

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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THIRTY-EIGHTH DAY

Bismarck, February 28, 1983

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

The prayer was offered by Sister Kathleen Atkinson, St. Mary's Central High School, Bismarck.

Blessed are You, Lord our God, who has made us free persons.

With joyful hearts uplifted in gratitude, we rejoice in that freedom which each of us has been given. We are a free people since we have come forth from the God of freedom. We are a free people because we have worked to remain free of all that threatens to enslave us. As You directed Your holy servant Moses to lead Your children Israel from slavery, from the oppression of Egypt, so continue to direct us in this assembly.

As free sons and daughters of God, may the lamp of truth burn brightly in our decisions and in each of our hearts. May our profound reverence for truth, as piercing as a sword and ever-liberating, be our burning torch of freedom and our shield against injustice.

Blessed are You, Lord our God, who has made us free persons. 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 Thirty-seventh day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGES 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:

SCR 4040, SCR 4042, SCR 4043, SCR 4046, SCR 4047, SCR 4049,  
SCR 4050

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1216, HB 1223, HB 1227, HB 1231, HB 1232, HB 1239,  
HB 1265, HB 1288, HB 1291, HB 1294, HB 1301, HB 1304,  
HB 1307, HB 1309, HB 1310, HB 1313, HB 1314, HB 1320,  
HB 1321, HB 1322, HB 1340, HB 1361, HB 1363, HB 1364,  
HB 1377, HB 1381, HB 1382, HB 1515, HB 1690

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1283, HB 1292, HB 1380, HB 1388

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1064, HB 1065, HB 1110, HB 1130, HB 1219, HB 1220,  
HB 1225, HB 1271, HB 1274, HB 1287, HB 1303

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1071 and subsequently passed the same.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

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:

HCR 3067, HCR 3072

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 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,  
 SB 2097, SB 2111, SB 2116, SB 2135, SB 2136, SB 2138,  
 SB 2183, SB 2190, SB 2202, SB 2231, SB 2236, SB 2252,  
 SB 2253, SB 2263, SB 2292, SCR 4016

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2160

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1045, HB 1090, HB 1137, HB 1139, HB 1141, HB 1196,  
 HB 1251, HB 1268, HB 1273, HB 1281, HB 1298, HB 1375,  
 HB 1472, HB 1578

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

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 enrolled:

SB 2132, SB 2143

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2132, SB 2143, HB 1045, HB 1090, HB 1137, HB 1139,  
 HB 1141, HB 1196, HB 1261, HB 1268, HB 1273, HB 1281,  
 HB 1298, HB 1375, HB 1472, HB 1578

LEO LEIDHOLM, Secretary

MOTIONS

SEN. NOTHING MOVED that the Senate be on the Fourteenth order of business, which motion prevailed.

SEN. NOTHING MOVED that HB 1174 and HB 1353 be moved to the head of the calendar, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1174: A BILL for an Act to create and enact section 61-28-06.1 of the North Dakota Century Code, relating to water pollution permit fees.

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; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzeli; Goodman; Grotberg; Heigaard; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Miller Heinrich

ABSENT AND NOT VOTING: Tallackson

HB 1174 passed and the title was agreed to.

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HB 1353: A BILL for an Act to amend and reenact section 49-22-19 of the North Dakota Century Code, relating to judicial review of the issuance of a certificate of corridor compatibility by the public service commission.

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

## MOTION

SEN. MAIXNER MOVED that HB 1353 be amended as follows:

On page 1, line 9, delete the word "party" and insert in lieu thereof the word "person"

## MOTIONS

SEN. MAIXNER MOVED that the proposed amendments be adopted, which motion prevailed on a division vote.

SEN. MAIXNER MOVED that the rules be suspended, that HB 1353 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1353: A BILL for an Act to amend and reenact section 49-22-19 of the North Dakota Century Code, relating to judicial

review of the issuance of a certificate of corridor compatibility by the public service commission.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 19 YEAS, 33 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Redlin; Satrom; Vosper; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Meyer, D.; Moore; Nutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom; Wright

ABSENT AND NOT VOTING: Lodoen

HB 1353 was declared lost.

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#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1067 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1067 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1072 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. GOODMAN, Chairman

HB 1072 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1073 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. GOODMAN, Chairman

HB 1073 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1166 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1166 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1300 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 28, delete the word "notwithstanding" and insert in lieu thereof the word "less", and after the word "other" insert the word "paid"

On page 2, line 1, after the word "year" and before the period insert the words "pursuant to this section"

On page 2, line 5, after the word "given" insert the words "the option of time off with a concurrent loss of pay for the period missed or must be given"

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

HB 1300 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1442 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

HB 1442 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1445 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 11, delete the word "in" and insert in lieu thereof the words "which are more restrictive than state law"

On page 1, line 12, delete the words "any form", delete the word "such", and after the word "ordinances" insert the words "which are more restrictive than state law"

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

HB 1445 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1450 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1450 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1462 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1462 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1514 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1514 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1535 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 11 of the engrossed bill, line 16, remove the overstrike over the words "~~Not shall it prevent schools~~", and after the overstruck comma insert the word "and", and remove the overstrike over the letters "~~IMEA's~~"

On page 11 of the engrossed bill, line 17, remove the overstrike over the words "~~from furnishing therapy~~"

On page 11 of the engrossed bill, line 18, remove the overstrike over the words "~~service to their players and members.~~"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

HB 1535 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 HB 1580 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1580 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1598 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1598 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1633 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1633 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1645 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1645 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1662 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1662 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1689 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1689 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1716 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 2, delete the words "any form of liquefied petroleum gas in certain" and insert in lieu thereof the words "certain forms of gas in"

On page 1 of the engrossed bill, delete lines 6 through 11 and insert in lieu thereof the words

"SECTION 1. Use of heating devices in unvented structures prohibited - Penalty. It is"

On page 1 of the engrossed bill, line 12, delete the words "for any person to maintain" and insert in lieu thereof the words "to use"

On page 1 of the engrossed bill, line 13, delete the words "liquefied petroleum gas" and insert in lieu thereof the words "material composed predominantly of butane (normal butane or isobutane), butylenes, kerosene, propane, or propylene"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

HB 1716 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HCR 3006 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HCR 3006 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HCR 3025 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3025 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### CONSIDERATION OF AMENDMENTS

SEN. WRIGHT MOVED that the amendments to HB 1454 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1148-1150 of the Senate Journal be adopted, and that HB 1454 be referred to the Committee on Appropriations, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1498 as recommended by the Committee on Political Subdivisions as printed on page 1150 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1661 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1151 and 1152 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1209: A BILL for an Act to cancel and declare forfeited water permit number 3134, relating to the right of the North Dakota parks and recreation department to take water from the Turtle River; and to declare an emergency.

HB 1509: A BILL for an Act to amend and reenact sections 11-23-02, 11-23-05, and 11-23-09 of the North Dakota Century Code, relating to county budget procedures.

HB 1552: A BILL for an Act to amend and reenact sections 40-21-02 and 40-21-03 of the North Dakota Century Code, relating to city election officials.

HB 1591: A BILL for an Act to amend and reenact section 23-06-30 of the North Dakota Century Code, relating to the identification and maintenance of abandoned cemeteries.

Which have been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; 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; Woymland; Wright

NAYS: None

ABSENT AND NOT VOTING: David

The bills passed, the titles were agreed to, and the emergency clause carried on HB 1209.

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SECOND READING OF A SENATE BILL

SB 2249: A BILL for an Act to amend and reenact sections 5-01-06, 11-15-03, 11-29-10, 11-29-20, 12-53-13, subsection 2 of section 12.1-20-01, sections 12.1-20-02, 12.1-29-02, 14-02-06, 14-02-08, 14-03-07, 14-05-06,

14-05-07, 14-05-25, 14-05-26, 14-07-03, 14-07-05, 14-07-08, 14-07-10, 14-07-11, 14-07-16, 14-07-20, 14-07-21, 14-07-22, 14-08-01, 14-08-02, 14-08-03, 14-08-04, 14-09-05, 14-09-05, 14-09-06, 14-09-08, 14-09-09, 18-11-17, 23-14-04, 26-10-17, 27-17-01, 27-17-02, 28-21-12, 28-22-11, 32-04-12, 34-07-16, subsection 7 of section 37-01-40, 37-02-01, 37-07-01, 37-12-01, 37-15-02, 37-15-10, 44-08-17, 50-02-01, 50-02-03, 50-02-04, and 54-01-26 of the North Dakota Century Code, relating to correcting sex discriminatory language in North Dakota statutes, eliminating spousal immunity for the crime of gross sexual imposition, and eliminating rights of personal relation; and to repeal section 50-02-02 of the North Dakota Century Code, relating to acquiring residency in North Dakota.

Which has been read and is being reconsidered.

#### ROLL CALL

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

YEAS: Earth; Dotzenrod; Fritzell; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; Dykshoorn; Erickson; Goodman; Grotberg; Hilken; Lee; Leibhan; Moore; Mutch; Naaden; Nelson; Parker; Streibel; Tennefos; Thane; Tweten; Wright

ABSENT AND NOT VOTING: David

SB 2249 passed and the title was agreed to.

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#### SECOND READING OF A HOUSE BILL

HB 1044: A BILL for an Act to create and enact a new section to chapters 6-01 and 6-06 of the North Dakota Century Code, relating to an assessment on state-chartered banks and state-chartered credit unions for additional examinations; and to amend and reenact sections 6-01-17, 6-05-28, subsection 4 of section 6-06-08, and section 6-09-29 of the North Dakota Century Code, relating to a yearly assessment on state-chartered banks, and examination fees for trust companies, credit unions, the North Dakota central credit union, and the Bank of North Dakota.

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

HB 1044 passed and the title was agreed to.

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## MOTION

SEN. TODD MOVED that HB 1055 be laid over two legislative days, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1056: A BILL for an Act to amend and reenact sections 27-07.1-17, 30.1-02-02, 30.1-32-01, 30.1-32-03, 30.1-32-04, 30.1-33-01, 30.1-33-03, 30.1-33-04, 30.1-33-05, 30.1-33-06, 30.1-34-03, 30.1-34-04, 30.1-34-05, 32-03-28, 33-06-01, 33-06-02, 33-06-03, 33-06-04, 57-27-01, 59-01-11, 59-02-12, 59-02-20, 59-04-02, 59-04-03, 59-04-04, 59-04-08, 59-04-10, 59-04-15, 59-04-24, 59-04-25, 59-04-26, 59-04-27, 59-04-29, 59-04-31, 59-05-28, and 59-C5-55, relating to county court jurisdiction over trusts, garnishment, attachment, claim and delivery of property, and forcible detainer 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

HB 1056 passed and the title was agreed to.

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#### MOTION

SEN. NOTHING MOVED that the Senate stand in recess for twenty minutes, which motion prevailed.

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

#### SECOND READING OF HOUSE BILLS

HB 1086: A BILL for an Act to amend and reenact sections 19-01-10, 19-02.1-21, 19-08-01, 19-08-03, and 19-08-05 of the North Dakota Century Code, relating to the regulation of beverages by the state laboratories department.

Which has been read and is placed on the calendar without recommendation.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson; Redlin; Satrom; Stenehjelm; Stromme; Tallackson; Todd; Vosper; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Erickson; Fritzell; Holmberg; Leibhan; Lips; Moore; Mutch; Naaden; Nelson; Nothing; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Tweten; Wenstrom; Wright

ABSENT AND NOT VOTING: David; Lee

HB 1086 passed and the title was agreed to.

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HB 1138: A BILL for an Act to create and enact two new subsections to section 20.1-02-05 of the North Dakota Century Code, relating to the powers of the game and fish commissioner.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; 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; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Bakewell; Barth; Lashkowitz; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: David

HB 1138 passed and the title was agreed to.

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HB 1378: A BILL for an Act to amend and reenact section 32-23-06 of the North Dakota Century Code, relating to the rendering of declaratory judgments.

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; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; 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: David; Matchie

HB 1378 passed and the title was agreed to.

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HB 1485: A BILL for an Act to create and enact sections 4-30-36.2 and 4-30-36.3 of the North Dakota Century Code, relating to the rating and sampling milk and dairy products and certification of laboratories; to amend and reenact sections 4-29-02 and 4-30-18 of the North Dakota Century Code, relating to the appointment of assistants and officers to the state dairy commissioner and the procedures, equipment, and supplies used to sample and test milk or dairy products.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Dotzenrod; Dykshoorn; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Naaden; Olson; Parker; Redlin; Satrom; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Christensen; Erickson; Lee; Leibhan; Mutch; Nelson; Nething; Feteison; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Wenstrom

ABSENT AND NOT VOTING: David

HB 1485 passed and the title was agreed to.

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HB 1494: A BILL for an Act to amend and reenact sections 43-37-01, 43-37-02, 43-37-03, 43-37-04, 43-37-05, 43-37-06, 43-37-08, 43-37-09, 43-37-13, and 43-37-18 of the North Dakota Century Code, relating to licensure of audiologists and speech-language pathologists; and to repeal sections 43-37-07, 43-37-10, 43-37-11, 43-37-12, 43-37-14, 43-37-15, 43-37-16, and 43-37-17 of the North Dakota Century Code, relating to the licensing and regulation of audiologists and speech pathologists.

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; Barth; Berube; Christensen; 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; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: David; Redlin

HB 1494 passed and the title was agreed to.

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HB 1522: A BILL for an Act to amend and reenact section 51-13-06.2 of the North Dakota Century Code, relating to applicability of a retail installment sale of personal property.

Which has been read.

#### MOTION

SEN. PARKER MOVED that HB 1522 be amended as follows:

On page 1, line 11, overstrike the word "thirty-" and insert immediately thereafter the word "twenty-"

#### MOTIONS

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

SEN. PARKER MOVED that the rules be suspended, that HB 1522 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1522: A BILL for an Act to amend and reenact section 51-13-06.2 of the North Dakota Century Code, relating to applicability of a retail installment sale of personal property.

#### ROLL CALL

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

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

ABSENT AND NOT VOTING: David

HB 1522 passed and the title was agreed to.

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MOTION

SEN. NETHING MOVED that HB 1522 be typed with amendments and distributed to the assembly prior to messaging it to the House, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1560: A BILL for an Act to amend and reenact section 32-08.1-08 of the North Dakota Century Code, relating to the service of writs of attachment and limitations on seizure.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: David; Mutch

HB 1560 passed and the title was agreed to.

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HB 1604: A BILL for an Act to amend and reenact section 27-07.1-04 of the North Dakota Century Code, relating to salaries of county judges.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Lodoen; Naaden; Olson; Stenehjem; Wright

ABSENT AND NOT VOTING: David

HB 1604 passed and the title was agreed to.

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HB 1615: A BILL for an Act to create and enact a new section to chapter 26-30 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 26.1-04 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to the use of visual acuity as a factor in issuing, rejecting, and rating policies or contracts of life or health protection.

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; 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: David

HB 1615 passed and the title was agreed to.

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#### MOTION

SEN. HOLMBERG MOVED that HB 1636 be laid over one legislative day, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1672: A BILL for an Act to amend and reenact section 4-08-10.1 of the North Dakota Century Code, relating to the premiums received by county agents for achievement days programs.

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

NAYS: None

ABSENT AND NOT VOTING: David; Stenehjem

HB 1672 passed and the title was agreed to.

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SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Council to create a special Legislative Council interim committee to conduct a study of the impacts on North Dakota from the proposed Tenneco coal gasification plant at Wibaux, Montana.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3002 was declared adopted on a voice vote.

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MOTION

SEN. LIPS MOVED that HB 1003 be laid over two legislative days, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

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

Mr. President, ladies and gentlemen of the Senate: The North Dakota State High School Activities Association sanctioned the first state hockey tournament in 1962. This past Saturday, February 26, 1983, the school I consider my alma mater, Central High School at Grand Forks, defeated another Grand Forks team, Red River, to become the #1 hockey team in the state.

In the twenty-two year history of state hockey championships, Grand Forks Central has won the title outright eighteen times and tied once. Congratulations to Grand Forks Central and also the #2 team, Grand Forks Red River.

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:

SCR 4041, SCR 4045, SCR 4048

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGE 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:

HCR 3035, HCR 3036, HCR 3038, HCR 3043, HCR 3044, HCR 3045,  
HCR 3046, HCR 3049, HCR 3051, HCR 3052, HCR 3053, HCR 3054,  
HCR 3055, HCR 3056, HCR 3057, HCR 3058, HCR 3059, HCR 3060,  
HCR 3061, HCR 3062, HCR 3063, HCR 3064, HCR 3065, HCR 3068,  
HCR 3069, HCR 3070, HCR 3071, HCR 3073, HCR 3074, HCR 3075,  
HCR 3076, HCR 3077, HCR 3079, HCR 3080, HCR 3081, HCR 3082,  
HCR 3083, HCR 3084, HCR 3085

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

SEN. NETHING MOVED that after the reading of HB 1067, HB 1072, HB 1073, HB 1166, HB 1442, HB 1450, HB 1462, HB 1498, HB 1514, HB 1580, HB 1598, HB 1633, HB 1636, HB 1645, HB 1661, HB 1662, HB 1689, HCR 3006, and HCR 3025, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 1, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary