

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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TWENTY-SIXTH DAY

Bismarck, February 12, 1985

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

The prayer was offered by Reverend Manny Wolff, Bismarck Baptist Church.

Shall we pray: Lord, we come to You because we realize the complexity of the problems that face us. And, because we realize that we look at things differently, it makes it hard to agree on what should be done.

Help us also to realize that even though we are free to do whatever we want, ultimately we have to give an accounting to You.

We ask for Your help, Lord, for wisdom and patience. In Jesus' name, 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

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Twenty-fifth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 615, line 13, delete the numerals "2183" and insert in lieu thereof the numerals "2138"

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 2174, SB 2260, SB 2302, SB 2358, SB 2369, SB 2381,  
SB 2383, SB 2404, SB 2433, SB 2459, SB 2483, SB 2490,  
SCR 4002, SCR 4036

SEN. BAKEWELL, Chairman

SEN. SHEA 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 2026, SB 2030, SB 2110, SB 2130, SB 2135, SB 2201,  
SB 2245, SB 2315, SB 2329, SB 2368, SB 2376, SB 2432,  
SB 2451

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1091, HB 1139, HCR 3002, HCR 3016

LEO LEIDHOLM, Secretary

MOTION

SEN. WENSTROM MOVED that SB 2418 be returned to the Senate floor from the Committee on Finance and Taxation, which motion prevailed.

REQUEST

SEN. WENSTROM REQUESTED the unanimous consent of the Senate to withdraw SB 2418. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2312 as recommended by the Committee on Appropriations as printed on pages 633-634 of the Senate Journal be adopted, and when so adopted, recommends that SB 2312 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2341 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 634 of the Senate Journal be adopted, and when so adopted, recommends that SB 2341 DO PASS and be rereferred to the Committee on Appropriations.

SEN. NETHING MOVED that the rules be suspended, that SB 2341 be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2341 was rereferred to the Committee on Appropriations.

SEN. STENEHJEM MOVED that the amendments to SB 2371 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 634 of the Senate Journal be adopted, and when so adopted, recommends that SB 2371 DO PASS and be rereferred to the Committee on Appropriations.

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2371 be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2371 was rereferred to the Committee on Appropriations.

SEN. LODOEN MOVED that the amendments to SB 2388 as recommended by the Committee on State and Federal Government as printed on page 635 of the Senate Journal be adopted, and when so adopted, recommends that SB 2388 DO PASS and be rereferred to the Committee on Appropriations.

SEN. NETHING MOVED that the rules be suspended, that SB 2388 be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2388 was rereferred to the Committee on Appropriations.

SEN. LODOEN MOVED that the amendments to SB 2442 as recommended by the Committee on State and Federal Government as printed on page 636 of the Senate Journal be adopted, and when so adopted, recommends that SB 2442 DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN MOVED that the rules be suspended, and that SB 2442 be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2442 was rereferred to the Committee on Appropriations.

SEN. VOSPER MOVED that the amendments to SB 2495 as recommended by the Committee on Agriculture as printed on page 637 of the Senate Journal be adopted, and when so adopted, recommends that SB 2495 DO PASS, which motion prevailed.

#### MOTIONS

SEN. W. MEYER MOVED that SB 2495 be further amended as follows:

On page 1, line 14, delete the words ", owned by a person who"

On page 1, line 15, delete the words "qualifies as a beginning farmer under section 57-38-67"

And renumber the lines and pages accordingly

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

#### CONSIDERATION OF AMENDMENTS

SEN. VOSPER MOVED that the amendments to SB 2500 as recommended by the Committee on Agriculture as printed on pages 637-641 of the Senate Journal be adopted, and when so adopted, recommends that SB 2500 DO PASS, which motion prevailed.

SEN. NOTHING MOVED that SB 2500 be rereferred to the Committee on Industry, Business and Labor, which motion prevailed.

SB 2500 was rereferred to the Committee on Industry, Business and Labor.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1214, HB 1248, HCR 3005

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 1279, HB 1424, HB 1427, HB 1447, HB 1479, HB 1485,  
HB 1493, HB 1529, HB 1535, HB 1548, HB 1582, HB 1614,  
HCR 3030

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1214, HB 1248, HCR 3005

LEO LEIDHOLM, Secretary

SECOND READING OF SENATE BILLS

SB 2020: A BILL for an Act to provide a two-year exemption from the oil extraction tax for newly drilled wells; to provide an expiration date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 32 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stromme; Tallackson; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2020 was declared lost for lack of a two-thirds majority.

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SB 2054: A BILL for an Act to create and enact a new section to chapter 50-06 of the North Dakota Century Code, relating to recovery by the department of human services of depreciation expense when long-term care facilities are sold at a gain.

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 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Hilken; Kelsh; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Parker; Redlin; Satrom; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Heinrich; Holmberg; Ingstad; Kelly; Kilander; Langley; Lashkowitz; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Todd; Vosper; Wright

ABSENT AND NOT VOTING: None

SB 2054 was declared lost.

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SB 2174: A BILL for an Act to adopt the Uniform Premarital Agreement Act, relating to the legal requirements for premarital agreements; and to amend and reenact section 9-06-04 of the North Dakota Century Code, relating to contracts which must be written to be valid.

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 39 YEAS, 14 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik;

Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjøm; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Berube; Christensen; David; Kelly; Krauter; Mutch; Naaden; Nelson; Shea; Streibel; Tennefos; Tweten; Wright

ABSENT AND NOT VOTING: None

SB 2174 passed and the title was agreed to.

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SB 2175: A BILL for an Act to adopt the Uniform Determination of Death Act, relating to the legal requirements for determination of death.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Heigaard; Heinrich; Holmberg; Kilander; Kusler; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Nelson; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjøm; Todd; Walsh; Wright

NAYS: Berube; Christensen; David; Dotzenrod; Freborg; Hilken; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Meyer, W.; Mutch; Naaden; Nething; Parker; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wenstrom; Wogsland

ABSENT AND NOT VOTING: None

SB 2175 was declared lost.

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#### MOTION

SEN. WRIGHT MOVED that SB 2257 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2260: A BILL for an Act to amend and reenact sections 28-14-03.1 and 29-17-12 of the North Dakota Century Code, relating to the size of juries in civil and criminal cases.

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

NAYS: Heigaard; Ingstad; Kusler; Lashkowitz; Meyer, D.; Redlin; Shea; Walsh

ABSENT AND NOT VOTING: Kelsh

SB 2260 passed and the title was agreed to.

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SB 2302: A BILL for an Act to create and enact two new sections to chapter 49-10.1 of the North Dakota Century Code, relating to a requirement of a caboose in connection with movements of certain railroad trains; and to provide a penalty.

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 23 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Satrom; Shea; Stromme; Tallackson; Thane; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kilander; Langley; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Stenehjem; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: None

SB 2302 was declared lost.

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SB 2358: A BILL for an Act to create and enact two new sections to chapter 40-22 of the North Dakota Century Code, relating to special assessment of emergency repairs or replacements to city improvements.

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 13 YEAS, 40 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Lips; Maixner; Meyer, J.; Mushik; Satrom; Waldera; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Langley; Lashkowitz; Lodoen; Matchie; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2358 was declared lost.

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#### MOTION

SEN. NETHING MOVED that the Senate stand in recess for fifteen minutes, which motion prevailed.

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

#### SECOND READING OF SENATE BILLS

SB 2369: A BILL for an Act to amend and reenact subsection 1 of section 43-41-02 of the North Dakota Century Code, relating to the exemption of sociologists from the licensing requirements for social workers.

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; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler;



Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; 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: Kilander; Lodoen; Meyer, W.

SB 2369 passed and the title was agreed to.

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SB 2381: A BILL for an Act to create and enact a new section to chapter 19-03.1 and a new subsection to section 19-03.1-01 of the North Dakota Century Code, relating to the creation of a controlled substances board to carry out the provisions of the Uniform Controlled Substances Act, and the definition of "board"; to amend and reenact subsection 12 of section 19-03.1-01, sections 19-03.1-02, 19-03.1-04, 19-03.1-06, 19-03.1-08, subsection 6 of section 19-03.1-09, section 19-03.1-10, subsection 7 of section 19-03.1-11, sections 19-03.1-12, 19-03.1-14, 19-03.1-15, 19-03.1-16, 19-03.1-17, 19-03.1-18, 19-03.1-19, 19-03.1-20, subsection 2 of section 19-03.1-22, section 19-03.1-26, subsection 2 of section 19-03.1-33, section 19-03.1-35, subsections 2, 4, 5, and 8 of section 19-03.1-36, sections 19-03.1-38, 19-03.1-39, and 54-12-15 of the North Dakota Century Code, relating to the implementation of and authority to control the Uniform Controlled Substances Act, and the duties of the drug enforcement unit; to repeal section 19-03.1-40 of the North Dakota Century Code, relating to proceedings pending prior to enactment of the Uniform Controlled Substances Act; and to provide an appropriation.

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; 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; Nething; 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: None

SB 2381 passed and the title was agreed to.

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SB 2383: A BILL for an Act to create and enact a new section to chapter 54-44 of the North Dakota Century Code, relating to public relations consultants employed by state agencies.

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

NAYS: David; Stenehjem; Tennefos

ABSENT AND NOT VOTING: Hilken

SB 2383 passed and the title was agreed to.

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#### MOTION

SEN. NETHING MOVED that SB 2383 be reprinted, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2385: A BILL for an Act to create and enact a new chapter of the North Dakota Century Code, relating to city option sales and use taxation.

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 18 YEAS, 34 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Christensen; Heigaard; Heinrich; Kelly; Kelsh; Lashkowitz; Lips; Maixner; Meyer, J.; Mushik; Olson; Peterson; Reiten; Satrom; Stenehjem; Stromme; Thane; Wenstrom

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kilander; Krauter; Kusler; Langley; Lodoen; Matchie; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Redlin; Shea; Streibel; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Berube

SB 2385 was declared lost.

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SB 2433: A BILL for an Act to amend and reenact sections 35-24-11, 35-24-12, subsections 1, 2, and 3 of section 35-24-13, and section 35-24-22 of the North Dakota Century Code, relating to filing oil and pipeline liens with the registers of deeds.

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; 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; Nething; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Berube; Reiten

SB 2433 passed and the title was agreed to.

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MOTION

SEN. NOTHING MOVED that SB 2433 be reprinted, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2434: A BILL for an Act to amend and reenact subsection 1 of section 29-06-15 of the North Dakota Century Code, relating to arrest without a warrant in domestic violence cases.

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

NAYS: None

ABSENT AND NOT VOTING: Berube; Kelly; Reiten

SB 2434 passed and the title was agreed to.

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SB 2438: A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to residency requirements for divorce and for separation.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berube; Kelly; Lodoen; Reiten

SB 2438 passed and the title was agreed to.

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SB 2447: A BILL for an Act to amend and reenact section 39-22-05.2 of the North Dakota Century Code, relating to performance bonds of contracts to sell motor vehicles to governmental agencies.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berube; Kelly; Maixner; Reiten

SB 2447 passed and the title was agreed to.

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SB 2459: A BILL for an Act to create and enact a new section to chapter 38-09 of the North Dakota Century Code, relating to public offering of state mineral leases.

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, 29 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Parker; Redlin; Stenehjem; Stromme; Vosper; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten;

Satrom; Shea; Streibel; Tallackson; Tennefos; Thane;  
 Todd; Tweten; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2459 was declared lost.

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#### RECOGNITION

SEN. NOTHING ANNOUNCED that Mr. Bernard A. Gagosz, Consul General, Canadian Consulate General with the Federal Government, Minneapolis, Minnesota, is in the chamber and moved that a committee of two be appointed to escort Mr. Gagosz to the rostrum. The motion prevailed and President Meiers appointed as such committee Sens. Vosper and Heigaard. Mr. Gagosz was escorted to the rostrum and addressed the assembly.

SEN. NOTHING MOVED that the following remarks of the Consul General be printed in the Journal, which motion prevailed.

#### REMARKS

By

Bernard A. Gagosz

Consul General, Canadian Consulate, Minneapolis

Thank you Madam President, Senate Majority Leader, Senate Minority Leader, members of the Senate. I was going to say it is indeed an honor for me to benefit from this sort of generous introduction. It's more than an honor; it's somewhat overwhelming. Thank you.

As Canadian Consul General in the upper Midwest, I have the distinct pleasure of having North Dakota in my parish, if I may refer to it as such. I must say that in these days of difficult international diplomacy, having such a friendly environment is more than a pleasure. I bring to you very sincere greetings from your northern neighbors, particularly those from your neighboring provinces of Saskatchewan and Manitoba.

You, in state legislatures, have an increasingly important role, I believe, in formulating the United States' foreign policy. Nowhere is this more evident in your international relationships than in your relationships with Canada. Decisions which you make here in the state Senate effectively become the United States' foreign policy vis-a-vis your northern neighbors. Despite problems which arise from time to time, your northern boundary, I believe, remains probably the friendliest in the world.

My current objective, and certainly my long-term objective in being here, is to preserve and nurture this friendly relationship. I certainly do hope that I will have an opportunity to meet each and every one of you personally. I have had that opportunity with some of you. May I just, Madam

President, present you with a small memento of my visit, perhaps something you may wish to put in your lounge? Thank you very much for taking the time out of your busy session to welcome me. Thank you.

#### SECOND READING OF SENATE BILLS

SB 2472: A BILL for an Act to create and enact a new subsection to section 15-39.1-24, a new section to chapter 18-11, a new section to chapter 39-03.1, a new section to chapter 40-45, a new section to chapter 40-46, and a new section to chapter 54-52 of the North Dakota Century Code, relating to the purchase of retirement service credit by persons who have served in the legislative assembly under the teachers' fund for retirement, the alternate firemen's relief association retirement plan, the highway patrolmen's retirement system, city police pension plans, city employee pension plans, 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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Dotzenrod; Tennefos

ABSENT AND NOT VOTING: Meyer, J.; Mushik

SB 2472 passed and the title was agreed to.

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SB 2478: A BILL for an Act to create and enact two new sections to chapter 8-10 of the North Dakota Century Code, relating to interruption of telephone communications during a kidnap or hostage emergency, and to exemption from liability for making such an interruption; and to provide a penalty.

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; 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; Nething; 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: None

SB 2478 passed and the title was agreed to.

\*\*\*\*\*

SB 2483: A BILL for an Act to amend and reenact sections 4-10.2-03 and 4-10.2-04 of the North Dakota Century Code, relating to membership and districts of the North Dakota state sunflower council.

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; 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; Nething; 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: None

SB 2483 passed and the title was agreed to.

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SB 2487: A BILL for an Act to amend and reenact section 43-03-09 of the North Dakota Century Code, relating to the practice of architecture without a license.



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, 7 NAYS, 0 ABSENT AND NOT VOTING.

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

**NAYS:** David; Ingstad; Mutch; Nelson; Stenehjeme; Stromme; Tweten

**ABSENT AND NOT VOTING:** None

SB 2487 passed and the title was agreed to.

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**SECOND READING OF A SENATE CONCURRENT RESOLUTION**

**SCR 4002:** A concurrent resolution urging the Department of Human Services to revise its long-term care facility Medicaid reimbursement system.

Which has been read.

The question being on the final adoption of the resolution, as amended.

SCR 4002 was declared adopted on a voice vote.

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**REPORTS OF STANDING COMMITTEES**

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2031 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 4, delete the word ", and"

On page 2, delete line 5

On page 2, line 6, delete the word "commission"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

It is the intent of the Senate Appropriations Committee that the salaries and wages line item will be amended by the House Appropriations Committee to comply with the final legislative guidelines regarding state employees' salaries and wages.

SEN. LIPS, Chairman

SB 2031 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2284 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2284 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 2304 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 18, delete the word "red" and insert in lieu thereof the word "black"

On page 1, line 20, delete the word "word" and insert in lieu thereof the word "legend", and after the word "'Propane'" insert the words ", "LNG", or "CNG", depending on the fuel used,"

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

SB 2304 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2307 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2307 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 2420 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2420 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 2446 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2446 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 2473 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

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

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2492 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2492 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 2496 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 15, after the word "letters" insert the words "of a personal nature"

And renumber the lines accordingly

SEN. LODOEN, Chairman

SB 2496 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1042 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1045 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1045 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1046 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1046 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred HB 1070 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 of the engrossed bill, line 4, delete the numerals "20.1-01-07,"

On page 2 of the engrossed bill, delete lines 6 through 31

On page 4 of the engrossed bill, line 28, delete the numeral "6" and insert in lieu thereof the numeral "5"

And renumber the lines, sections, and pages accordingly  
SEN. MOORE, Chairman

HB 1070 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1108 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1108 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1110 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1110 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1114 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1114 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred HB 1120 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. PETERSON, Chairman**

HB 1120 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred HB 1172 has had the same under consideration and recommends that the same DO PASS.

**SEN. PETERSON, Chairman**

HB 1172 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred HB 1209 has had the same under consideration and recommends that the same DO PASS.

**SEN. LODOEN, Chairman**

HB 1209 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred HB 1236 has had the same under consideration and recommends that the same DO PASS.

**SEN. PETERSON, Chairman**

HB 1236 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred HB 1253 has had the same under consideration and recommends that the same DO PASS.

**SEN. PETERSON, Chairman**

HB 1253 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1470 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

HB 1470 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Nothing introduced:

**SCR 4047:** A concurrent resolution directing the Legislative Council to establish a jobs development commission composed of legislators, officials from the executive branch of government, officials from higher education, and

representatives of private industry to study methods and to coordinate efforts to initiate and sustain new economic development and to spur the creation of new employment opportunities for the citizens of this state.

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

#### FIRST READING OF HOUSE BILLS

**HB 1123:** A BILL for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to compensation for members of the state banking board and the state credit union board.

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

**HB 1169:** A BILL for an Act to create and enact a new section to chapter 50-25.1, a new subsection to section 50-25.1-02, and a new subsection to section 50-25.1-11 of the North Dakota Century Code, relating to child abuse and neglect; to amend and reenact section 12.1-20-01, subsection 3 of section 50-25.1-02, sections 50-25.1-04.1, 50-25.1-05, subsection 2 of section 50-25.1-05.2, and sections 50-25.1-09 and 50-25.1-13 of the North Dakota Century Code, relating to sex offenses and child abuse and neglect; and to provide a penalty.

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

**HB 1315:** A BILL for an Act to amend and reenact section 57-23-06 of the North Dakota Century Code, relating to city and township recommendations on pending abatement applications.

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

**HB 1348:** A BILL for an Act to create and enact a new section to chapter 20.1-05 of the North Dakota Century Code, relating to party hunting for big game animals.

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

**HB 1374:** A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-12 and subsection 7 of section 57-40.2-07 of the North Dakota Century Code, relating to the due date of monthly sales and use tax returns, and payment of the tax due.

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

**HB 1382:** A BILL for an Act to create and enact a new section to chapter 54-52.2 of the North Dakota Century Code, relating to the appointment of an executive director and other personnel by the state deferred compensation committee; and to amend and reenact sections 54-52.2-01 and 54-52.2-03 of

the North Dakota Century Code, relating to the deferred compensation program for public employees.

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

**HB 1406:** A BILL for an Act to create and enact a new section to chapter 19-10 of the North Dakota Century Code, to make unlawful the retail selling of alcohol-blended gasoline without proper notice.

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

**HB 1408:** A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, to provide that the Legislative Council may appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings.

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

**HB 1522:** A BILL for an Act to provide for the revocation of the route permit and certificate of corridor compatibility issued for the MANDAN power project; and to declare an emergency.

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

#### MOTION

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, the Ninth order of business, the Thirteenth order of business, and after the reading of SB 2257, SB 2284, SB 2307, SB 2312, SB 2420, SB 2446, SB 2473, SB 2492, SB 2495, SCR 4034, SCR 4036, SCR 4038, SCR 4039, SCR 4041, SCR 4042, SCR 4045, HB 1042, HB 1045, HB 1046, HB 1090, HB 1108, HB 1109, HB 1110, HB 1114, HB 1120, HB 1141, HB 1172, HB 1177, HB 1201, HB 1209, HB 1219, HB 1236, HB 1253, HB 1470, HCR 3013, the Senate adjourn and convene at 1:00 p.m., Wednesday, February 13, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary