

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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EIGHTH DAY

Bismarck, January 17, 1985

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

The prayer was offered by Reverend Kenrad Pederson, First United Methodist Church, Bismarck.

Eternal God, who challenges us to a future of hope and promise, during the discussions and deliberations of this body today, move among these decisionmakers giving wisdom, offering imaginative alternatives and unexpected options, while keeping everyone mindful of your concern for understanding, justice, and fullness of life for all people. Make your presence known here in surprising, supporting, and healing ways, today and every day. 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

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Seventh day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 174, line 2, after the first word "the" insert the word "first"

On page 186, line 33, delete "HB 1180"

SEN. DAVID, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing:

SCR 4016

SEN. BAKEWELL, Chairman

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

## RECOGNITION

SEN. NETHING ANNOUNCED that Myron Floren who performed with Lawrence Welk for 32 years, is in the chamber and moved that the President appoint a committee of two to escort Mr. Floren to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Reiten and Hilken.

Mr. Floren was escorted to the rostrum and entertained the Assembly with his accordion.

## CONSIDERATION OF AMENDMENTS

SEN. LODOEN MOVED that the amendments to SB 2048 as recommended by the Committee on State and Federal Government as printed on pages 173-174 of the Senate Journal be adopted, and that SB 2048 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2070 as recommended by the Committee on Judiciary as printed on page 174 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2151 as recommended by the Committee on Education as printed on pages 175-176 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2191 as recommended by the Committee on State and Federal Government as printed on pages 176-177 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2193 as recommended by the Committee on State and Federal Government as printed on page 177 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2207 as recommended by the Committee on State and Federal Government as printed on page 177 of the Senate Journal be adopted, which motion prevailed.

## MOTIONS

SEN. HOLMBERG MOVED that SB 2138 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. HOLMBERG MOVED that SB 2138 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. LODOEN MOVED that SB 2203 be rereferred to the Committee on State and Federal Government, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2113 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

REQUEST

SEN. STENEHJEM REQUESTED the unanimous consent of the Senate to withdraw SB 2113. There being no objection, it was so ordered by the President.

MESSAGE 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 1109, HB 1167, HB 1201

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2045 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2045 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2046 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2046 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SB 2047 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2047 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2086 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 23, after the numerals "28-22-07," insert the numerals "28-24-02,"

On page 2, line 5, after the numerals "43-31-06," insert the words "subdivision c of subsection 1 of section 43-40-16,"

On page 36, after line 27, insert the following new section:

"SECTION 68. AMENDMENT. Section 28-24-02 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

28-24-02. Payment on and period of redemption. The judgment debtor or redemptioner may redeem the property from the purchaser within one year (six months in redemptions under subsection 1 of section ~~32-10-1-04~~ 32-19.1-04) after the sale on paying the purchaser the amount of the purchase with interest at the rate provided in the original instrument on which the judgment is based, plus the amount of any insurance premiums, assessments, taxes, utilities, or other items paid by the purchaser in protection of the title or the premises, which the purchaser may have paid after the purchase, and interest at the same rate on that amount, and, if the purchaser is also a creditor having a lien superior to that of the redemptioner other than the judgment under which the purchase was made, the amount of that lien with interest."

On page 58, after line 35, insert the following new section:

"SECTION 115. AMENDMENT. Subdivision c of subsection 1 of section 43-40-16 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

- c. Being convicted of an offense, as defined by section 12.1-01-04, that the board determines has a direct bearing upon a person's ability to serve the public as an occupational therapist or an occupational therapy assistant or, following conviction of any offense, the board determines that the person is not sufficiently rehabilitated under section ~~12-1-32-02-1~~ 12.1-33-02.1."

On page 69, line 1, delete the numerals "57-15-28.2" and insert in lieu thereof the numerals "57-15-20.2"

And renumber the lines, sections, and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2086 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2149 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2149 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 2150 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 7, after the word "treasury" insert the words "; and to declare an emergency"

On page 2, after line 15, insert the following new section:

"SECTION 2. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

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

SB 2150 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 2196 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2196 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2213 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2213 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2228 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

SB 2228 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2232 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SB 2232 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Natural Resources to which was referred SB 2234 has had the same under consideration and recommends that the same DO PASS.

**SEN. MOORE, Chairman**

SB 2234 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred SCR 4007 has had the same under consideration and recommends that the same DO PASS.

**SEN. HOLMBERG, Chairman**

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

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred SCR 4008 has had the same under consideration and recommends that the same DO PASS.

**SEN. HOLMBERG, Chairman**

SCR 4008 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Political Subdivisions to which was referred SCR 4009 has had the same under consideration and recommends that the same DO PASS.

**SEN. HOLMBERG, Chairman**

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

#### FIRST READING OF SENATE BILLS

Sen. Olson introduced:

**SB 2290:** A BILL for an Act to amend and reenact section 32-19.1-01 of the North Dakota Century Code, relating to the number of acres of property in a real estate mortgage which is governed by the Short-Term Mortgage Redemption Act.

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

Sen. Olson introduced:

**SB 2291:** 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, county court, and small claims court records.

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

Sens. Tallackson, David and Rep. Wald introduced:

**SB 2292:** A BILL for an Act to amend and reenact sections 11-18-14 and 35-21-01 of the North Dakota Century Code, relating to the destruction of documents by the register of

deeds and the release of an unpaid earned insurance premium lien by an undertaking.

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

Sens. Satrom, Lips introduced:

SB 2293: A BILL for an Act to amend and reenact section 40-57.3-04 of the North Dakota Century Code, relating to the payment, collection, and distribution of city lodging tax revenues.

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

Sen. Wright introduced:

SB 2294: A BILL for an Act to amend and reenact subsection 12 of section 57-02-01 of the North Dakota Century Code, relating to the definition of residential property.

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

Sen. Lashkowitz introduced:

SB 2295: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, providing for an income tax credit for qualified renters; and to provide an effective date.

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

Sens. Heigaard, Vosper, Wenstrom and Reps. Kingsbury, Stofferahn introduced:

SB 2296: A BILL for an Act to amend and reenact section 57-43.1-02 of the North Dakota Century Code, relating to the tax imposed on motor vehicle fuels and a tax reduction for agriculturally derived alcohol-blended fuels.

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

Sens. Lashkowitz, Lodoen, Kilander introduced:

SB 2297: A BILL for an Act to create and enact a new section to chapter 40-05.1 of the North Dakota Century Code, relating to definitions of the terms "city officers", "executive officer", and "governing body"; and to amend and reenact subsection 4 of section 40-05.1-06 of the North Dakota Century Code, to allow a home rule city the power to provide for its own form and structure of government.

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

Sen. Mutch introduced:

SB 2298: A BILL for an Act to amend and reenact section 49-18-41 of the North Dakota Century Code, relating to identification tags secured by motor carriers as evidence of receipt of certificate of public convenience.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Holmberg, Redlin, Wenstrom and Reps. Strinden, Mertens, Stofferahn introduced:

SCR 4021: A concurrent resolution for the amendment of section 1 of article V of the Constitution of the State of North Dakota, relating to the term of the governor.

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

Sen. Holmberg introduced:

SCR 4022: A concurrent resolution for the amendment of section 12 of article V of the Constitution of the State of North Dakota, relating to the requirement that the tax commissioner be elected on a no-party ballot.

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

#### FIRST READING OF HOUSE BILLS

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of unemployment insurance for the various departments and institutions of the state of North Dakota. Was read the first time and referred to the Committee on Appropriations.

HB 1032: A BILL for an Act making an appropriation for defraying the unforeseen expenses of the various agencies and institutions of the state of North Dakota. Was read the first time and referred to the Committee on Appropriations.

HB 1036: A BILL for an Act making an appropriation for defraying the expenses of the state seed department of the state of North Dakota. Was read the first time and referred to the Committee on Appropriations.

HB 1044: A BILL for an Act to amend and reenact section 4-22-29 of the North Dakota Century Code, relating to vote requirements for approval of soil conservation ordinances. Was read the first time and referred to the Committee on Agriculture.

HB 1138: A BILL for an Act to amend and reenact sections 24-02-17, 24-02-18, 24-02-19, and 24-02-23 of the North Dakota Century Code, relating to the award of contracts by the highway commissioner and when advertising for bids is necessary. Was read the first time and referred to the Committee on Transportation.

HB 1170: A BILL for an Act to amend and reenact section 50-11-06.1 of the North Dakota Century Code, relating to the definition of foster family care home for adults. Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1171: A BILL for an Act to amend and reenact sections 21-03-22 and 21-03-23 of the North Dakota Century Code, relating to the registration, certification, and delivery of bonds. Was read the first time and referred to the Committee on Political Subdivisions.

HB 1197: A BILL for an Act to amend and reenact section 32-12.1-13 of the North Dakota Century Code, relating to the issuance of bonds to pay compromised judgments against political subdivisions. Was read the first time and referred to the Committee on Political Subdivisions.

HB 1200: A BILL for an Act to amend and reenact sections 40-29-16 and 40-31-10 of the North Dakota Century Code, relating to the payment by cities of sidewalk assessment warrants and curbing assessment warrants from the sidewalk special fund and the curbing special fund. Was read the first time and referred to the Committee on Political Subdivisions.

#### FIRST READING OF A HOUSE CONCURRENT MEMORIAL RESOLUTION

Reps. Kloubec, Payne and Sen. Kilander introduced:

HCMR 2: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to the family of William W. Corwin. Was read the first time.

#### MOTION

SEN. KILANDER MOVED that the rules be suspended, that HCMR 2 not be printed, not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

#### SECOND READING OF A HOUSE CONCURRENT MEMORIAL RESOLUTION

Reps. Kloubec, Payne and Sen. Kilander introduced:

HCMR 2: A concurrent memorial resolution expressing the sympathy and condolences of the North Dakota Legislative Assembly to the family of William W. Corwin.

Was read the second time.

HCMR 2 was declared adopted on a voice vote.

## SECOND READING OF SENATE BILLS

SB 2102: A BILL for an Act to create and enact a new section to chapter 12.1-17 of the North Dakota Century Code, relating to assault; and to amend and reenact sections 12.1-01-04 and 12.1-17-02 of the North Dakota Century Code, relating to general criminal definitions and aggravated assault.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2102 passed and the title was agreed to.

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SB 2119: A BILL for an Act to amend and reenact sections 1-03-01 and 1-03-02 of the North Dakota Century Code, relating to the date of observance of Memorial Day holiday.

Which has been read.

## ROLL CALL

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

YEAS: Bakewell; David; Heigaard; Hilken; Ingstad; Kelly; Kilander; Krauter; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Nelson; Nething; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Wenstrom; Wright

NAYS: Adams; Berube; Christensen; Dotzenrod; Freborg; Heinrich; Holmberg; Kelsh; Langley; Lips; Mushik; Naaden; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tweten; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2119 passed and the title was agreed to.

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SB 2121: A BILL for an Act to amend and reenact section 6-03-36 of the North Dakota Century Code, relating to prohibition of payment of dividends by banking institutions under certain conditions.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.

SB 2121 passed and the title was agreed to.

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SB 2122: A BILL for an Act to amend and reenact sections 6-01-09 and 6-09-29 of the North Dakota Century Code, relating to the frequency of examinations of state chartered banking associations, the Bank of North Dakota, and other corporations and associations under the jurisdiction of the commissioner of banking and financial institutions.

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, 5 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten;

Satrom; Stenehjøm; Streibel; Stromme; Tallackson;  
Thane; Todd; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Heinrich; Lashkowitz; Tennefos; Tweten; Wenstrom

ABSENT AND NOT VOTING: Meyer, W.; Shea

SB 2122 passed and the title was agreed to.

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SB 2123: A BILL for an Act to amend and reenact Section 6-03-07 of the North Dakota Century Code, relating to state banking association investments in banking facilities, furniture, and fixtures.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Shea

SB 2123 passed and the title was agreed to.

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SB 2124: A BILL for an Act to amend and reenact section 6-03-04 of the North Dakota Century Code, relating to the filing of a bank director's oath of office; and to repeal section 6-03-03 of the North Dakota Century Code, relating to the requirement that bank directors own qualifying shares of the capital stock of the bank for which the person is a director or an equivalent interest in any company which has control over the bank.

Which has been read.

#### ROLL CALL

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

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

NAYS: Mushik

ABSENT AND NOT VOTING: None

SB 2124 passed and the title was agreed to.

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SB 2125: A BILL for an Act to amend and reenact section 6-03-33 of the North Dakota Century Code, relating to bank loans on security of the shares of the bank's stock or the stock of a holding company which controls the bank.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2125 passed and the title was agreed to.

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SB 2189: A BILL for an Act to create and enact a new subsection to section 54-18-04 of the North Dakota Century Code, relating to the powers and duties of the industrial commission in operating the North Dakota mill and elevator association.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Maixner

SB 2189 passed and the title was agreed to.

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SB 2190: A BILL for an Act to amend and reenact section 54-01-05.2 of the North Dakota Century Code, relating to the sale of state owned land by the industrial commission, acting as the state housing finance agency; and to declare an emergency.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Maixner

SB 2190 passed, the title was agreed to, and the emergency clause carried.

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SB 2247: A BILL for an Act to create and enact a new section to chapter 23-09 of the North Dakota Century Code, relating to a license penalty of food establishments; to amend and reenact sections 23-09-01, 23-09-09, 23-09-10, 23-09-11, 23-09-14, 23-09-16, 23-09-17, 23-09-18, 23-09-21, and 23-09-22 of the North Dakota Century Code, relating to food establishments; 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, the roll was called and there were 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Lashkowitz; Mutch

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

ABSENT AND NOT VOTING: None

SB 2247 was declared lost.

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#### MESSAGE TO THE HOUSE SENATE CHAMBER

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

HCMR 2

LEO LEIDHOLM, Secretary

#### 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 2051, SB 2058, SB 2074, SB 2106, SB 2112, SB 2157,  
SB 2161, SB 2162, SB 2199

LEO LEIDHOLM, Secretary

## RECOGNITION

PRESIDENT MEIERS ANNOUNCED that Miss Colleen Reinhart of Almont, the new 1985-1986 Pork Queen is in the Assembly and was recognized by the Senate.

## MOTION

SEN. NETHING MOVED that after the reading of SB 2045, SB 2046, SB 2047, SB 2070, SB 2149, SB 2151, SB 2191, SB 2193, SB 2196, SB 2207, SB 2213, SB 2228, SB 2232, SB 2234, SCR 4007, SCR 4008, and SCR 4009, the Senate adjourn and convene at 12:30 p.m., Friday, January 18, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary