

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

\* \* \* \* \*

SEVENTH DAY

Bismarck, January 16, 1985

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

The prayer was offered by Reverend Stanley Malmgren, First Baptist Church, Bismarck.

Almighty God and Heavenly Father, as we come into Thy presence this hour we acknowledge Thy greatness and Thy goodness. Thou has favored us as a state and as individuals with many blessings. For these blessings we render our thanksgivings.

We come humbly recognizing our need of Thee and desire that Thou wilt give us both knowledge and wisdom in governing the affairs of the state of North Dakota. We seek Thy guidance in our deliberations and for the decisions to be rendered this day.

Forgive us our shortcomings and transgressions.

We thank Thee for hearing our petitions as we have prayed in the name of Christ the Lord, Your Son, Saviour for all mankind. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senator Stenehjem.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. DAVID, Chairman

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

REPORT OF PROCEDURAL COMMITTEES

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

SB 2082

SEN. BAKEWELL, Chairman

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

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that they have examined the following bill and find the same correctly enrolled:

SCR 4016

SEN. BAKEWELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SCR 4016

LEO LEIDHOLM, Secretary

## FIRST READING OF SENATE BILLS

Sen. Lips introduced:

SB 2280: A BILL for an Act to amend and reenact section 24-02-11 of the North Dakota Century Code, relating to confidentiality of certain records of the highway commissioner.

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

Sens. Lips, Satrom, Mushik and Reps. Martinson, Kelly introduced:

SB 2281: A BILL for an Act to provide for the creation of venture capital corporations and to provide for income tax credits; and to create and enact a new subsection to section 10-04-05 and a new subsection to section 10-04-06 of the North Dakota Century Code, relating to exempt securities and transactions.

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

Sen. Holmberg introduced:

SB 2282: A BILL for an Act to amend and reenact section 44-01-03 of the North Dakota Century Code, relating to the date state and district officers qualify for office.

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

Sens. Maixner, Langley, Moore and Reps. R. Anderson, Murphy introduced:

SB 2283: A BILL for an Act to create and enact a new section to chapter 36-04 and a new subsection to section 36-04-10 of the North Dakota Century Code, relating to payment for

livestock prior to transportation and grounds for revocation of a livestock dealer's license.

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

Sens. Dotzenrod, Tweten and Reps. Nowatzki, Kent introduced:

SB 2284: A BILL for an Act to establish a North Dakota soybean council; to provide a penalty; and to provide an appropriation.

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

Sen. Olson introduced:

SB 2285: A BILL for an Act to amend and reenact sections 11-17-10, 27-07.1-08, and 27-08.1-07 of the North Dakota Century Code, relating to retention and disposition schedules for district court and county court records.

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

Sen. Olson introduced:

SB 2286: A BILL for an Act to amend and reenact section 57-24-01 of the North Dakota Century Code, relating to the county treasurer giving notice of a tax sale by mail.

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

Sen. Olson introduced:

SB 2287: A BILL for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code, relating to the right of the state to appeal in criminal prosecutions.

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

Sen. Olson introduced:

SB 2288: A BILL for an Act to create and enact a new section to chapter 26-06 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code as created by Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to a standard health insurance claim form.

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

Sens. Holmberg, Ingstad, Kilander and Reps. Cleveland, Moore, Schneider introduced:

SB 2289: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons sixty-five years of age or older with limited income; and to provide an effective date.

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

**FIRST READING OF A SENATE CONCURRENT RESOLUTION**

Sens. Nething, Heigaard and Reps. Strinden, Mertens introduced:  
**SCR 4019:** A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the fourth day of March, 1985, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

Was read the first time.

**MOTION**

**SEN. NETHING MOVED** that the rules be suspended, that SCR 4019 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Nething, Heigaard and Reps. Strinden, Mertens introduced:

**SENATE CONCURRENT RESOLUTION NO. 4019**

A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the fourth day of March, 1985, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

**WHEREAS**, the health and future welfare of the citizens of this state are inextricably entwined; and

**WHEREAS**, it is each individual's own responsibility to contribute to that person's own health and physical welfare; and

**WHEREAS**, to heighten our awareness of the importance of physical fitness the North Dakota Association for Health, Physical Education, Recreation and Dance has volunteered to perform a variety of health care screening and assessment services for members of the Legislative Assembly and their employees; and

**WHEREAS**, a day of physical fitness recognized as such by the Legislative Assembly will serve to promote the public's awareness of the importance of good health care practices;

**NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:**

That the fourth day of March, 1985 be designated as "Legislative Fitness Day"; and

**BE IT FURTHER RESOLVED**, that all appropriate state agencies are encouraged to promote public awareness of the importance of physical fitness and good health care practices.

## SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution recognizing the need for public awareness of the importance of physical fitness, designating the fourth day of March, 1985, as "Legislative Fitness Day", and urging all appropriate state agencies to promote public awareness of the importance of physical fitness.

Was read the second time.

The question being on the final adoption of the resolution.

SCR 4019 was declared adopted.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Tallackson, Vosper, Wogsland and Reps. Vander Vorst, Stofferahn introduced:

SCR 4017: A concurrent resolution urging Congress and the Internal Revenue Service to remove the restrictions of the Tax Reform Act of 1984 upon farmers and small businessmen which require adequate contemporaneous records to substantiate the business purpose of travel deductions.

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

Sen. Waldera and Rep. V. Olson introduced:

SCR 4020: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to the establishment of a system of higher education composed of the university of North Dakota and school of mines at Grand Forks, the North Dakota state university at Fargo, with the experiment station at Fargo with its substations, the state university of North Dakota at Dickinson, the state university of North Dakota at Mayville, the state university of North Dakota at Minot, the state university of North Dakota at Valley City, and the North Dakota junior college at Bismarck, the North Dakota junior college at Bottineau, the North Dakota junior college at Devils Lake, the North Dakota junior college at Wahpeton, and the North Dakota junior college at Williston; to establish the highest degrees to be granted by state institutions of higher education; to remove the authority to establish other institutions of higher education; and to provide an effective date.

Was read the first time and referred to the Committee on Constitutional Revision.

## FIRST READING OF HOUSE BILLS

HB 1060: A BILL for an Act to amend and reenact sections 11-10-02, 11-21-01, and 11-21-04 of the North Dakota Century Code, relating to the office of public administrator.

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

**HB 1073:** A BILL for an Act to amend and reenact sections 44-02-03 and 44-02-04 of the North Dakota Century Code, relating to filling a vacancy in the office of district or county judge or supreme court justice.

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

**HB 1074:** A BILL for an Act to amend and reenact section 44-06-01 of the North Dakota Century Code, relating to the qualifications of notaries public.

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

**HB 1105:** A BILL for an Act to amend and reenact subdivisions e, f, and g of subsection 1 of section 38-14.1-14, subsection 5 of section 38-14.1-21, and subsection 3 of section 38-14.1-33 of the North Dakota Century Code, relating to permit application requirements for surface coal mining and reclamation operations, permit approval and denial standards for surface coal mining and reclamation operations, and the issuance of permits for surface coal mining and reclamation operations.

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

**HB 1106:** A BILL for an Act to amend and reenact 38-14.1-07 of the North Dakota Century Code, relating to mining prohibited in certain areas.

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

**HB 1119:** A BILL for an Act to amend and reenact section 4-30-36 of the North Dakota Century Code, relating to the minimum standards for grade A milk.

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

**HB 1120:** A BILL for an Act to amend and reenact section 15-60-04 of the North Dakota Century Code, relating to purposes and amount expended for construction.

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

**HB 1140:** A BILL for an Act to amend and reenact section 39-20-13 of the North Dakota Century Code, relating to blood tests in motor vehicle accidents resulting in a fatality.

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

**HB 1176:** A BILL for an Act to amend and reenact section 39-10-44 of the North Dakota Century Code, relating to traffic signs.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution directing the Legislative Council to study the statutes governing the rulemaking procedures and grants of rights of appeal from decisions of administrative agencies.

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

#### MESSAGES TO THE HOUSE SENATE CHAMBER

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

SB 2036, SB 2083, SB 2136, SB 2156, SB 2166, SCR 4011  
LEO LEIDHOLM, Secretary

#### SENATE CHAMBER

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

SCR 4016  
LEO LEIDHOLM, Secretary

#### RECOGNITION

SEN. NETHING ANNOUNCED to the Assembly that Miss Sonja Duerre of Mohall, the North Dakota Pork Queen is in the chamber and requested the President to appoint a committee of two to escort Miss Duerre to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Naaden and J. Meyer. Miss Duerre was escorted to the rostrum and was recognized by the Senate.

#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2048 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 8, after the word "assembly" insert the words "or money available to the agency or institution not requiring appropriation, money generated from charges made for use of the equipment or any combination of such moneys"

On page 3, line 5, after the word and comma "both," insert the words and comma "the substitution of equipment,"

On page 3, line 11, delete the word "equipping" and insert in lieu thereof the word "equipment"

On page 5, line 15, after the first word "agreement" insert the comma and words ", that such money is available to the agency or institution and does not require appropriation, or that such money is available to the agency or institution from revenues generated from charges made for use of the equipment, or any combination of such moneys"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2048 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2070 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 "any" insert the word "special"

On page 1, line 18, delete the words "only item on" and insert in lieu thereof the words "election does not involve any legislative or statewide office"

On page 1, delete line 19

On page 1, line 20, delete the words "judge, or both"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2070 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2102 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2102 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2119 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2119 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2121 has had the same under consideration and recommends that the same DO PASS.

**SEN. REITEN, Chairman**

SB 2121 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2122 has had the same under consideration and recommends that the same DO PASS.

**SEN. REITEN, Chairman**

SB 2122 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2123 has had the same under consideration and recommends that the same DO PASS.

**SEN. REITEN, Chairman**

SB 2123 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2124 has had the same under consideration and recommends that the same DO PASS.

**SEN. REITEN, Chairman**

SB 2124 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2125 has had the same under consideration and recommends that the same DO PASS.

**SEN. REITEN, Chairman**

SB 2125 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred SB 2151 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 14, delete the words "retirement benefit or"

On page 1, line 17, delete the words "becomes eligible for a retirement benefit or refund of"

On page 1, line 18, delete the word "assessment" and insert in lieu thereof the words "ceases to be a teacher"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2151 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2189 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2189 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2190 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2190 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2191 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 word "Act" insert the words "to create and enact a new subsection to section 6-09.4-10, relating to the requirements of the reserve fund for the North Dakota municipal bond bank"

On page 1, line 14, delete the words "If the"

On page 1, delete lines 15 through 21 and insert in lieu thereof the following: "If the establishment of the reserve fund for an issue or the maintenance of an existing reserve fund at a required level under this section would necessitate the investment of all or any portion of a new reserve fund or all or any portion of an existing reserve fund at a restricted yield, because to not restrict the yield may cause the bonds to be taxable under the Internal Revenue Code, then at the discretion of the bond bank no reserve fund need be established prior to the issuance of bonds or the reserve fund need not be funded to the levels required by other subsections of this section or an existing reserve fund may be reduced."

SECTION 2. A new subsection to section 6-09.4-10 of the 1983 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

If the maturity of a series of bonds of the bond bank is three years or less from the date of

issuance of the bonds, the bond bank may determine that no reserve fund need be established for that respective series of bonds. If such a determination is made, holders of that respective series of bonds shall have no interest in or claim on existing reserve funds established for the security of the holders of previously issued bond bank bonds, and shall have no interest in or claim on reserve funds established for the holders of subsequent issues of bonds of the bond bank."

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

SB 2191 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2193 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 15, after the word "institution" insert the comma and words ", or any holding company of a bank or other financial institution."

And renumber the lines and pages accordingly  
SEN. LODOEN, Chairman

SB 2193 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2203 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2203 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2207 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 "information" and insert in lieu thereof the word "statements"

And renumber the lines accordingly  
SEN. LODOEN, Chairman

SB 2207 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2247 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2247 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF SENATE BILLS

SB 2066: A BILL for an Act to amend and reenact sections 16.1-05-04, 16.1-06-04, 16.1-06-09, and 16.1-06-12 of the North Dakota Century Code, relating to the form of the ballot used by electronic voting systems.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 51 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: None

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

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2066 was declared lost.

\*\*\*\*\*

SB 2067: A BILL for an Act to amend and reenact sections 16.1-06-04, 16.1-06-09, and 16.1-06-12 of the North Dakota Century Code, relating to the form of the ballot in elections.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie;

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2067 passed and the title was agreed to.

\*\*\*\*\*

SB 2071: A BILL for an Act to create and enact a new section to chapter 16.1-10 of the North Dakota Century Code, relating to a ban on electioneering within three hundred feet of a polling place on election day; and to repeal sections 16.1-10-03 and 16.1-10-06 of the North Dakota Century Code, relating to electioneering and selling or wearing political buttons on election day; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Kusler; Maixner; Matchie; Meyer, D.; Meyer, W.; Mushik; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2071 passed and the title was agreed to.

\*\*\*\*\*

SB 2072: A BILL for an Act to amend and reenact sections 15-01-01, 54-52-03, and 57-13-01 of the North Dakota Century Code, relating to the membership of the board of university and school lands, the public employees retirement board, and the state board of equalization; and to provide an effective date.

Which has been read.

## MOTION

SEN. D. MEYER MOVED that SB 2072 be amended as follows:

On page 1, line 1, delete the first comma and insert in lieu thereof the word "and", and delete the second comma

On page 1, line 2, delete the word and numerals "and 57-13-01"

On page 1, line 3, delete the comma and insert in lieu thereof the word "and"

On page 1, line 4, delete the comma and words ", and the state board of equalization"

On page 3, delete lines 1 through 7

And renumber the lines, sections, and pages accordingly

## MOTION

SEN. D. MEYER MOVED that the proposed amendments be adopted.

## REQUEST

SEN. D. MEYER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2072, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2072, the roll was called and there were 24 YEAS, 27 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nething; Redlin; Satrom; Shea; Stromme; Tallackson; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Langley; Stenehjem

The proposed amendments to SB 2072 lost.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 29 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Nething;

Olson; Parker; Peterson; Reiten; Streibel; Tennefos;  
Thane; Todd; Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2072 passed and the title was agreed to.

\*\*\*\*\*

SB 2076: A BILL for an Act to amend and reenact section 26.1-18-18 of the North Dakota Century Code, relating to annual reports by health maintenance organizations to the commissioner of insurance.

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 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; David; Dotzenrod; Heigaard;  
Heinrich; Hilken; Krauter; Kusler; Lips; Maixner;  
Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Satrom;  
Tallackson; Waldera; Walsh

NAYS: Adams; Christensen; Freborg; Holmberg; Ingstad;  
Kelly; Kelsh; Kilander; Lashkowitz; Lodoen; Meyer, W.;  
Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker;  
Peterson; Reiten; Shea; Streibel; Stromme; Tennefos;  
Thane; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2076 was declared lost.

\*\*\*\*\*

SB 2081: A BILL for an Act to repeal section 50-22-04.1 of the North Dakota Century Code, relating to limitations on the amount that a charitable organization may incur for solicitation and fundraising expenses.

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, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Lodoen; Maixner; Tennefos; Tweten

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2081 passed and the title was agreed to.

\*\*\*\*\*

SB 2082: A BILL for an Act to create and enact two new sections to chapter 50-22 of the North Dakota Century Code, relating to the use of fraud to solicit contributions, and the filing of charitable solicitation agreements with the secretary of state.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Stenehjem

SB 2082 passed and the title was agreed to.

\*\*\*\*\*

SB 2132: A BILL for an Act to create and enact a new section to chapter 60-04 of the North Dakota Century Code, relating to the joinder of the surety in a grain warehouseman insolvency proceeding; and to amend and reenact sections 60-04-01, 60-04-04, and 60-04-09 of the North Dakota

Century Code, relating to insolvent grain warehousemen and the insolvency proceedings for insolvent grain warehousemen.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Stenehjem; Tweten

SB 2132 passed and the title was agreed to.

\*\*\*\*\*

SB 2158: A BILL for an Act to amend and reenact sections 54-10-01 and 54-10-14 of the North Dakota Century Code, to require audits performed by the state auditor to be performed at least once every two years.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Maixner; Stenehjem; Tweten

SB 2158 passed and the title was agreed to.

\*\*\*\*\*

SB 2209: A BILL for an Act to amend and reenact subsection 1 of section 57-36-07 and sections 57-36-12 and 57-36-25 of the North Dakota Century Code, relating to packaging, discounts, and penalties for the tobacco products tax; and to provide a penalty.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

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

NAYS: Vosper

ABSENT AND NOT VOTING: Langley; Maixner; Parker; Stenehjem

SB 2209 passed and the title was agreed to.

\*\*\*\*\*

SB 2241: A BILL for an Act to amend and reenact sections 57-40.2-06 and 57-40.2-09 of the North Dakota Century Code, relating to payment of use tax and records preservation for use tax purposes.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos;

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

NAYS: None

ABSENT AND NOT VOTING: Langley; Maixner; Meyer, W.;  
Stenehjem

SB 2241 passed and the title was agreed to.

\*\*\*\*\*

SB 2243: A BILL for an Act to amend and reenact section  
54-05.1-03 of the North Dakota Century Code, relating to  
the filing of information by lobbyists.

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 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Dotzenrod; Heigaard; Heinrich; Kelsh;  
Krauter; Kusler; Langley; Lashkowitz; Maixner;  
Meyer, J.; Meyer, W.; Mushik; Parker; Redlin; Satrom;  
Stromme; Tallackson; Thane; Todd; Waldera; Walsh;  
Wogsland; Wright

NAYS: Adams; Berube; Christensen; David; Freborg; Hilken;  
Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen;  
Matchie; Meyer, D.; Moore; Mutch; Naaden; Nelson;  
Nething; Olson; Peterson; Reiten; Shea; Streibel;  
Tennefos; Tweten; Vosper; Wenstrom

ABSENT AND NOT VOTING: Stenehjem

SB 2243 was declared lost.

\*\*\*\*\*

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

December 31, 1984

The Honorable Ruth Meiers  
Lieutenant Governor  
State Capitol  
Bismarck, North Dakota 58505

Dear Lieutenant Governor Meiers:

This is to advise that I have appointed Mrs. Marijo Shide to the State Board of Higher Education effective July 1, 1984 and extending to July 1, 1991.

This appointment is submitted for consideration of Senate confirmation.

Sincerely,

ALLEN I. OLSON  
Governor

#### REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural Committee on Committees respectfully submit the following committee to consider the nomination for the Board of Higher Education:

Thane, Chairman  
Kilander  
Bakewell  
Freborg  
Heinrich  
Satrom  
Stromme

SEN. NETHING, Chairman

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

#### COMMITTEE APPOINTMENT

PRESIDENT MEIERS REFERRED the appointment of Mrs. Marijo Shide to the Committee of the State Board of Higher Education.

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

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

HB 1014, HB 1032, HB 1036, HB 1044, HB 1138, HB 1170,  
HB 1171, HB 1197, HB 1200, HCMR 2

ROY GILBREATH, Chief Clerk

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

SCR 4016

ROY GILBREATH, Chief Clerk

#### MOTIONS

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

WEDNESDAY, JANUARY 16, 1985

187

SEN. NETHING MOVED that after the reading of SB 2102, SB 2119, SB 2121, SB 2122, SB 2123, SB 2124, SB 2125, SB 2189, SB 2190, SB 2203, and SB 2247, the Senate adjourn and convene at 1:00 p.m., Thursday, January 17, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary