

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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EIGHTEENTH DAY

Bismarck, January 31, 1985

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

The prayer was offered by Father Charles Backes, St. Joseph Catholic Church, Mandan.

O Lord, our God, we praise and thank You for all Your blessings. You have cared for us these past two years and now have brought us safely into another legislative session. We are grateful for Your loving care.

As we face another day and all the work that must be done in these few months, we ask that You guide each member of this assembly with Your Holy Spirit. Yes, guide them and strengthen their hearts that in whatever they do they may find a closer union with You, their Creator. And, may the end result of all that is done be in accord with Your justice and goodness.

So, we give You thanks and praise, Our Heavenly Father, through Jesus, Your Son, in the unity of the Holy Spirit, one God forever and ever. Amen.

ROLL CALL

The roll was called and all members were present, except Senator Nething.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Seventeenth day and finds the same to be correct.

SEN. DAVID, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

SB 2141, SB 2273, SB 2276, SB 2280, SB 2330

SEN. BAKEWELL, Chairman

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

#### REPORT OF PROCEDURAL COMMITTEE

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

SB 2091

SEN. BAKEWELL, Chairman

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

#### MOTION

SEN. STENEHJEM MOVED that SCR 4025 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

#### REQUEST

SEN. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SCR 4025. There being no objection, it was so ordered by the President.

#### MOTIONS

SEN. LODOEN MOVED that SB 2472 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. LODOEN MOVED that SB 2472 be rereferred to the Committee on Education, which motion prevailed.

SEN. VOSPER MOVED that SB 2309 be returned to the Senate floor from the Committee on Agriculture, which motion prevailed.

SEN. VOSPER MOVED that SB 2309 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SEN. KUSLER MOVED that SB 2412 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

#### REQUEST

SEN. KUSLER REQUESTED the unanimous consent of the Senate to withdraw SB 2412. There being no objection, it was so ordered by the President.

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

SB 2096, SB 2148, SB 2165, SB 2168, SB 2169

ROY GILBREATH, Chief Clerk

## HOUSE CHAMBER

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

HB 1093, HB 1186, HB 1227, HB 1235, HCR 3025

ROY GILBREATH, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to SB 2127 as recommended by the Committee on Industry, Business and Labor as printed on page 427 of the Senate Journal be adopted, and when so adopted, recommends that SB 2127 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2129 as recommended by the Committee on Industry, Business and Labor as printed on pages 427-428 of the Senate Journal be adopted, and when so adopted, recommends that SB 2129 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2226 as recommended by the Committee on Judiciary as printed on page 428 of the Senate Journal be adopted, and when so adopted, recommends that SB 2226 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2297 as recommended by the Committee on Judiciary as printed on pages 428-429 of the Senate Journal be adopted, and when so adopted, recommends that SB 2297 DO PASS, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to the definition of a pipeline company and the taxation of pipeline property, and a bill relating to a franchise tax on corporations engaged in the business of scheduled air carrier transportation, and has approved their introduction by a unanimous vote.

SEN. TENNEFOS, Chairman

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

## FIRST READING OF SENATE BILLS

Sens. Nething, Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2503: A BILL for an Act to amend and reenact subsection 3 of section 57-06-02 and section 57-06-03 of the North Dakota Century Code, relating to the definition of pipeline company and the taxation of pipeline property.

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

Sens. Matchie, Holmberg, Satrom introduced:

(Approved by the Committee on Delayed Bills)

**SB 2504:** A BILL for an Act to create and enact a new chapter to title 57 of the North Dakota Century Code, relating to a franchise tax on corporations engaged in the business of scheduled air carrier transportation, including an in lieu provision; to provide a penalty; and to provide an effective date.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wogsland, Satrom, Maixner and Reps. Laughlin, O'Connell, Brokaw introduced:

**SCR 4041:** A concurrent resolution urging the Congress of the United States to enact appropriate legislation to transfer to the states the power and authority to approve or disapprove rail line abandonments.

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

Sens. Lips, Reiten, Heigaard and Reps. Graba, A. Hausauer, Hoffner introduced:

**SCR 4042:** A concurrent resolution urging Congress and the Secretary of the Treasury to provide for the withholding of state income tax from federal employees who elect to have state income tax withheld from their wages.

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

Sens. Tennesfos, Christensen introduced:

**SCR 4043:** A concurrent resolution for the creation of a new section to article X of the Constitution of the State of North Dakota, relating to a statewide mill levy to defray certain expenses of the state for the construction, operation, and maintenance of certain airports; and for the amendment of section 1 of article X of the Constitution of the State of North Dakota, relating to property tax levies.

Was read the first time and referred to the **Committee on Joint Constitutional Revision**.

Sen. Wright introduced:

**SCR 4044:** A concurrent resolution citing the existence of certain conditions of mutual concern confronting reservation and nonreservation residents of North Dakota, and urging the Congress of the United States to exercise responsibility and authority in resolving them.

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

Sens. Mushik, Satrom, Lips and Reps. Martinson, Rydell, Ulmer introduced:

**SCR 4045:** A concurrent resolution designating the restoration of the Custer Home and other buildings on the Cavalry Square in Fort Lincoln as a North Dakota Centennial Project.

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

### SECOND READING OF SENATE BILLS

SB 2069: A BILL for an Act to create and enact a new section to chapter 16.1-15 of the North Dakota Century Code, relating to the canvass of votes following an election.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething

SB 2069 passed and the title was agreed to.

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SB 2141: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to arrangement of names on ballots and voting machines.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2141 passed and the title was agreed to.

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SB 2154: A BILL for an Act to create a new section to chapter 15-39.1, a new section to chapter 39-03.1, and a new section to chapter 54-52 of the North Dakota Century Code, relating to reciprocal calculation of benefits in the teachers' fund for retirement, the highway patrolmen's retirement system, and the public employees retirement system and dual membership in the teachers' fund for retirement and the public employees retirement system; and to amend and reenact subsection 1 of section 15-39.1-09 and subsection 4 of section 54-52-01 of the North Dakota Century Code, relating to the membership in the teachers' fund for retirement and the public employees retirement system.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2154 passed and the title was agreed to.

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SB 2272: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to partial service retirement under the teachers' fund for retirement.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2272 passed and the title was agreed to.

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SB 2273: A BILL for an Act to amend and reenact sections 55-11-04 and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2273 passed and the title was agreed to.

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SB 2276: A BILL for an Act to amend and reenact subsection 3 of section 50-10.1-01, sections 50-10.1-03, 50-10.1-05,

50-10.1-06, and subsection 1 of section 50-10.1-07 of the North Dakota Century Code, relating to long-term care ombudsmen.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2276 passed and the title was agreed to.

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SB 2280: A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to confidentiality of certain records of the highway commissioner.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, D.; Nothing



SB 2280 passed and the title was agreed to.

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SB 2306: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to primary insurance benefits under the North Dakota old-age and survivor insurance system.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2306 passed and the title was agreed to.

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SB 2308: A BILL for an Act to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the purpose of constructing, improving, or refinancing debt incurred in connection with the revenue-producing educational and airport facilities at the university of North Dakota; and to provide an appropriation.

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, 3 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson;

Tennefos; Thane; Tweten; Vosper; Waldera; Walsh;  
Wenstrom; Wogsland; Wright

NAYS: Kilander; Meyer, D.; Todd

ABSENT AND NOT VOTING: Nething

SB 2308 passed and the title was agreed to.

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SB 2330: A BILL for an Act to amend and reenact subsection 8 of section 15-20.4-02, and sections 43-11-01, 43-11-02, 43-11-03, 43-11-04, 43-11-05, 43-11-06, 43-11-07, 43-11-08, 43-11-10, 43-11-11, 43-11-12, 43-11-13, 43-11-14, 43-11-15, 43-11-16, 43-11-17, 43-11-18, 43-11-19, 43-11-20, 43-11-20.1, 43-11-20.2, 43-11-20.3, 43-11-20.4, 43-11-21, 43-11-22, 43-11-23, 43-11-24, 43-11-25, 43-11-26, 43-11-27, 43-11-28, 43-11-29, 43-11-30, 43-11-31, 43-11-33, 43-11-34, and 43-11-35 of the North Dakota Century Code, relating to the regulation of cosmetology; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjeme; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Nething; Peterson

SB 2330 passed and the title was agreed to.

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SB 2333: A BILL for an Act to amend and reenact sections 13-03.1-03 and 13-03.1-15 of the North Dakota Century Code, relating to the maximum loan ceiling for consumer finance loan businesses.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 36 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Matchie; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Shea; Streibel; Stromme; Tallackson; Todd; Tweten; Wenstrom; Wogsland; Wright

NAYS: Heigaard; Heinrich; Hilken; Lashkowitz; Maixner; Meyer, J.; Redlin; Satrom; Stenehjem; Tennefos; Thane; Vosper; Waldera; Walsh

ABSENT AND NOT VOTING: Bakewell; Mushik; Nothing

SB 2333 passed and the title was agreed to.

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SB 2366: A BILL for an Act to amend and reenact sections 49-02-01.1, 49-02-03, and 49-02-04 of the North Dakota Century Code, relating to the jurisdiction of the public service commission over municipal electric power utilities and municipal power agencies.

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, 45 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Kusler; Meyer, J.; Moore

NAYS: Adams; Bakewell; Berube; Christensen; David; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Maixner; Nothing

SB 2366 was declared lost.

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SB 2378: A BILL for an Act to repeal chapter 43-27 of the North Dakota Century Code, relating to the board of examiners in watchmaking and the regulation of watchmakers.

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; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Maixner; Nething

SB 2378 passed and the title was agreed to.

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SB 2379: A BILL for an Act to amend and reenact section 15-03-13 of the North Dakota Century Code, relating to the redemption after foreclosure of a mortgage given as consideration for a farm real estate loan made from the loan pool account of the board of university and school lands.

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, 5 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Hilken; Ingstad; Matchie; Stenehjem; Wogsland

ABSENT AND NOT VOTING: Nething

SB 2379 passed and the title was agreed to.

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SB 2382: A BILL for an Act to create and enact a new section to chapter 48-11 of the North Dakota Century Code, relating to a special operating fund to be administered by the capitol arts and historic preservation advisory committee; and providing limited continuing appropriation authority to expend moneys received as gifts and grants.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell

ABSENT AND NOT VOTING: Nothing

SB 2382 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4026: A concurrent resolution directing the Legislative Council to study recent changes in classification and assessment of real property for purposes of ad valorem taxation and the effects of these changes upon mill levy limitations imposed by law on political subdivisions.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4026 was declared adopted on a voice vote.

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SCR 4031: A concurrent resolution urging the Congress of the United States to amend the Interstate Commerce Act to allow states to collect sales or use taxes from outstate sellers.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4031 was declared adopted on a voice vote.

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#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2126 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, remove the overstrike over the words "~~In addition to the above, the state banking~~"

On page 2, line 8, remove the overstrike over the words "~~board shall have power to~~", and after the word "~~authorizing~~" insert the word "authorize", and remove the overstrike over the words "~~state banks~~"

On page 2, remove the overstrike over lines 9 through 11

On page 2, line 12, remove the overstrike over the word "~~Code~~" and delete the words "Additionally, state banks may engage in any activity in which"

On page 2, delete line 13

On page 2, line 14, delete the words "in title 6"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2126 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2259 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 "five" and insert in lieu thereof the word "six"

On page 5, line 20, delete the word "fifteen" and insert in lieu thereof the word "seventeen"

On page 7, line 4, overstrike the word "two" and insert in lieu thereof the word "one"

On page 8, line 1, delete the word "five" and insert in lieu thereof the word "seven"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2259 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2265 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

SB 2265 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2279 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 word "date" and insert in lieu thereof the word "dates", and delete the word "second"

On page 2, line 16, overstrike the word "fifteenth" and insert immediately thereafter the word "first"

On page 2, line 17, delete the word "thirty-first" and insert in lieu thereof the word "fifteenth"

On page 2, line 29, overstrike the word "fifteenth" and insert immediately thereafter the word "first"

On page 2, line 31, delete the word "thirty-first" and insert in lieu thereof the word "fifteenth"

On page 3, line 29, overstrike the word "fifteenth" and insert immediately thereafter the word "first"

On page 3, line 31, delete the word "thirty-first" and insert in lieu thereof the word "fifteenth"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2279 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2290 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2290 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2295 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

SB 2295 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2305 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2305 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2318 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2318 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2325 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2325 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2335 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2335 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2336 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2336 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2342 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman



SB 2342 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2359 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, delete lines 8 through 11

On page 2, line 12, delete the numeral "3" and insert in lieu thereof the numeral "2"

On page 3, delete lines 8 through 11

On page 3, line 12, delete the numeral "3" and insert in lieu thereof the numeral "2"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2359 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2374 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SB 2374 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2395 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 17, after the word "corporation" insert the words "upon request"

On page 1, line 20, delete the words "proof of loss" and insert in lieu thereof the word "information"

On page 1, line 21, delete the words "proof of loss" and insert in lieu thereof the word "information"

On page 2, line 8, after the word "corporation" insert the words "upon request"

On page 2, line 11, delete the words "proof of loss" and insert in lieu thereof the word "information"

On page 2, line 12, delete the words "proof of loss" and insert in lieu thereof the word "information"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2395 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2133 which the House has amended as follows:

HOUSE AMENDMENT TO SB 2133

On page 2, line 24, delete the word "prime" and insert in lieu thereof the word "base"

And renumber the lines and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has not adopted the conference committee report on SCR 4029 and the Acting Speaker has appointed as a new conference committee to act with a like committee from the Senate on:

SCR 4029: Reps. Martinson, J. Peterson, Opedahl

ROY GILBREATH, Chief Clerk

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NELSON MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on SCR 4029, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4029:

Sens. Naaden, Nelson, Satrom

MESSAGE TO THE HOUSE

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the President has appointed as a new conference committee to act with a like committee from the House on:

SCR 4029: Sens. Naaden, Nelson, Satrom

LEO LEIDHOLM, Secretary

FIRST READING OF HOUSE BILLS

HB 1005: A BILL for an Act making an appropriation for the distribution of funds for the replacement of personal property taxes revenue.  
Was read the first time and referred to the Committee on Appropriations.

HB 1026: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

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

HB 1040: A BILL for an Act to transfer moneys from the accumulated and undivided profits of the Bank of North Dakota to the general fund of the state of North Dakota.

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

HB 1128: A BILL for an Act to amend and reenact subsection 6 of section 54-52-17 of the North Dakota Century Code, relating to optional death benefit payment under the public employees retirement system.

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

HB 1204: A BILL for an Act to amend and reenact section 57-02-08.3 of the North Dakota Century Code, relating to state payment for the homestead credit for special assessments and the lien for payment of the homestead credit for special assessments.

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

HB 1217: A BILL for an Act to amend and reenact section 15-40.2-03 of the North Dakota Century Code, relating to school district tuition payments.

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

HB 1236: A BILL for an Act to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to special fund mill levies for the removal of asbestos from school buildings.

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

HB 1246: A BILL for an Act to amend and reenact section 12-60-15 of the North Dakota Century Code, relating to the furnishing of criminal investigation information to private investigators.

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

HB 1247: A BILL for an Act to amend and reenact subsections 2 and 5 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officers.

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

HB 1252: A BILL for an Act to amend and reenact sections 37-17.1-01, 37-17.1-02, 37-17.1-03, 37-17.1-04, 37-17.1-05, 37-17.1-06, 37-17.1-07, 37-17.1-09, 37-17.1-10, 37-17.1-11, 37-17.1-12, 37-17.1-13, 37-17.1-14, 37-17.1-15, 37-17.1-16,

37-17.1-17, 37-17.1-18, 37-17.1-19, 37-17.1-20, 37-17.1-21, and 37-17.1-22 of the North Dakota Century Code, relating to disasters or emergencies; and to repeal section 37-17.1-08 of the North Dakota Century Code, relating to disasters or emergencies.

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

HB 1253: A BILL for an Act to amend and reenact section 15-29-02 of the North Dakota Century Code, relating to the time for the annual meeting of school boards.

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

HB 1256: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date and an expiration date.

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

HB 1260: A BILL for an Act to amend and reenact sections 11-10-15, 11-10-16, and 11-15-12 of the North Dakota Century Code, relating to mileage expenses paid to county officials and employees.

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

HB 1263: A BILL for an Act to amend and reenact sections 24-10-02 and 24-10-07 of the North Dakota Century Code, relating to maintenance of cattle guards and cattle ways.

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

HB 1264: A BILL for an Act to amend and reenact section 36-04-03 of the North Dakota Century Code, relating to livestock dealers and dealer's agents.

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

#### MOTIONS

SEN. ADAMS MOVED that the absent Senator be excused, which motion prevailed.

SEN. NELSON MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2127, SB 2129, SB 2226, SB 2290, SB 2297, SB 2305, SB 2318, SB 2325, SB 2335, SB 2336, SB 2342, and SB 2374, the Senate adjourn and convene at 12:30 p.m., Friday, February 1, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary