

## JOURNAL OF THE SENATE

## Forty-ninth Legislative Assembly

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## NINETEENTH DAY

Bismarck, February 1, 1985

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

The prayer was offered by Father John Kuhn, Christ the King Catholic Church, Mandan.

O Heavenly Father, we call upon You to bless this body of Senators of our beloved state of North Dakota. May their inner convictions be the true concern of their fellow countrymen. Help them to make right judicious laws that will benefit mankind; help them to uphold the Judeo-Christian principles of man's worth and dignity as a human being, created to the image and likeness of man's Eternal Creator; help them to be just in their relationship to the members of this august body, the Senate.

As Christians, may they as the writer of the Book to the Hebrews states: (Heb. 12/2) "Let us keep our eyes on Jesus, on whom our faith depends from beginning to end." (13/1) "Keep on loving one another as brothers in Christ." (13/7-9) "Remember your former leaders who spoke God's message to you. Think back on how they lived and died, and imitate their faith. Jesus Christ is the same yesterday, today, and forever. Do not let all kinds of strange teachings lead you from the right way."

To those who are not of the Christian faith and do not practice these principles, may they follow the "golden rule" of doing good unto others as they would expect goodness in return.

We ask this in the name of Your Son, Jesus Christ, our Lord, 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 Eighteenth day and finds the same to be correct.

SEN. DAVID, Chairman

SEN. KELLY 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 2127, SB 2129, SB 2226, SB 2297

SEN. BAKEWELL, Chairman

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

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

SB 2041, SB 2050, SB 2055, SB 2078, SB 2079, SB 2107,  
SB 2152, SB 2172, SB 2195, SB 2237, SB 2239, SB 2252,  
SB 2266, SB 2323, SB 2326, SB 2347

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1060, HB 1119, HB 1138, HB 1176, HB 1190, HCR 3040

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2089, SB 2115, SB 2128, SB 2258, SB 2271, SB 2275,  
SB 2282, SB 2285, SB 2299, SB 2301

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has amended:

HB 1105

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE

HOUSE CHAMBER

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

HB 1067, HB 1071, HB 1101, HB 1266

ROY GILBREATH, Chief Clerk

#### RECOGNITION

PRESIDENT MEIERS ANNOUNCED that the following exchange students are visiting the legislature today.

SEN. HEIGAARD MOVED that their names and addresses be printed in the Journal, which motion prevailed.

Matthias Schuknecht - West Germany  
 Christian Hovstad - Norway  
 Paul Vang - Denmark  
 Joakim Hedlund - Sweden  
 Kyrre Johansen - Norway  
 Christopher Goer - West Germany  
 Agneta Wallin - Sweden  
 Lisa Selinder - Sweden  
 Karen Grini - Norway  
 Gerrit Schutte - West Germany  
 Celine Begot - France

#### MOTION

SEN. J. MEYER MOVED that SB 2484 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

#### REQUEST

SEN. J. MEYER REQUESTED the unanimous consent of the Senate to withdraw SB 2484. There being no objection, it was so ordered by the President.

#### MOTION

SEN. WRIGHT MOVED that SB 2295 which is on the Eleventh order, be rereferred to the Committee on Finance and Taxation, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your new Conference Committee to which was referred SCR 4029 has had the same under consideration and recommends that SCR 4029 be amended as follows:

##### AMENDMENTS TO SCR 4029

- On page 1, line 13, delete the numerals "69.00" and insert in lieu thereof the numerals "64.00"
- On page 1, line 14, delete the numerals "75.00" and insert in lieu thereof the numerals "70.00"
- On page 1, line 15, delete the numerals "69.00" and insert in lieu thereof the numerals "64.00"
- On page 1, line 17, delete the numerals "64.00" and insert in lieu thereof the numerals "66.00"

- On page 1, line 18, delete the numerals "58.00" and insert in lieu thereof the numerals "62.00"
- On page 3, line 10, delete the numerals "69.00" and insert in lieu thereof the numerals "64.00"
- On page 3, line 11, delete the numerals "75.00" and insert in lieu thereof the numerals "70.00"
- On page 3, line 12, delete the numerals "69.00" and insert in lieu thereof the numerals "64.00"
- On page 3, line 15, delete the numerals "64.00" and insert in lieu thereof the numerals "66.00"
- On page 3, line 16, delete the numerals "58.00" and insert in lieu thereof the numerals "62.00"
- On page 3, line 17, delete the numerals "58.00" and insert in lieu thereof the numerals "62.00"
- On page 3, line 18, delete the numerals "58.00" and insert in lieu thereof the numerals "62.00"
- On page 3, line 35, delete the numerals "70.00" and insert in lieu thereof the numerals "64.00"

**For the Senate:** Sens. Naaden, Nelson, Satrom

**For the House:** Reps. Martinson, J. Peterson, Opedahl

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

**SEN. NAADEN MOVED** that the rules be suspended, that SCR 4029 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

**SCR 4029:** A concurrent resolution providing and designating Senate and House employees and fixing their compensation.

Which has been read.

#### ROLL CALL

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

**YEAS:** Adams; Bakewell; Berube; Christensen; David; 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: None

ABSENT AND NOT VOTING: Dotzenrod; Nothing

SCR 4029 was declared adopted.

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#### MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4029 be messaged to the House immediately, which motion prevailed.

#### MESSAGE TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following on which the Senate has adopted the conference committee report and subsequently passed the same:

SCR 4029

LEO LEIDHOLM, Secretary

#### CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to SB 2126 as recommended by the Committee on Industry, Business and Labor as printed on page 448 of the Senate Journal be adopted, and when so adopted, recommends that SB 2126 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2259 as recommended by the Committee on Judiciary as printed on page 448 of the Senate Journal be adopted, and when so adopted, recommends that SB 2259 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2279 as recommended by the Committee on Education as printed on page 449 of the Senate Journal be adopted, and when so adopted, recommends that SB 2279 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2359 as recommended by the Committee on Industry, Business and Labor as printed on page 451 of the Senate Journal be adopted, and when so adopted, recommends that SB 2359 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2395 as recommended by the Committee on Industry, Business and Labor as printed on page 451 of the Senate Journal be adopted, and when so adopted, recommends that SB 2395 DO PASS, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2194 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

SB 2194 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2248 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2248 was placed on the Eleventh 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 2277 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 18, delete the comma and insert in lieu thereof the words "and a member of" and delete the word "member"

On page 2, line 19, delete the words "members, and"

On page 6, line 11, after the word "welfare" insert the words "or that of another resident"

On page 6, line 34, delete the words "medical rehabilitative and"

On page 6, line 35, delete the word "personal"

On page 7, line 28, delete the words "to those parties who could benefit from the meeting"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2277 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2310 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2310 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 2315 has had the same under consideration and recommends that the same DO PASS.

**SEN. HOLMBERG, Chairman**

SB 2315 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred SB 2317 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. MOORE, Chairman**

SB 2317 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 2319 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, after the word "counties" insert the words "or cities"

On page 1, line 9, after the word "countywide" insert the words "or citywide"

On page 1, line 18, after the word "counties" insert the words "or cities"

On page 1, line 19, delete the words "board of county commissioners" and insert in lieu thereof the words "governing body of a county or city"

On page 1, line 22, delete the word "board" and insert in lieu thereof the words "governing body"

On page 2, line 1, after the word "county" insert the words "or city"

On page 2, after line 15, insert the following new subsection:

- "4. If the equipment necessary to establish an emergency service communication system is not available from a telephone company serving the county or city and would prove to be economically infeasible to install based on the surcharge in this section, the county or city may not impose the excise tax. In any geographic area, only one political subdivision may impose the excise tax."

And renumber the lines and pages accordingly

**SEN. WRIGHT, Chairman**

SB 2319 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 2324 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 and numeral "subsections 4 and" and insert in lieu thereof the word "subsection"

On page 1, line 6, delete the words and numeral "Subsections 4 and" and insert in lieu thereof the word "Subsection"

On page 1, delete lines 9 through 23

On page 2, line 29, delete the word "or" and insert in lieu thereof an underscored comma

On page 2, line 30, after the first comma insert the words "or the county sheriff,"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

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

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred SB 2331 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MOORE, Chairman

SB 2331 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 2352 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, delete the words "and be allowed"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2352 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred SB 2354 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman



SB 2354 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 2357 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 5, delete the words "agency's failure" and insert in lieu thereof the words "agency or business fails"

On page 2, line 6, after the numeral "2" insert the words "and section 6"

On page 2, line 6, after the word "Act" insert the words "and the failure"

On page 2, line 7, after the word "business" insert the words ", or a dispute between the business and a subcontractor or supplier,"

On page 2, line 10, after the comma insert the words "or the subcontractor or supplier,"

On page 2, delete lines 24 and 25

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2357 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred SB 2361 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 20, delete the words "in June and December"

On page 1, delete line 21

And renumber the lines and pages accordingly

SEN. MOORE, Chairman

SB 2361 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Transportation to which was referred SB 2387 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2387 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 2394 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a refund of sales taxes paid in this state by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for certain nonresidents.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 12 of section 57-39.2-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

12. Gross receipts from all sales otherwise taxable under this chapter when made to persons who are residents of adjoining states which do not impose or levy a retail sales tax ~~or are residents of Canada~~; provided, that such persons are in the state of North Dakota for the express purpose of making such purchases, and not as tourists; and provided, further, that any such person furnish to the North Dakota retailer a certificate signed by him in such form as the commissioner may prescribe reciting sufficient facts establishing the exempt status of the sale. Unless such certificate is furnished it shall be presumed, until the contrary is shown, that such person was not in the state of North Dakota for the express purpose of making such purchases; provided, further, that this exemption shall not apply to any sale to any person who is a resident of another state if the sales price is twenty-five dollars or less ~~or to any person who is a resident of Canada if the sales price is twenty-five dollars or less.~~

SECTION 2. A new section to chapter 57-39.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund for residents of Canada - Limitation. A person who is a resident of Canada may obtain a refund of taxes paid on purchases of twenty-five dollars or more under this chapter by filing an application with the commissioner. The application must be accompanied by a receipt or other satisfactory evidence that a sale was made

and that the tax due under this chapter was paid. The application must include the date of the sale, the name and address of the vendor, the place of residence of the applicant, a statement that the sale was made within sixty days of the application, and a statement that the applicant was in the state for the express purpose of making the purchase and subsequently took the property out of the state. The applicant must certify that the statements in the application are true. The commissioner shall refund the amount of tax collected at the time of sale if the commissioner finds that the statements in the application are true."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2394 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2399 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2399 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 2406 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 2, after the numerals "6-01-02" insert the words "and a new section to chapter 6-02"

On page 1, line 3, after the word "institutions" insert the words "and qualifications of banks"

On page 1, after line 24, insert the following new section:

"SECTION 3. A new section to chapter 6-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

Non-bank bank not qualified to do business. It is unlawful for any organization, association, or corporation, which owns or controls an institution insured by the federal deposit insurance corporation, to own or control an institution insured by the federal deposit insurance corporation or eligible to be insured by the federal deposit insurance corporation which accepts deposits that the depositor has a legal right to withdraw on demand or engages in the business of making commercial loans but does not do both."

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2406 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2433 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2433 was placed on the Eleventh 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 SCR 4027 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, after the semicolon insert the word "and"

On page 1, after line 13, insert the following new sentence:  
"WHEREAS, spouses are often denied insurance benefits;"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SCR 4027 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1061 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1061 was placed on the Fourteenth 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 the following on which the House has adopted the conference committee report and subsequently passed the same:

SCR 4029

ROY GILBREATH, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2127: A BILL for an Act to amend and reenact section 6-03-59 of the North Dakota Century Code, relating to bank loan limitations.

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 2127 passed and the title was agreed to.

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SB 2129: A BILL for an Act to amend and reenact section 6-08-08.1 of the North Dakota Century Code, relating to notices of changes in control of associations, banking institutions, and their holding companies.

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 2129 passed and the title was agreed to.

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SB 2226: A BILL for an Act to create and enact section 12.1-21-03.1 of the North Dakota Century Code, relating to the provision of a criminal penalty for a negligent act resulting in a fire in any hotel, motel, roominghouse, lodginghouse, or other place of public abode; 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 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 2226 passed and the title was agreed to.

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SB 2290: A BILL for an Act to amend and reenact section 32-19.1-01 of the North Dakota Century Code, relating to the number of acres of property in a real estate mortgage which is governed by the Short-Term Mortgage Redemption Act.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Maixner; Meyer, D.; Stenehjem; Wogsland

ABSENT AND NOT VOTING: Nething; Redlin

SB 2290 passed and the title was agreed to.

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SB 2297: A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, relating to definitions of the terms "city officers", "executive officer", and "governing body"; to amend and reenact subsection 4 of section 40-05.1-06 of the North Dakota Century Code, to allow a home rule city the power to provide for its own form and structure of government; 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 44 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Kilander; Nelson; Thane; Todd; Vosper

ABSENT AND NOT VOTING: Nething

SB 2297 passed, the title was agreed to, and the emergency clause carried.

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SB 2305: A BILL for an Act to amend and reenact sections 48-08-07 and 54-40-02.1, relating to term limitations on the lease of public buildings.

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 2305 passed and the title was agreed to.

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SB 2318: A BILL for an Act to amend and reenact section 4-33-11 of the North Dakota Century Code, relating to financing of local pest control programs.

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 2318 passed and the title was agreed to.

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SB 2325: A BILL for an Act to amend and reenact section 40-24-11 of the North Dakota Century Code, relating to the payment of special assessments.

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 2325 passed and the title was agreed to.

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SB 2335: A BILL for an Act to create and enact a new section to chapter 54-44 of the North Dakota Century Code, relating to disposition of surplus state personal property.

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 4 YEAS, 48 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Hilken; Maixner; Naaden; Reiten

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

ABSENT AND NOT VOTING: Nething

SB 2335 was declared lost.

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SB 2336: A BILL for an Act to repeal section 54-44-04.6 of the North Dakota Century Code, relating to disposition and exchange of state surplus property.

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 0 YEAS, 52 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: None

NAYS: 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

ABSENT AND NOT VOTING: Nothing

SB 2336 was declared lost.

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SB 2342: A BILL for an Act to amend and reenact sections 40-08-07 and 40-09-06 of the North Dakota Century Code, relating to the compensation of city aldermen and commissioners.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: David; Hilken; Lodoen; Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: Nothing

SB 2342 passed and the title was agreed to.

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SB 2374: A BILL for an Act to create and enact a new subsection to section 43-41-02 and a new subsection to section 43-41-06 of the North Dakota Century Code, relating to exceptions to the social work practice licensing

requirements and the waiver of licensing requirements for certain social workers; and to amend and reenact subsection 5 of section 43-41-01 and section 43-41-05 of the North Dakota Century Code, relating to the definition of social work practice and licensing requirements for the private practice of social work.

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 2374 passed and the title was agreed to.

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#### MOTIONS

SEN. STENEHJEM MOVED that SB 2474 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2474 be rereferred to the Committee on Social Services and Veterans Affairs, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. VOSPER MOVED that the Senate do concur in the House amendments to SB 2133 as printed on page 452 of the Senate Journal, which motion prevailed.

#### MOTION

SEN. VOSPER MOVED that the rules be suspended, that SB 2133 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2133: A BILL for an Act to amend and reenact sections 60-03-01 and 60-03-09.1 of the North Dakota Century Code, relating to definitions regarding roving grain and hay buyers and the procedure for complaints filed against roving grain and hay buyers.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; 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; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**NAYS:** None

**ABSENT AND NOT VOTING:** Holmberg; Nething; Shea

SB 2133 passed and the title was agreed to.

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#### MESSAGE TO THE HOUSE SENATE CHAMBER

**MR. SPEAKER:** I have the honor to inform you that the Senate has concurred in the House amendments to SB 2133 and subsequently passed the same.

LEO LEIDHOLM, Secretary

#### FIRST READING OF HOUSE BILLS

**HB 1093:** A BILL for an Act to create and enact a new section to chapter 29-31 of the North Dakota Century Code, relating to the confiscation of property used in the theft of livestock; and to amend and reenact sections 29-31-03, 29-31-04, and 29-31-08 of the North Dakota Century Code, relating to the confiscation of equipment used in commission of crime.

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

**HB 1186:** A BILL for an Act to create and enact two new subsections to section 39-01-01 of the North Dakota Century Code, relating to definitions regarding motor vehicles.

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

**HB 1227:** A BILL for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to the vehicles that may be driven by a driver with a class 3 operator's license; and to declare an emergency.

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

**HB 1235:** A BILL for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to the appointment of an alternate water resource board member upon disqualification of a water resource board member due to a conflict of interest or illness.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

**HCR 3025:** A concurrent resolution directing the Legislative Council to study the exemptions allowed by law from state sales and use taxes to determine their impact on state revenues, their effect on public and fiscal policy and their administrative burden upon retailers who must document exempt sales.

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

#### COMMUNICATION

##### North Dakota Medical Association Doctor of the Day Schedule

February 4:	D. Ross Halliday, M.D. - Fargo
	Orthopaedic Surgeon
February 5:	Bradley R. Buell, M.D. - Bismarck
	Ear, Nose, and Throat
February 6:	C. Milton Smith, M.D. - Fargo
	Family Practice
February 7:	Judith S. Kaur, M.D. - Bismarck
	Internal Medicine
February 8:	James J. Moses, M.D. - Bismarck
	Urology

#### 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 2126, SB 2194, SB 2248, SB 2259, SB 2279, SB 2310, SB 2315, SB 2317, SB 2331, SB 2354, SB 2359, SB 2387, SB 2395, SB 2399, SB 2433 and HB 1061, the Senate adjourn and convene at 1:00 p.m., Monday, February 4, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary