relating to ownership of stock in professional corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2399 passed and the title was agreed to.

SB 2404: A BILL for an Act to amend and reenact section 58-02-01 of the North Dakota Century Code, relating to organization of townships.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2404 passed and the title was agreed to.

SB 2405: A BILL for an Act to amend and reenact subsection 5 of section 57-38-34, and section 57-38-45 of the North Dakota Century Code, relating to interest and penalty for failure to timely file income tax returns; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Thane; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: David; Lashkowitz; Nelson; Nething; Tennefos;
Tweten; Vosper; Walsh

ABSENT AND NOT VOTING: Leibhan; Tallackson

SB 2405 passed and the title was agreed to.

SB 2410: A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a real property tax on mineral interests, exemptions from the tax, disposition of the proceeds of the tax, assignment of mineral interests, tax sales, and redemption, and for termination of the mineral tax.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard;
Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;
Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin;
Stromme; Vosper; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn;
Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee;
Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson;
Nething; Olson; Parker; Peterson; Reiten; Satrom;
Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten;
Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Tallackson

SB 2410 was declared lost.

SB 2419: A BILL for an Act to amend and reenact section 6-03-60 of the North Dakota Century Code, relating to loans to and purchases from directors, officers, and employees of any state banking association.

Which has been read.

ROLL CALL

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

YEAS: Adams; Barth; Berube; Christensen; David;
Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;

Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Matchie; Tallackson

SB 2419 passed and the title was agreed to.

MOTION

SEN. NOTHING MOVED that SCR 4017 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4017: A concurrent resolution urging the United States Congress and the United States Army Corps of Engineers, to complete a program of bank protection, stabilization, and maintenance along the Missouri River in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4017 was declared adopted on a voice vote.

MESSAGE TO THE HOUSE SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SCR 4017

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2422: A BILL for an Act to amend and reenact subsection 1 of section 6-08-16 and subsections 2 and 5 of section 6-08-16.2 of the North Dakota Century Code, relating to civil penalties for issuing checks with insufficient funds or without an account.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Barth; Hilken; Matchie; Wogsland

ABSENT AND NOT VOTING: Lee; Peterson; Redlin; Tallackson

SB 2422 passed and the title was agreed to.

SB 2438: A BILL for an Act to amend and reenact subsection 9 of section 6-09.2-03 and sections 6-09.2-05, 6-09.2-07, 40-57-02, 40-57-03, 40-57-04, 40-57-05, and 40-57-19 of the North Dakota Century Code, relating to authority of the economic development commission to issue revenue bonds for industrial development.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Krauter; Leibhan; Lips; Lodoen; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Barth; Berube; Heigaard; Miller Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Wenstrom

ABSENT AND NOT VOTING: Lee; Tallackson

SB 2438 passed and the title was agreed to.

SB 2445: A BILL for an Act to repeal section 28-26-25 of the North Dakota Century Code, relating to the cost bond requirement of a nonresident plaintiff; and declaring an emergency.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kilander; Lee; Tallackson; Wenstrom

SB 2445 passed, the title was agreed to, and the emergency clause carried.

SB 2446: A BILL for an Act to amend and reenact sections 11-17-08, 11-17-09, and 11-17-10 of the North Dakota Century Code, relating to retention and destruction of district court and county court records.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Holmberg

ABSENT AND NOT VOTING: Lee; Stromme; Tallackson

SB 2446 passed and the title was agreed to.

SB 2456: A BILL for an Act to amend and reenact section 43-17-34 of the North Dakota Century Code, relating to the practice of medicine without a license; and providing a penalty.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lee; Tallackson

SB 2456 passed and the title was agreed to.

SB 2466: A BILL for an Act to create and enact a new section to chapter 51-07 of the North Dakota Century Code, relating to warranty repairs of consumer goods; and to amend and reenact subsection 3 of section 41-02-98 of the North Dakota Century Code, relating to limitation of liability for defective consumer goods.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 20 YEAS, 30 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Fritzell; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Satrom; Stenehjelm; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Grotberg; Kilander; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stromme; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Lee; Redlin; Tallackson

SB 2466 was declared lost.

MOTION

SEN. GOODMAN MOVED that SCR 4035 be returned to the Senate floor from the Committee on Industry, Business, and Labor, which motion prevailed.

MOTION

SEN. GOODMAN MOVED that SCR 4035 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2468: A BILL for an Act to amend and reenact section 46-05-03 of the North Dakota Century Code, relating to legal notices; and to repeal section 26-07-08 of the North Dakota Century Code and to repeal section 26.1-03-10 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to the publication of abstracts of annual statements and certificates of authority of insurance companies.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: David; Hilken; Kilander; Meyer, D.; Meyer, J.

NAYS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjeme; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Lee; Redlin; Tallackson

SB 2468 was declared lost.

SB 2474: A BILL for an Act to amend and reenact sections 54-52.2-01, 54-52.2-05, and 54-52.2-07 of the North Dakota Century Code, relating to authorized investments of a deferred compensation program for public employees.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Lee; Tallackson

SB 2474 passed and the title was agreed to.

SB 2475: A BILL for an Act relating to transfers to the state capital construction fund; and declaring an emergency.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 44 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Christensen; Matchie; Redlin; Reiten; Thane

NAYS: Adams; Bakewell; Barth; Berube; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Holmberg; Lee; Tallackson

SB 2475 was declared lost.

SB 2481: A BILL for an Act for a conditional transfer of funds to a state capital construction fund; and to provide an appropriation for construction, remodeling, and equipping of, or for additions to, buildings of state agencies, departments, and institutions.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 6 YEAS, 43 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Christensen; Heigaard; Kilander; Lashkowitz;
Matchie; Reiten

NAYS: Adams; Bakewell; Barth; Berube; David; Dotzenrod;
Dykshoorn; Erickson; Fritzell; Grotberg;
Miller Heinrich; Hilken; Krauter; Kusler; Leibhan;
Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore;
Mutch; Naaden; Nelson; Nething; Olson; Parker;
Peterson; Redlin; Satrom; Stenehjøm; Streibel; Stromme;
Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh;
Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Holmberg; Lee;
Tallackson

SB 2481 was declared lost.

SB 2482: A BILL for an Act to amend and reenact section 40-57.1-08 of the North Dakota Century Code, relating to tax exemptions for new industries and exclusions from provisions of chapter.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 9 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Christensen; Dotzenrod;
Erickson; Fritzell; Grotberg; Heigaard;
Miller Heinrich; Hilken; Kilander; Krauter; Leibhan;
Lips; Lodoen; Meyer, D.; Meyer, J.; Mutch; Naaden;
Nelson; Nething; Olson; Parker; Peterson; Redlin;
Reiten; Satrom; Stenehjøm; Streibel; Tennefos; Thane;

Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom;
Wogsland; Wright

NAYS: Berube; David; Dykshoorn; Kusler; Lashkowitz;
Maixner; Matchie; Moore; Stromme

ABSENT AND NOT VOTING: Goodman; Holmberg; Lee;
Tallackson

SB 2482 passed and the title was agreed to.

FIRST READING OF HOUSE BILLS

HB 1026: A BILL for an Act making an appropriation for defraying the expenses of the abandoned motor vehicles division of the state of North Dakota.

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

HB 1065: A BILL for an Act to create and enact a new chapter to title 54 of the North Dakota Century Code, relating to an information management program for the review of state forms; and to amend and reenact section 46-01-01 and subsection 5 of section 46-01-02 of the North Dakota Century Code, relating to the purchase of state printing and the legal publications handbook advisory committee.

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

HB 1117: A BILL for an Act to amend and reenact section 15-10-18.3 of the North Dakota Century Code, relating to waiver of tuition and fee charges in North Dakota institutions of higher education for dependents of disabled or deceased veterans, prisoners of war, or veterans declared missing in action; and to declare an emergency.

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

HB 1166: A BILL for an Act to amend and reenact subdivisions b and c of subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to the power of the Bank of North Dakota to make and participate in loans.

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

HB 1174: A BILL for an Act to create and enact section 61-28-06.1 of the North Dakota Century Code, relating to water pollution permit fees.

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

HB 1261: A BILL for an Act to amend and reenact section 23-24-05 of the North Dakota Century Code, relating to board of

commissioners for vector control districts and per diem compensation for commissioners.

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

HB 1293: A BILL for an Act to amend and reenact sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on certain holidays.

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

HB 1327: A BILL for an Act to create and enact subsection 6 to section 21-04-01 of the North Dakota Century Code, defining financial institutions; to amend and reenact sections 21-04-03, 21-04-05, 21-04-06, 21-04-07, 21-04-08, 21-04-09, 21-04-10, 21-04-12, 21-04-14, 21-04-15, 21-04-17, 21-04-18, and 21-04-21 of the North Dakota Century Code, relating to including financial institutions within class of depositories for public funds.

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

HB 1377: A BILL for an Act to amend and reenact section 4-30-36 of the North Dakota Century Code, relating to the minimum standards for grade A milk.

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

HB 1409: A BILL for an Act to adopt the Uniform Trade Secrets Act, relating to the protection of trade secrets from misappropriation.

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

HB 1428: A BILL for an Act to amend and reenact section 47-10-24 of the North Dakota Century Code, relating to the definition of "minerals" in deeds, grants, or conveyances of title to real property.

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

HB 1432: A BILL for an Act to amend and reenact section 47-10-25 of the North Dakota Century Code, relating to the definition of "minerals" in deeds, grants, or conveyances of title to real property.

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

HB 1464: A BILL for an Act providing for the marking of item prices in stores that use electronic or magnetic checkout scanners; and to provide a penalty.

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

HB 1472: A BILL for an Act to amend and reenact section 20.1-03-01.1 of the North Dakota Century Code, relating to firearms and hunting safety instruction courses provided by the state game and fish department.

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

HB 1581: A BILL for an Act relating to claims against the state resulting from activities of residents or inmates of state institutions.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3004: A concurrent resolution requesting the Legislative Council to conduct a study to determine the adequacy and the appropriateness of the funding of postsecondary education and to develop a long-range plan for future funding of postsecondary education in North Dakota.

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

MOTION

SEN. NOTHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2082, SB 2152, SB 2157, SB 2271, SB 2284, SB 2324, SB 2329, SB 2337, SB 2345, SB 2347, SB 2356, SB 2375, SB 2389, SB 2417, SB 2420, SB 2424, SB 2430, SB 2457, SB 2465, SB 2484, SB 2485, SB 2488, SB 2490, SB 2491, SCR 4025, HB 1069, HB 1074, HB 1076, HB 1111, HB 1113, HB 1123, and HB 1154, the Senate adjourn and convene at 1:00 p.m., Monday, February 7, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary