

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

\* \* \* \* \*

## SIXTEENTH DAY

Bismarck, January 25, 1983

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

The prayer was offered by I. E. "Eskey" Solberg, former N. D. State Senator.

Let me say thanks for the invitation to participate in the opening ceremonies of this body that I love so dearly. Now let us open our hearts and our minds to our prayer.

Grant us strength and courage, oh God, to face the challenges and grasp the opportunities of this day. Help us to focus our attention on the problems we will see. Help us to see them as You see them. May we be sensitive to their potential, their possibilities, and their consensus. Assist us in turning our activities and our words as You would have us. Sometimes we prefer to assume a miracle may be coming to carry us through the problems at hand, instead of using the resources we already have. Help us to see that we can be a part of the miracle ourselves. You have given us talents and abilities, now show us where You want us to use them.

Give these senators, oh God, the power of vision so they may see the needs of this state. Give them the power of reason so they may differentiate between bad and good and live peaceably in this restless world, this world filled with quick promises and turbulent decisions. Give them the powers to be builders for the growth and the betterment of the state that we love, and now let us quote from the poet who used the word builder, "A builder built a temple. He forged it with grace and skill. Its pillars and groins and arches he fitted to do His will. Men said as they saw its beauty, great is Thy skill, oh Builder, Thy fame shall endure for aye." Help us to be like builders, oh God, so that we can see forward and look backward to trace our paths so that we can do the things that are essential for this group in this body. Help us to always be aware of the need for building a better tomorrow. We ask it all in thy 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

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

In the Journal of the Eleventh day, correct as follows and when so corrected, recommends that the same be approved:

On page 233, line 33, delete "as amended"

SEN. TWETEN, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2093, SB 2142

SEN. FRITZELL, Chairman

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2004, SB 2066, SB 2106, SB 2108, SB 2138, SB 2139,  
SB 2161, SB 2171, SB 2208, SB 2243, SB 2291, SCR 4006

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1069, HB 1081, HB 1121, HB 1167, HB 1180, HB 1182,  
HB 1190, HB 1199, HB 1220, HB 1254, HB 1294, HCR 3010

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

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

SB 2085, SB 2110, SB 2113, SCR 4010

Very respectfully,  
CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. HOLMBERG MOVED that the amendments to SB 2148 as recommended by the Committee on Political Subdivisions as printed on pages 297 and 298 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2196 as recommended by the Committee on Transportation as printed on page 298 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2256 as recommended by the Committee on Political Subdivisions as printed on page 298 of the Senate Journal be adopted, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Parker, Moore, Redlin and Reps. Kloubec, G. Pomeroy, Kretschmar introduced:

SCR 4020: A concurrent resolution directing the Legislative Council to study and review the most effective method of providing for water management in North Dakota and the selection of water managers for water management in North Dakota.

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

Sens. Nething, Lee introduced:

SCR 4021: A concurrent resolution directing a Legislative Council study of the implementation of water use fees and the use of those fees to develop water projects.

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

FIRST READING OF HOUSE BILLS

HB 1002: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; and declaring an emergency.

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

HB 1090: A BILL for an Act to amend and reenact subsection 4 of section 20.1-03-04 of the North Dakota Century Code, relating to exemptions from hunting, fishing, or trapping license requirements.

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

HB 1100: A BILL for an Act to amend and reenact section 63-01.1-12 of the North Dakota Century Code, relating to the preventing of dissemination of noxious weeds.

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

HB 1109: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to postretirement adjustments under the teachers' fund for retirement; and to amend and reenact sections 15-39.1-10 and 15-39.1-11 of the North Dakota Century Code, relating to the eligibility for benefits and vesting of the right to retirement benefits under the teachers' fund for retirement.

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

HB 1239: A BILL for an Act to create and enact section 12-48-06.1 of the North Dakota Century Code, authorizing the governor to appoint a penitentiary industry advisory committee; and to amend and reenact section 12-48-06 of the North Dakota Century Code, providing for the disposition of the penitentiary farming, ranching, industry, and inmate hobby products.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3008: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of adopting a uniform competitive bid law.

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

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2042 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 5, line 5, after the word "location." insert the words "The lease or other document is adequate for subsequent registrations if the parties to the agreement remain the same."

And renumber the lines accordingly

SEN. VOSPER, Chairman

SB 2042 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2128 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 11, delete the words "twenty-five" and insert in lieu thereof the word "twenty"

SEN. LIPS, Chairman

SB 2128 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2239 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 words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact section 10-06-07.1 of the North Dakota Century Code, relating to a public purpose and business purpose exception; and to amend and reenact sections 10-06-01, 10-06-08, and 10-06-13 of the North Dakota Century Code, relating to prohibited farming practices, and to the required number of directors under the corporate farming law.

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

SECTION 1. AMENDMENT. Section 10-06-01 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-06-01. Farming or ranching by corporations prohibited. All corporations, except as otherwise provided in this chapter, are prohibited from owning or leasing land used for farming or ranching and they are also prohibited from engaging in the business of farming or ranching. As used in this chapter, "corporation" includes any joint stock company or association. It is the intent of the legislative assembly that any joint stock company or association shall neither be authorized to own or lease land used for farming or ranching nor shall it be allowed to engage in the business of farming or ranching.

SECTION 2. Section 10-06-07.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

10-06-07.1. Public purpose and business purpose exception. A corporation not formed under the provisions of this chapter and which is not engaged in the business of farming or ranching may own or lease land used for farming or ranching, only when such land is necessary to fulfill a reasonable and legitimate public purpose or business purpose of the corporation, and provided such farm or ranch land while not being immediately used for any purpose of the business corporations or nonprofit corporation is available to be leased by persons actually engaged in

farming or ranching as a sole proprietorship, partnership, or family farm corporation under this chapter. For the purposes of this chapter the attorney general or district court shall find that the ownership or leasing of farm or ranch land is necessary to fulfill a reasonable and legitimate public purpose or business purpose if such ownership or leasing is: (1) for the siting of buildings, plants, facilities, industrial parks, or similar legitimate business purposes by the corporations, or for uses supportive of or ancillary to adjacent nonagricultural land for the convenience of both parties; (2) for the rehabilitation of persons, including minors, through training and experience in agricultural occupations; (3) for the preservation of unique historical, archaeological, or environmental land areas; or (4) of land owned or leased in connection with present or future surface coal mining operations. A reasonable and legitimate public purpose or business purpose shall not include the ownership or leasing of farm or ranch land primarily as an investment or source of income for the corporation, no matter how worthy the goals of the corporation may be. When the requirement that the corporation has for owning or leasing such farm or ranch land for a public purpose or a business purposes ceases, then the other provisions of this chapter shall apply and the attorney general may bring an action to cause such a corporation to divest itself of its ownership or leasehold interest in such farming or ranching land.

**SECTION 3. AMENDMENT.** Section 10-06-08 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

**10-06-08. Reports - Contents - Filing requirements.**

1. Every farm corporation authorized by this chapter, owning or leasing land used for farming or ranching or engaged in farming or ranching after June 30, 1981, shall keep a record of transfers of shares or transfers of interests in the corporation. The corporation's secretary shall therein cause to be recorded all transfers of shares or transfers of interests among and between the corporation and its respective shareholders or holders of interest. Such record shall contain at least the following: The names of the transferor and transferee, their relationship, the number of shares or the percentage of interests transferred and the date of the transfer.

Every corporation engaged in farming or ranching after June 30, 1981, shall file with the secretary of state a report at the time of the filing of the corporation's articles of incorporation and, thereafter, annually, prior to April fifteenth of each year containing all of the following information with respect to the preceding calendar year:

- 1- a. The name of the corporation and its place of incorporation.
- 2- b. The address of the registered office of the corporation in this state and the name and address of its registered agent in this state.
- 3- c. The acreage [hectarage] and location listed by section, township, range, and county of all land in the state owned or leased by the corporation and used for farming or ranching.
- 4- d. The names and addresses of the officers and the members of the board of directors of the corporation. Notwithstanding the provisions of section 10-19-37, corporations authorized under this chapter that have only one or two shareholders need not have more than one or two directors respectively.
- 5- e. The number of shares of stock or the percentage of interest in the acreage [hectarage] the corporation used for farming or ranching owned or leased by persons residing on the farm or ranch and actively engaged in farming or ranching and the number of shares of stock or the percentage of interest in the acreage [hectarage] the corporation used for farming or ranching owned or leased by relatives within the degree of kinship listed in subsection 2 of section 10-06-07.
- 6- f. The name, address, and number of shares of stock or the percentage of interest in the acreage [hectarage] the corporation used for farming or ranching owned or leased by each shareholder or member and the

relationship of each shareholder or member to the other shareholders or members. The names and addresses and relationships of beneficiaries of trusts and estates must also be included in the report.

- 7- g. A statement as to the percentage of gross receipts of the corporation derived from rent, royalties, dividends, interests, and annuities. In addition, the corporation shall report the same information specified above as to any other shareholder or member since the last previous report.
2. No corporation may commence farming or ranching in this state until the secretary of state has inspected the initial report and certified that the corporation's proposed operations comply with section 10-06-07. Upon receiving the annual reports required by this section, the secretary of state shall cause to be printed in a newspaper of general circulation in each county or counties wherein any land is owned or leased by each corporation filing a report the following: The names of each corporation and its respective shareholders or members as listed in the annual report and a statement to the effect that each of the corporations listed has filed in its annual report that it owns or leases land used for farming or ranching within the county and that a description of such lands is available for inspection at the secretary of state's office.
3. Any other business or nonprofit corporation owning or leasing a tract of land used for farming or ranching which is larger than ten acres in size shall file with the attorney general, prior to July 30, 1983, and thereafter within twelve months of any transaction involving the purchase, sale, or surface leasing of such farm or ranch land by that corporation, a report containing all of the following information:
- a. The name of the corporation and its place of incorporation.

- b. The address of the registered office of the corporation in this state and the name and address of its registered agent in this state.
- c. The acreage [hectarage] and location listed by section, township, range, and county of all such land in the state owned or leased by the corporation and used for farming or ranching.
- d. The date and method of acquisition or disposal of such farm or ranch land.

SECTION 4. AMENDMENT. Section 10-06-13 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

10-06-13. Enforcement. The attorney general shall commence an action in the district court of the county in which the substantial portion of farm or ranch land used in violation of this chapter is situated, if the attorney general has reason to believe that any person is violating this chapter. The attorney general shall file for record with the register of deeds of each county in which any portion of the land is located a notice of the pendency of the action. If the court finds that the land in question is being held in violation of this chapter, or that a corporation is conducting the business of farming or ranching in violation of this chapter, the court shall enter an order so declaring. The attorney general shall file any such order for record with the register of deeds of each county in which any portion of the land is located. Thereafter, the corporation shall, within the time set by the court not to exceed one year from the date of the court's final order, divest itself of any farming or ranching land owned or leased by it in violation of this chapter, and cease all farming and ranching operations. All farm or ranch land acquired by a nonprofit corporation through gift, bequest, or similar conveyance shall be disposed of by the nonprofit corporation within ten years after acquiring ownership, if the acquisition would otherwise violate this chapter. Nonprofit corporations which acquired ownership of land used for farming or ranching prior to July 1, 1983, shall dispose of the same on or before July 1, 1993. Any corporation that fails to comply with the court's order shall be dissolved by the secretary of state. The divestment period is deemed to be a covenant running with the title to the land against any corporate grantee, corporate successor, or

corporation assignee of the corporation not authorized to do business under this chapter. Any land not divested within the divestment period prescribed shall be sold at public sale in the manner prescribed by law for the foreclosure of real estate mortgage by action. In addition, any prospective or threatened violation may be enjoined by an action brought by the attorney general in the manner provided by law including enjoining the corporation from completing performance on the remainder of any leasehold which is in violation of this chapter. Any domestic or foreign corporation may acquire farm or ranch land as security for indebtedness, by process of law in the collection of debts, or by any procedure for the enforcement of a lien or claim thereon, whether created by mortgage or otherwise. All farm or ranch land acquired as security for indebtedness, in the collection of debts, or by the enforcement of a lien or claim shall be disposed of within three years after acquiring ownership, if the acquisition would otherwise violate this chapter. In the interim, in any of these circumstances, such land shall be leased to persons actually engaged in farming or ranching and a disposal shall not be to a corporation other than a corporation authorized under the provisions of this chapter. Any corporation continuing to violate the provisions of this chapter shall be dissolved by the attorney general in accordance with the provisions of the laws of this state."

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

SB 2239 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2259 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 16, after the period insert the words "A garnishment action brought pursuant to this chapter is the exclusive procedure which may be used to execute on earnings of a debtor while those earnings are held by a third party employer."

And renumber the lines accordingly

SEN. CHRISTENSEN; Chairman

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

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2260 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 25, delete the word "a" and insert in lieu thereof the words "per shoulder mile per"

On page 1, line 26, after the underscored period insert the following sentence: "If the board has made an assessment and the landowner has cut the weeds and grasses by November first, the board shall abate the assessment."

And renumber the lines accordingly

SEN. VOSPER, Chairman

SB 2260 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2261 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2261 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2303 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, after the word "of" remove the overstrike over the word "~~twelve~~" and delete the word "~~six~~"

On page 1, line 18, delete the words "unless the defendant makes a timely written demand"

On page 1, line 19, delete the words "for a jury of twelve"

On page 1, line 21, delete the words "and the"

On page 1, line 22, delete the words "request is approved by the court"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2303 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2305 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 4, delete the word "and"

On page 1, line 5, after the word "penalty" insert the words "; and to declare an emergency"

On page 2, line 29, delete the letter "A" and insert in lieu thereof the letter "B"

On page 4, line 5, after the numerals "19-03.1-23" insert the words ", or subsection 3 of section 3 of this Act"

On page 4, immediately after line 14, insert the following new section:

"SECTION 5. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

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

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

MR. PRESIDENT: Your Committee on Education to which was referred SB 2331 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

SB 2331 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2334 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 11, delete the word "four"

On page 1, line 11, remove the overstrikes over the word "six"

SEN. LODOEN, Chairman

SB 2334 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2360 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2360 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2361 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

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

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2382 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 11, remove the overstrike over the words  
"in duplicate"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2382 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2392 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2392 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2408 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2408 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4007 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4007 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4009 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4013 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4013 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4014 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4014 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4015 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4015 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, and members of the Senate:

One hundred years ago today, on January 25, 1883, the first meeting of the Ramsey County Commissioners was held at Devils Lake, Dakota Territory. Meanwhile at the Dakota Territorial Congress in Yankton, one of the delegates from the northern part of the territory was threatening to introduce a bill to move the capitol from Yankton to Devils Lake. Because he had the blessing of Jim Hill, railroad baron, the other delegates thought he might have enough votes to do it. They continued through the winter with the task of organizing counties with this threat hanging over them.

Meanwhile, Bishop Shanley, first bishop of the Fargo Diocese, assigned a young priest, Fr. Vincent Werle to Devils Lake with the assignment to minister to a small mission at Minot. He later started St. Gaul's Monastery on

the shore of Devils Lake, later moved it to Richardton and renamed it Assumption Abbey. This young pastor from Devils Lake was later to become the first bishop of the Bismarck Diocese.

Ramsey County and Devils Lake officially begin their centennial celebration this week. They have published two volumes of the history of the county to preserve the heritage of our grandfathers for future generations.

Thank you, Mr. President, and members of this assembly.

#### SECOND READING OF SENATE BILLS

SB 2034: A BILL for an Act making an appropriation for defraying the expenses of the bonding fund and the fire and tornado fund of the state of North Dakota.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2034 passed and the title was agreed to.

\*\*\*\*\*

SB 2035: A BILL for an Act making an appropriation for defraying the administrative expenses of the unsatisfied judgment fund of the state of North Dakota.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg;

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2035 passed and the title was agreed to.

\*\*\*\*\*

SB 2080: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 28-32-01 and a new chapter to the North Dakota Century Code, providing that the tax appeals board is not an administrative agency and relating to the tax appeals board; to repeal chapter 57-23.1 of the North Dakota Century Code, relating to the tax appeals board; and to declare an emergency.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 18 YEAS, 35 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Erickson; Hilken; Kilander; Krauter; Lee; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Parker; Redlin; Streibel; Tennefos; Vosper

NAYS: Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Matchie; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2080 was declared lost.

\*\*\*\*\*

SB 2093: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to self-insurance of the health insurance benefits coverage under the state uniform group insurance program; and to amend and reenact sections 54-52.1-01, 54-52.1-04, and 54-52.1-06 of the North Dakota Century Code, relating to

definitions and board authority to contract for insurance under the uniform group insurance program.

Which has been read.

#### ROLL CALL

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

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

NAYS: Adams; David; Tennefos

ABSENT AND NOT VOTING: Goodman

SB 2093 passed and the title was agreed to.

\*\*\*\*\*

SB 2133: A BILL for an Act to amend and reenact section 61-28.1-04 of the North Dakota Century Code, relating to approval of water systems.

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, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Miller Heinrich; Meyer, J.

ABSENT AND NOT VOTING: Goodman

SB 2133 passed and the title was agreed to.

\*\*\*\*\*

SB 2142: A BILL for an Act to create and enact a new subsection to section 18-01-02 and a new section to chapter 18-01 of the North Dakota Century Code, relating to providing for the education of the citizens of North Dakota on the hazards of fire through organized programs by the state fire marshal's office.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2142 passed and the title was agreed to.

\*\*\*\*\*

SB 2292: A BILL for an Act to amend and reenact sections 43-10-03, 43-10-10, 43-10-16, and 43-10-19 of the North Dakota Century Code, relating to the state board of embalmers and licensing of embalmers.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2292 passed and the title was agreed to.

\*\*\*\*\*

SB 2297: A BILL for an Act to amend and reenact subsection 1 of section 54-03-01.7 of the North Dakota Century Code, relating to the boundary for the first legislative district.

Which has been read.

#### ROLL CALL

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

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

NAYS: Bakewell

ABSENT AND NOT VOTING: Goodman

SB 2297 passed and the title was agreed to.

\*\*\*\*\*

SB 2298: A BILL for an Act to amend and reenact section 57-02-08.3 of the North Dakota Century Code, relating to the homestead credit for special assessments and to the postponement of the satisfaction of lien on certain transfers; and to provide an effective date.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore;

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

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2298 passed and the title was agreed to.

\*\*\*\*\*

SB 2300: A BILL for an Act to amend and reenact subsection 2 of section 57-33-04 of the North Dakota Century Code, relating to the taxation of rural electric cooperatives by cities.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Goodman

, SB 2300 passed and the title was agreed to.

\*\*\*\*\*

SB 2302: A BILL for an Act to amend and reenact section 47-19-07 of the North Dakota Century Code, relating to deeds recorded more than six months after acknowledgment.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander;

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

NAYS: None

ABSENT AND NOT VOTING: Goodman

SB 2302 passed and the title was agreed to.

\*\*\*\*\*

SB 2332: A BILL for an Act to create and enact a new subsection to section 57-02-08.1 of the North Dakota Century Code, relating to the homestead credit and farm structures exempt from taxation; and to provide an effective date.

Which has been read.

#### ROLL CALL

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

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

NAYS: Tweten

ABSENT AND NOT VOTING: None

SB 2332 passed and the title was agreed to.

\*\*\*\*\*

SB 2376: A BILL for an Act to create and enact a new subsection to section 26-02-36 of the North Dakota Century Code, relating to reasons for refusing to renew automobile insurance policy.

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

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 17 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Grotberg; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Maixner; Matchie; Meyer, D.; Meyer, J.; Stromme; Vosper; Walsh; Wogsland

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

ABSENT AND NOT VOTING: Heigaard

SB 2376 was declared lost.

\*\*\*\*\*

SB 2406: A BILL for an Act to amend and reenact subsections 1 and 12 of section 10-04-02, subsections 1 and 3 of section 10-04-03, subdivisions d and h of subsection 6 of section 10-04-05, section 10-04-08.1, section 10-04-13, and subsection 1 of section 10-04-16 of the North Dakota Century Code, relating to securities act definitions, administration exemptions, registration by qualification, appeals, and orders; to repeal section 10-04-12.1 of the North Dakota Century Code, relating to the board of review; and declaring 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2406 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SECOND READING OF A HOUSE BILL

HB 1171: A BILL for an Act to amend and reenact sections 12-47-03, 12-48.1-02, 12-54.1-03, 39-01-02, and 54-21-25 of the North Dakota Century Code, relating to the service of process in the penitentiary by law enforcement officers or the warden's designee, short leaves for state farm inmates, good time for penitentiary inmates as a control and security measure, penitentiary vehicles and cars, contracts for services with private or other correctional facilities, and the exchange and transfer of prisoners.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1171 passed and the title was agreed to.

\*\*\*\*\*

MOTION

SEN. NETHING MOVED that after the reading of SB 2148, SB 2196, SB 2256, SB 2261, SB 2360, SB 2361, SB 2392, SB 2408, SCR 4007, SCR 4009, SCR 4013, SCR 4014, and SCR 4015, the Senate adjourn and convene at 1:00 p.m., Wednesday, January 26, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary