

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FORTIETH DAY

Bismarck, March 2, 1983

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

The prayer was offered by Rev. Hal Staats, First Presbyterian Church, Bismarck.

O Lord, Father of us all, help each of us to do justly in all our dealings with You and with all we represent. Help us to go beyond what is acceptable so that all we do gives love, hope, justice to ourselves and others. Lead us in true humility so that all we do is pleasing in Your sight. Guide us in all things and provide for us the strength and courage necessary to complete Your tasks, whether it be with associates, family, friends, or the many we represent but do not know. In the name of our God, we pray. Amen.

ROLL CALL

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

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-ninth 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 return herewith the following which the Senate has passed unchanged:

HB 1072, HB 1073, HB 1166, HB 1450, HB 1462, HB 1514,
HB 1580, HB 1598, HB 1633, HB 1636, HB 1645, HB 1689,
HCR 3006, HCR 3025

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1498, HB 1661

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 1067, HB 1662

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1026, HB 1040, HB 1043, HB 1046, HB 1050, HB 1066,
HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111,
HB 1112, HB 1113, HB 1115, HB 1122, HB 1123, HB 1131,
HB 1136, HB 1140, HB 1145, HB 1154, HB 1155, HB 1156,
HB 1160, HB 1164, HB 1175, HB 1179, HB 1180, HB 1181,
HB 1183, HB 1185, HB 1186, HB 1192, HB 1193, HB 1194,
HB 1195, HB 1204, HB 1205, HB 1207, HB 1213, HB 1214

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

SB 2120, SB 2148, SB 2377

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2132, SB 2143

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 1048, HB 1071, HB 1190, HB 1215

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 2100, SB 2129, SB 2209, SB 2218, SB 2221, SB 2237,
SB 2256, SB 2257, SB 2330, SB 2349, SB 2389

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1130, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on HB 1130:

Reps. E. Pomeroy, Wentz, Vig

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2058 and SB 2102 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2058

On page 1 of the engrossed bill, line 13, overstrike the word "he" and insert immediately thereafter the words "the person"

On page 1 of the engrossed bill, line 16, overstrike the word "his" and after the overstruck word "~~post-offiice~~" insert the words "the signer's"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2102

On page 1, line 17, delete the words "one hundred" and insert in lieu thereof the word "seventy-five"

And renumber the lines accordingly

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 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,
 SB 2097, SB 2111, SB 2116, SB2135, SB 2136, SB 2138,
 SB 2166, SB 2183, SB 2190, SB 2202, SB 2208, SB 2211,
 SB 2231, SB 2236, SB 2290, SB 2292, SCR 4016

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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 2166, SB 2183, SB 2190, SB 2202, SB 2208, SB 2211,
 SB 2231, SB 2236, SB 2290, SB 2292, SCR 4016

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

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 2166, SB 2183, SB 2190, SB 2202, SB 2208, SB 2211,
 SB 2231, SB 2236, SB 2290, SB 2292, SCR 4016

Very respectfully,

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to HB 1151 as recommended by the Committee on Judiciary as printed on pages 1218 and 1219 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to HB 1203 as recommended by the Committee on Natural Resources as printed on page 1219 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1530 as recommended by the Committee on Appropriations as printed on pages 1220 and 1221 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1583 as recommended by the Committee on Industry, Business, and Labor as printed on

page 1221 of the Senate Journal be adopted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SCR 4052 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4052 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 rereferred HB 1054 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 29, delete the first word "and", and delete the words "an effective date and"

On page 1 of the engrossed bill, line 30, after the word "transition" insert the words "; and to declare an emergency"

On page 7 of the engrossed bill, line 16, delete the words "forty-eight thousand" and insert in lieu thereof the words "thirty-three thousand five hundred"

On page 15 of the engrossed bill, line 32, after the period insert the following sentence: "An insurance company organized or admitted to transact business in this state may reinsure a part or all of any risk taken by it in an insurance company or insurer not licensed in any state, if it is approved or accepted by the commissioner."

On page 292 of the engrossed bill, delete lines 3 through 5

On page 292 of the engrossed bill, after line 17, insert the following new section:

"SECTION 29. EMERGENCY. Section 26.1-02-20 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. REITEN, Chairman

HB 1054 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 1128 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1128 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 1153 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1153 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 1200 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1200 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 1208 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 numeral "27-11-17,"

On page 2 of the engrossed bill, delete lines 19 through 34

On page 3 of the engrossed bill, line 17, remove the overstrike over the word "~~7, net~~"

On page 3 of the engrossed bill, line 18, remove the overstrike over the words "~~to exceed one hundred~~", after the overstruck word "~~fifty~~" insert the word "seventy-five", and remove the overstrike over the word "~~dollars~~"

And renumber the lines, sections, and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1208 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 1222 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1222 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 1282 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1282 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 1286 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1286 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 1293 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

HB 1293 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 1350 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1350 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 1383 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1383 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 1385 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1385 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 1419 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1419 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 1424 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1424 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 1429 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 4 of the engrossed bill, line 24, delete the word "five" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

HB 1429 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 HB 1448 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1448 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 1531 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1531 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 1547 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1547 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 1553 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1553 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 1648 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 1648 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1722 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1722 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTIONS

SEN. LIPS MOVED that HB 1003 be laid over one legislative day, which motion prevailed.

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

SECOND READING OF HOUSE BILLS

HB 1081: A BILL for an Act to require production of oil and gas underlying lands contained in spacing units.

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 12 YEAS, 41 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Walsh; Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: None

HB 1081 was declared lost.

HB 1300: A BILL for an Act to amend section 37-01-25 of the North Dakota Century Code, relating to military leave.

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 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Hilken; Holmberg; Krauter; Lee; Leibhan; Lips; Lodoen; Matchie; Moore; Mutch; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wright

NAYS: Barth; David; Heigaard; Kilander; Kusler; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Nelson; Tennesfos; Tweten; Walsh; Wogsland

ABSENT AND NOT VOTING: Wenstrom

HB 1300 passed and the title was agreed to.

HB 1422: A BILL for an Act to amend and reenact sections 28-24-02, 28-24-03, 28-24-06, 28-24-07, and 28-24-10 of the North Dakota Century Code, relating to redemption of real estate by the judgment debtor or redeptioner during the period of redemption, protection of the purchaser, and notice of additional lien during the period of redemption.

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

HB 1422 passed and the title was agreed to.

MOTION

SEN. GOODMAN MOVED that HB 1442 be referred back to the Committee on Finance and Taxation, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1445: A BILL for an Act to create and enact two new sections to chapter 62-04 of the North Dakota Century Code, relating to regulation of firearms and ammunition; and to provide a penalty.

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

ROLL CALL

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

YEAS: Adams; Barth; Berube; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Miller Heinrich; Hilken; Krauter; Kusler; Lee; Meyer, D.; Mutch; Naaden; Nelson; Parker; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Waldera; Wogsland

NAYS: Bakewell; Christensen; David; Goodman; Heigaard; Holmberg; Kilander; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Nething; Olson; Peterson; Redlin; Satrom; Stenehjem; Todd; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: None

HB 1445 passed and the title was agreed to.

HB 1457: A BILL for an Act to amend and reenact subsections 1 and 2 of section 5-02-02 of the North Dakota Century Code, relating to the retail licensing of liquor establishments; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; 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: Krauter

HB 1457 passed, the title was agreed to, and the emergency clause carried.

HB 1471: A BILL for an Act to amend and reenact section 6-05.1-04 of the North Dakota Century Code, relating to the trust offices of subsidiary trust companies.

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, 2 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; 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: Maixner; Redlin

ABSENT AND NOT VOTING: None

HB 1471 passed and the title was agreed to.

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.

MOTIONS

SEN. PARKER MOVED that the Senate reconsider the action whereby the amendments to HB 1522 were adopted on page 1200 of the Senate Journal, which motion prevailed.

SEN. PARKER MOVED that the Senate reconsider the action whereby the amendments to HB 1522 were adopted on page 1147 of the Senate Journal, which motion prevailed.

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

On page 1, line 11, overstrike the word "thirty"

On page 1, line 12, overstrike the word "five" and insert immediately thereafter the word "twenty-five"

And renumber the lines accordingly

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

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

NAYS: Miller Heinrich; Lashkowitz; Matchie; Walsh

ABSENT AND NOT VOTING: Naaden

HB 1522 passed and the title was agreed to.

HB 1524: A BILL for an Act to amend and reenact sections 39-08-13 and 39-16-03 of the North Dakota Century Code, relating to accessibility to motor vehicle accident report forms and abstracts of driving records.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Christensen; David; Dykshoorn; Erickson; Goodman; Hilken; Holmberg; Kilander; Krauter; Lee; Leibhan; Lodoen; Meyer, J.; Moore; Mutch; Naaden; Nething; Olson; Parker; Peterson; Reiten; Stenehjerm; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Wright

NAYS: Berube; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Kusler; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Nelson; Redlin; Satrom; Stromme; Vosper; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: None

HB 1524 passed and the title was agreed to.

HB 1535: A BILL for an Act to amend and reenact sections 43-25-02, 43-25-03, 43-25-04, 43-25-05, 43-25-06, 43-25-07, 43-25-08, 43-25-09, 43-25-10, 43-25-11, 43-25-12, and 43-26-12 of the North Dakota Century Code, relating to massage registration and defining "massage therapist", exemption from registration, nonapplication of physical therapist registration provisions, and replacing masseur and masseuse with massage therapist.

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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1535 passed and the title was agreed to.

HB 1555: A BILL for an Act to create and enact two new sections to chapter 54-44.3 of the North Dakota Century Code, relating to the listing of state classified job vacancies and eliminating or replacing personnel or positions by newly appointed or elected officials; to amend and reenact sections 54-44.3-01, 54-44.3-03, 54-44.3-06, 54-44.3-07, 54-44.3-10, 54-44.3-11, 54-44.3-12, and 54-44.3-20, relating to the structures and duties of the state personnel board, the director of the central personnel division and the categories of positions in state service included within classified service; and to provide for the expiration of the terms of the current members of the state personnel board.

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

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

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

HB 1555 was declared lost.

HB 1632: A BILL for an Act to amend and reenact sections 27-15-01, 27-15-02, and 27-15-10 of the North Dakota

Century Code, relating to the membership and expenses of the judicial council.

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; 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: Redlin

HB 1632 passed and the title was agreed to.

HB 1716: A BILL for an Act to prohibit the use of a heating device which uses certain forms of gas in structures which are not properly vented; and to provide a penalty.

Which has been read.

MOTION

SEN. MAIXNER MOVED that HB 1716 be amended as follows:

On the portion of the Senate amendment to House Bill 1716 on page 1, line 13, delete the word "kerosene"

MOTIONS

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

SEN. NOTHING MOVED that the rules be suspended, that HB 1716 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. KUSLER MOVED that HB 1716 be laid over one legislative day, which motion prevailed.

WEDNESDAY, MARCH 2, 1983

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REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 2:42 p.m., March 2, 1983:

SB 2132, SB 2143

SEN. FRITZELL, Chairman

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

MOTIONS

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

SEN. NETHING MOVED that after the reading of SCR 4052, HB 1003, HB 1128, HB 1151, HB 1153, HB 1200, HB 1203, HB 1222, HB 1282, HB 1286, HB 1293, HB 1350, HB 1383, HB 1385, HB 1419, HB 1424, HB 1448, HB 1530, HB 1531, HB 1547, HB 1553, HB 1583, HB 1716, HB 1722, HCR 3009, HCR 3023, and HCR 3042, the Senate adjourn and convene at 1:00 p.m., Thursday, March 3, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary