

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-THIRD DAY

Bismarck, March 11, 1985

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

The prayer was offered by Reverend Len Eckroth, Chaplain, North Dakota State Penitentiary.

Let us pray: Lord, God, we believe that all authority ultimately comes from You. The citizens of our state have elected these women and men to help govern our state. We hope and pray that they will enjoy some of Your wisdom and integrity, as they seek to promote the common good of our society through good legislation, directed towards liberty, justice, and charity for all. Amen.

ROLL CALL

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

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 Forty-second day and finds the same to be correct.

SEN. DAVID, Chairman

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

COMMUNICATION

Doctor of the Day Schedule

March 11	- Paul J. Beithon, M.D.	- Wahpeton
	Family Practice	
March 13	- Kevin Fickenscher, M.D.	- Grand Forks
	Family Practice	
March 14	- Ronald Kloster, M.D.	- Mayville
	Family Practice	
March 15	- Scott Rowe, M.D.	- Fargo
	Family Practice	

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1420, HB 1468, HB 1475, HB 1484, HB 1496, HB 1503,
 HB 1510, HB 1535, HB 1551, HB 1564, HB 1590, HB 1595,
 HB 1610, HCR 3085

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1242, HB 1266

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
 HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2116, SB 2161, SB 2232, and SB 2286 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2116

On page 3 of the engrossed bill, line 8, delete the word "twenty" and insert in lieu thereof the word "twenty-five"

On page 3 of the engrossed bill, line 9, delete the word "five" and insert in lieu thereof the word "ten"

On page 3 of the engrossed bill, line 13, delete the word "five" and insert in lieu thereof the word "ten"

On page 3 of the engrossed bill, line 15, delete the word "two" and insert in lieu thereof the word "five"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2161

On page 1 of the engrossed bill, line 12, overstrike the words "of the" and insert immediately thereafter the word "as"

On page 1 of the engrossed bill, line 13, overstrike the words "historical society as possessing historical value,"

On page 1 of the engrossed bill, line 14, overstrike the words "as defined in this section," and insert immediately thereafter the words "historic sites according to written criteria established by the board"

On page 1 of the engrossed bill, line 16, delete the word "those"

On page 1 of the engrossed bill, line 17, delete the words "possess historic value" and insert in lieu thereof the words "meet the criteria"

On page 1 of the engrossed bill, line 20, overstrike the word "in"

On page 1 of the engrossed bill, line 21, overstrike the words "accordance with state law dealing with publications"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2232

On page 1, line 26, delete the word "of" and insert in lieu thereof the words ", or by"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2286

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 amend and reenact subsection 4 of section 57-27-02 of the North Dakota Century Code, relating to the county auditor giving notice of expiration of the period of redemption after a tax sale.

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

SECTION 1. AMENDMENT. Subsection 4 of section 57-27-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

4. Duplicate copies of the notice of expiration of the period of redemption shall be prepared by the county auditor. If any mortgagee or assignee of a mortgage holding an unsatisfied mortgage on said land, as shown by the records in the office of the register of deeds, shall have requested in writing that the county auditor mail him one of said duplicate copies and shall have paid to the auditor the sum of one dollar and fifty cents as a fee for such purpose, the county auditor shall mail one of said copies of the notice to such mortgagee or assignee by registered or certified mail addressed to the mortgagee or assignee at least ninety days before the time for redemption expires. The county auditor shall serve the notice of the expiration of the period of redemption upon each mortgagee, lienholder, and other person interested therein as may appear from the records of the register of deeds and the clerk of the district court of the county. The notice must be served by registered mail and a registry and return receipt must be demanded and filed with proof of service. The expense of service by registered mail shall be added to the amount required to redeem and must be paid by the person making the redemption in addition to the amounts stated in the notice. The auditor shall make proof of service by affidavit showing the

names and addresses of all parties upon whom the notice was served with the date of mailing in each case, and the auditor shall attach the registry, certification, and return receipts and file the affidavit and receipts with the original notice of the expiration of the period of redemption. Within ten days after a request by the county auditor the register of deeds and the clerk of the district court shall furnish the county auditor with a certified list giving the names and addresses of all persons who appear to be interested as owners, mortgagees, lienholders, or otherwise in the real estate, upon whom the notice of the expiration of the period of redemption, must be served."

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 concurred in the Senate amendments to HB 1094, HB 1171, HB 1352, HB 1383, and HCR 3030 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1071 and HB 1614 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1071: Reps. Kretschmar, Koland, L. Hanson

HB 1614: Reps. R. Pederson, Tollefson, Hoffner

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

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

SB 2077, SB 2141, SB 2145, SB 2147, SB 2162, SB 2189,
 SB 2285, SB 2333, SB 2347, SB 2372, SB 2376, SB 2378,
 SB 2382, SB 2384, SB 2392, SB 2393, SB 2399, SB 2407,
 SB 2416, SB 2447, SB 2483, SB 2496, SB 2506, SCR 4003

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2061, SB 2080, SB 2344, SB 2377, SB 2462

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1044, HB 1058, HB 1059, HB 1066, HB 1068, HB 1073,
 HB 1075, HB 1093, HB 1095, HB 1101, HB 1107, HB 1111,
 HB 1113, HB 1117, HB 1118, HB 1121, HB 1122, HB 1124,
 HB 1125, HB 1132, HB 1136, HB 1137, HB 1150, HB 1160,
 HB 1162, HB 1164, HB 1181, HB 1184, HB 1238, HB 1346,
 HB 1529, HCR 3006, HCR 3007, HCR 3008, HCR 3009, and
 HCR 3010

LEO LEIDHOLM, Secretary

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. LODOEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1128, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1128:

Sens. Lodoen, Vosper, D. Meyer

SEN. LODOEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1384, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1384:

Sens. Ingstad, David, Matchie

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3093: A concurrent resolution congratulating Peter Nygaard on being named one of the nation's four outstanding young farmers of 1985 by the United States Jaycees.
 Was read the first time.

MOTION

SEN. WENSTROM MOVED that the rules be suspended, that HCR 3093 as printed on page 1644 of the House Journal not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3093: A concurrent resolution congratulating Peter Nygaard on being named one of the nation's four outstanding young farmers of 1985 by the United States Jaycees.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3093 was declared adopted on a voice vote.

FIRST READING OF A HOUSE CONCURRENT MEMORIAL RESOLUTION

HCMR 3: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to the family of Brigadier General Raymond J. Bohn.

Was read the first time.

MOTION

SEN. NETHING MOVED that the rules be suspended, that HCMR 3 as printed on page 1750 of the House Journal not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT MEMORIAL RESOLUTION

HCMR 3: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to the family of Brigadier General Raymond J. Bohn.

Was read the second time.

The question being on the final adoption of the resolution.

HCMR 3 was declared adopted on a voice vote.

CONSIDERATION OF AMENDMENTS

SEN. HOLMBERG MOVED that the amendments to HB 1233 as recommended by the Committee on Political Subdivisions as printed on page 1333 of the Senate Journal be adopted, and when so adopted, recommends that HB 1233 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to HB 1313 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1333-1334 of the Senate Journal be adopted, and when so adopted, recommends that HB 1313 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1432 as recommended by the Committee on Agriculture as printed on pages 1334-1335 of the Senate Journal be adopted, and when so adopted, recommends that HB 1432 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1587 as recommended by the Committee on Agriculture as printed on pages 1335-1336 of the Senate Journal be adopted, and when so adopted, recommends that HB 1587 DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1587 was rereferred to the Committee on Appropriations.

SEN. MOORE MOVED that the amendments to HB 1606 as recommended by the Committee on Natural Resources as printed on page 1336 of the Senate Journal be adopted, and when so adopted, recommends that HB 1606 DO PASS, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1635 as recommended by the Committee on Natural Resources as printed on page 1337 of the Senate Journal be adopted, and when so adopted, recommends that HB 1635 DO PASS, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1645 as recommended by the Committee on Appropriations as printed on page 1337 of the Senate Journal be adopted, and when so adopted, recommends that HB 1645 DO PASS, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. MATCHIE: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

Last week the finals of the North Dakota Class A Basketball Tournament were held at NDSU in Fargo. The winner of that event this year was Fargo North High School which is located in District 45, my district in north Fargo; this is also the district of Representatives R. Berg and Nalewaja.

On behalf of the North Dakota Senate, I would like to congratulate Fargo North - its players, coaches, teachers, instructors, staff, cheerleaders and fans - for the thrilling 52-51 victory over Jamestown High School in the final game. I grew up in Jamestown, so this was a particularly interesting game for me, but there is now no doubt that Fargo North is Number One in the state. This is North's second state title since becoming a high school in 1965.

My wife, Michelle, and I had the chance to attend both the semifinals of this tournament on Friday and the finals on Saturday night. Three out of four of these games were decided either in overtime or by one point. I think all those who attended this tournament must agree that this was one of the great Class A Tournaments ever because of the number of balanced teams who participated in so many close games every day of the tournament. Entertainment by the Fargo North Band and the F-M Acro Team also helped to make this tournament a magnificent weekend for the fans.

Thank you Fargo North, Class A Champions for 1985.

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I would just like to extend to the Fargo North basketball team, all their fans, faculty, school board members and all

of their supporters, all of our congratulations from Jamestown. They beat an awfully good team and they're entitled to have our congratulations.

MOTIONS

SEN. HOLMBERG MOVED that SCR 4033 which is on the Eleventh order be laid over one legislative day, which motion prevailed.

SEN. HOLMBERG MOVED that SCR 4023 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4023: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to removing references to the types of institution which must be located in named cities.

Which has been read.

REQUEST

SEN. WALDERA REQUESTED a recorded roll call vote on the adoption of SCR 4023, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, as amended, the roll was called and there were 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Freborg; Heinrich; Holmberg; Kelsh; Kilander; Lodoen; Matchie; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Shea; Stenehjem; Streibel; Stromme; Tennefos; Todd; Wenstrom; Wright

NAYS: Bakewell; Berube; Christensen; David; Dotzenrod; Heigaard; Hilken; Ingstad; Kelly; Krauter; Kusler; Langley; Lashkowitz; Lips; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Redlin; Reiten; Satrom; Tallackson; Thane; Tweten; Vosper; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Maixner

SCR 4023 was declared lost.

SCR 4020: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to the establishment of a system of higher education composed of the university of North Dakota and school of mines at Grand Forks, the North Dakota state university at Fargo, with the experiment station at Fargo

with its substations, the state university of North Dakota at Dickinson, the state university of North Dakota at Mayville, the state university of North Dakota at Minot, the state university of North Dakota at Valley City, and the North Dakota junior college at Bismarck, the North Dakota junior college at Bottineau, the North Dakota junior college at Devils Lake, the North Dakota junior college at Wahpeton, and the North Dakota junior college at Williston; to establish the highest degrees to be granted by state institutions of higher education; to remove the authority to establish other institutions of higher education; and to provide an effective date.

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

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 12 YEAS, 40 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Kelsh; Krauter; Langley; Lips; Matchie; Meyer, J.; Meyer, W.; Tallackson; Waldera; Wogsland

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

ABSENT AND NOT VOTING: Maixner

SCR 4020 was declared lost.

POINT OF PERSONAL PRIVILEGE

SEN. INGSTAD: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

I learned last week that Governor Sinner refused to sign a proclamation honoring the Future Farmers of America and declaring FFA Week. Also, according to news accounts, the Governor did not have time in his busy schedule to meet with state FFA officers.

The Governor certainly has the right to refuse to sign any proclamation or refuse to meet with anyone.

But, Madam President and members of the Senate, we have reached a sad time in the history of this state when a

governor refuses to honor the Future Farmers of America during FFA Week.

Maybe the Governor is right about this state's future being full of doom and gloom.

I choose, however, to believe the future of this state will be bright because of the quality of our young people. In the words of the FFA creed: "I believe in the future of farming with a faith born not of words but of deeds."

FFA is strong in North Dakota. The FFA has 86 chapters in the state, over 4,300 active members, over 109% of those enrolled in vocational agriculture belong to the FFA.

Besides the current membership, the FFA has hundreds of thousands of former members.

I am one of those former members. As former state president, I know that there is no finer youth organization in this state.

No organization has taught me more than the FFA. It taught me to stand and speak before a group at the age of 13 and 10,000 people at the age of 18. It taught me the importance of agriculture to this state. It taught me how to judge crops, cattle and milk; it taught me how to identify weeds and test soil; it required me to learn by hands-on experience farming and ranching.

Now to the question of why the proclamation and meeting with the Governor is so important.

One of the highlights of my term as state FFA president was FFA Week. That week gave me and others the opportunity to tell the FFA story to the state.

During that week, I toured the entire week, making use of every minute. While in Bismarck, I spoke at a high school and two service clubs. I was interviewed by two radio stations, two television stations and two newspapers. Each appointment gave me an opportunity to tell the FFA story and recruit new members.

A highlight of the day spent in Bismarck for me was a meeting with then Governor Guy.

The Governor was gracious with his time and provided us the opportunity to tell him our story. He signed our proclamation and even consented to have his picture taken with us--a picture that ran in over a dozen papers in the state. That governor made quite an impression on twelve young high school students.

I owe a lot to the FFA--and I want every FFA member in this state to know that there are those in state government who realize the importance of the FFA and FFA Week; and that we encourage all FFA members to visit us in Bismarck.

I am sure my colleagues in the Senate will always have a warm welcome for Future Farmers.

SECOND READING OF A HOUSE BILL

HB 1054: A BILL for an Act to amend and reenact sections 11-11-14, 16.1-05-01, subsection 2 of section 16.1-05-03, sections 16.1-05-04, 16.1-05-05, 16.1-06-16, and 58-02-01 of the North Dakota Century Code, relating to the appointment, duties, and compensation of election officials, term of office for election inspectors, distribution of election supplies, and the instruction provided by the county auditor.

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, 2 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; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; 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: Meyer, D.; Mutch

ABSENT AND NOT VOTING: Maixner

HB 1054 passed and the title was agreed to.

MOTIONS

SEN. CHRISTENSEN MOVED that HB 1098 which is on the Eleventh order be laid over one legislative day, which motion prevailed.

SEN. CHRISTENSEN MOVED that HB 1408 which is on the Fourteenth order be returned to the Committee on Judiciary, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1205: A BILL for an Act to amend and reenact section 32-17-22 of the North Dakota Century Code, relating to the liability of an oil and gas lessee for waste.

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

ROLL CALL

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

YEAS: Dotzenrod; Heigaard; Kusler; Lashkowitz; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lips; Lodoen; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Maixner; Walsh

HB 1205 was declared lost.

HB 1244: A BILL for an Act to amend and reenact sections 40-27-06, 40-27-11, and 40-27-13 of the North Dakota Century Code, relating to refunding special assessment warrants or bonds.

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; 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: Maixner

HB 1244 passed and the title was agreed to.

HB 1339: A BILL for an Act to create and enact a new section to chapter 20.1-07 of the North Dakota Century Code, relating to the use of snares in taking coyotes; and to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to the use of snares for taking game animals.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; David; Dotzenrod; Ereborg; Hilken; Holmberg; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Matchie; Meyer, J.; Moore; Naaden; Nelson; Nething; Olson; Parker; Peterson; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wright

NAYS: Bakewell; Berube; Heigaard; Heinrich; Ingstad; Kelly; Kelsh; Lashkowitz; Meyer, D.; Meyer, W.; Mushik; Mutch; Redlin; Reiten; Satrom; Shea; Stromme; Tweten; Vosper; Walsh; Wogsland

ABSENT AND NOT VOTING: Maixner

HB 1339 passed and the title was agreed to.

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.

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; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme;

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

NAYS: Mutch; Tallackson; Vosper

ABSENT AND NOT VOTING: Maixner

HB 1406 passed and the title was agreed to.

HB 1444: A BILL for an Act to amend and reenact section 28-22-17 of the North Dakota Century Code, relating to allowable bankruptcy exemptions.

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

NAYS: Mutch; Tallackson; Vosper

ABSENT AND NOT VOTING: Maixner

HB 1444 was declared lost.

HB 1538: A BILL for an Act to amend and reenact subsection 2 of section 19-18-03 of the North Dakota Century Code, relating to economic poisons; 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: 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; 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: Hilken; Maixner

HB 1538 passed, the title was agreed to, and the emergency clause carried.

HB 1554: A BILL for an Act to amend and reenact subdivisions c, d, and e of subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to payments by county social service boards for burial of persons who died without survivors and without a sufficient estate to pay for burial.

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; 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: Maixner

HB 1554 passed and the title was agreed to.

HB 1618: A BILL for an Act to provide for county spouse abuse programs; 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 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; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner

HB 1618 passed, the title was agreed to, and the emergency clause carried.

HB 1621: A BILL for an Act to amend and reenact section 4-22-51 of the North Dakota Century Code, relating to soil conservation trust lands.

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; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner

HB 1621 passed and the title was agreed to.

HB 1650: A BILL for an Act to create and enact a new subsection to section 40-05-01 of the North Dakota Century Code,

relating to the power of cities to accept certain moneys and to fund arts 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; 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: Maixner

HB 1650 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3019: A concurrent resolution condemning the persecution of members of the Baha'i faith by the government of Iran.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3019 was declared adopted on a voice vote.

HCR 3035: A concurrent resolution directing the Legislative Council to study the issuance of licenses and permits to hunt and fish in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3035 was declared adopted on a voice vote.

HCR 3050: A concurrent resolution directing the Legislative Council to study the feasibility of mapping known landfills within the state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3050 was declared adopted on a voice vote.

HCR 3058: A concurrent resolution directing the Legislative Council to study all facets of the state's finance formulas used in making payments to public elementary and secondary schools for instructional and transportation services and to determine what, if any, changes in those formulas should be made.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3058 was declared adopted on a voice vote.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3046: A concurrent resolution directing the Legislative Council to study the system of health care service delivery, the reasons for the rapidly increasing costs of health care and health care insurance, and alternatives to contain those costs.

HCR 3052: A concurrent resolution commending the Governor for the creation of a commission to study, coordinate, and promote the functions, services, facilities, and resources of the juvenile justice and human service delivery systems to determine appropriate means of treatment and placement services to meet the needs of children and adolescents at risk and to request the Governor to report the commission's findings and recommendations which may require legislative action to an interim committee of the Legislative Council for review and recommendations.

HCR 3062: A concurrent resolution directing the Legislative Council to study the need for comprehensive in-home and community support services to maintain, enhance, or prolong the independence and self-support of the partially dependent elderly population, and the possibility of making additional county funds available for such services by eliminating the county contributions to the medical assistance program under Medicaid.

HCR 3077: A concurrent resolution directing the Legislative Council to study the ongoing implementation of the federal

district court order concerning deinstitutionalization of developmentally disabled persons.

Which have been read.

The question being on the final adoption of the resolutions.

The resolutions were declared adopted on a voice vote.

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. MOORE MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1071, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1071:

Sens. Todd, Freborg, Maixner

SEN. PETERSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1614, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1614:

Sens. Peterson, Bakewell, Heinrich

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4005 has had the same under consideration and recommends that the same DO PASS.

SEN. WENSTROM, Cochairman

SCR 4005 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4018 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WENSTROM, Cochairman

SCR 4018 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4028 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WENSTROM, Cochairman

SCR 4028 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred SCR 4043 has had the same under consideration and recommends that the same DO PASS.

SEN. WENSTROM, Cochairman

SCR 4043 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 SCR 4068 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SCR 4068 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred HB 1005 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1005 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 Engrossed HB 1081 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3 of the engrossed bill, line 10, immediately after the word "chapter" insert the following words: "for prior tax years in which the sheriff's affidavit under section 57-22-09 has not been filed"

On page 3 of the engrossed bill, line 31, remove the overstrike over the words "~~for the preceding year~~"

On page 5 of the engrossed bill, line 31, delete the word "and" and insert in lieu thereof the word "or"

On page 5 of the engrossed bill, line 34, after the period insert the following sentence: "While the mobile home is being transported, a permit must be displayed on the mobile home or the owner must provide the mover with a current tax release statement."

And renumber the lines accordingly

SEN. WRIGHT, Chairman

Engrossed HB 1081 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 Engrossed HB 1127 has had the same under

consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the **Committee on Appropriations**:

On page 1 of the engrossed bill, line 12, remove the overstrike over the word "~~five~~", and delete the word "eight"

And renumber the lines accordingly

SEN. LODOEN, Chairman

Engrossed HB 1127 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 Engrossed HB 1202 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 9 of the engrossed bill, line 8, delete the words "The lien terminates when the liability of the"

On page 9 of the engrossed bill, line 9, delete the words "warehouseman to the receipt holder terminates."

On page 9 of the engrossed bill, line 11, delete the words "upon sale of" and insert in lieu thereof "as to grain sold"

On page 9 of the engrossed bill, line 12, delete the words "the grain"

On page 9 of the engrossed bill, line 13, after the period insert the following "Such sale does not discharge the lien in favor of an individual receipt holder in the remaining grain in the warehouse."

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

Engrossed HB 1202 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 HB 1271 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1271 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your **Committee on Industry, Business and Labor** to which was referred HB 1372 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1372 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1390 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1390 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1416 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1416 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1425 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1425 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 1545 has had the same under consideration and recommends that the same DO PASS, and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

HB 1545 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred Engrossed HB 1643 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1 of the engrossed bill, line 13, delete the words "The payroll checks shall be delivered to the"

On page 1 of the engrossed bill, delete line 14

On page 1 of the engrossed bill, line 15, delete the words "payroll checks."

On page 2 of the engrossed bill, line 17, overstrike the word "his"

- On page 2 of the engrossed bill, line 18, overstrike the word "him" and insert immediately thereafter the words "the supervisor"
- On page 2 of the engrossed bill, line 19, overstrike the word "his" and insert immediately thereafter the words "the judge's"
- On page 2 of the engrossed bill, line 24, overstrike the word "his" and insert immediately thereafter the words "the supervisor's"
- On page 3 of the engrossed bill, line 3, overstrike the word "he" and insert immediately thereafter the words "the substitute"
- On page 4 of the engrossed bill, line 14, overstrike the word "him" and insert immediately thereafter the words "the judge"
- On page 4 of the engrossed bill, line 15, overstrike the word "his" and insert immediately thereafter the words "the judge's"
- On page 5 of the engrossed bill, line 21, overstrike the word "he" and insert immediately thereafter the words "the employee"
- On page 5 of the engrossed bill, line 22, overstrike the word "his" and insert immediately thereafter the word "the"
- On page 5 of the engrossed bill, line 24, overstrike the word "his" and insert immediately thereafter the word "the"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

Engrossed HB 1643 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 1648 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1648 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 HCR 3067 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3067 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 HCR 3074 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3074 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 HCR 3092 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3092 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1128: Sens. Lodoen, Vosper, D. Meyer

HB 1384: Sens. Ingstad, David, Matchie

LEO LEIDHOLM, Secretary

MESSAGE 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 1079, HB 1088, HB 1129, HB 1131, HB 1142, HB 1163,
HB 1166, HB 1167, HB 1174, HB 1178, HB 1183, HB 1186,
HB 1187, HB 1188, HB 1192, HB 1198, HB 1206, HB 1227,
HB 1256, HB 1260, HB 1268, HB 1297, HB 1300, HB 1304,
HB 1315, HB 1319, HB 1331, HB 1343, HB 1345, HB 1361,
HB 1389, HB 1407, HB 1449, HB 1469, HB 1470, HB 1479,
HB 1501, HB 1502, HB 1544, HB 1548, HB 1549, HB 1115,
HB 1245, HB 1264, HB 1270, HB 1273, HB 1320, HB 1321,
HB 1326, HB 1355, HB 1373, HB 1396, HB 1411, HB 1433,
HB 1566, HB 1603, HCR 3001, HCR 3025, HCR 3029, HCR 3043,
HCR 3044, HCR 3048, HCR 3054, HCR 3055

ROY GILBREATH, Chief Clerk

MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, and after the reading of SCR 4005, SCR 4018, SCR 4028,

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SCR 4033, SCR 4043, SCR 4068, HB 1005, HB 1098, HB 1233, HB 1271, HB 1313, HB 1372, HB 1390, HB 1416, HB 1425, HB 1432, HB 1606, HB 1635, HB 1645, HB 1648, HCR 3067, HCR 3074, and HCR 3092, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 12, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary