

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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ELEVENTH DAY

Bismarck, January 22, 1985

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

The prayer was offered by Senator William Parker.

Our Father in Heaven, we thank You for our good health and mental alertness that allows us the privilege and opportunity to accept the responsibility that You have placed before us as legislators of our great state. Be with each one of us as we deliberate our decisions. As you led Your people in Israel, out of the bondage of Egypt, we ask that same guidance daily for us. May all of our actions, through Your guidance, be to benefit our state and to Your glory. Above all, Oh Lord, we thank You for America, where we have the freedom of expression, without fear.

Not our will, Oh Lord, but Thy will be done, in Your Son's name, we pray, Amen.

ROLL CALL

The roll was called and all members were present, except Senators Krauter and Tennefos.

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 Tenth 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 COMMITTEE

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

SB 2043, SB 2044, SB 2100, SB 2137, SB 2249

SEN. BAKEWELL, Chairman

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

**MESSAGE 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 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, SCR 4009

LEO LEIDHOLM, Secretary

**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 1075, HB 1095, HB 1098, HB 1108, HB 1113, HB 1118,
HB 1136, HB 1174, HB 1187, HB 1203, HCR 3002, HCR 3016

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. CHRISTENSEN MOVED that SB 2246 which is on the Eleventh Order be rereferred to the **Committee on Judiciary**, which motion prevailed.

SEN. OLSON MOVED that SB 2291 be returned to the Senate floor from the **Committee on Judiciary**, which motion prevailed.

REQUEST

SEN. OLSON REQUESTED the unanimous consent of the Senate to withdraw SB 2291. There being no objection, it was so ordered by the President.

MOTION

SEN. MOORE MOVED that SB 2346 be returned to the Senate floor from the **Committee on Agriculture**, which motion prevailed.

REQUEST

SEN. MOORE REQUESTED the unanimous consent of the Senate to withdraw SB 2346. There being no objection, it was so ordered by the President.

MOTIONS

SEN. MOORE MOVED that SB 2367 be returned to the Senate floor from the **Committee on Natural Resources**, which motion prevailed.

SEN. MOORE MOVED that SB 2367 be rereferred to the **Committee on Agriculture**, which motion prevailed.

SEN. HOLMBERG MOVED that SB 2424 be returned to the Senate floor from the **Committee on Political Subdivisions**, which motion prevailed.

SEN. HOLMBERG MOVED that SB 2424 be rereferred to the Committee on Judiciary, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. VOSPER MOVED that the amendments to SB 2111 as recommended by the Committee on Agriculture as printed on page 237 of the Senate Journal be adopted, and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed ON A VERIFICATION VOTE.

SEN. STENEHJEM MOVED that the amendments to SB 2204 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 238 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2223 as recommended by the Committee on Transportation as printed on page 239 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2224 as recommended by the Committee on Political Subdivisions as printed on pages 239-240 of the Senate Journal be adopted, which motion prevailed.

SEN. MOORE MOVED that the amendments to SB 2242 as recommended by the Committee on Natural Resources as printed on pages 240-241 of the Senate Journal be adopted, which motion prevailed.

SEN. MOORE MOVED that the amendments to SB 2254 as recommended by the Committee on Natural Resources as printed on page 241 of the Senate Journal be adopted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2068 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 7, after the word "must" insert the word "first"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2068 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 2073 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2073 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 2077 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2077 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 2099 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, delete the first word "parolee" and insert in lieu thereof the word "parole"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2099 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2108 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 1, after the second word "the" insert the word "property"

On page 1, line 7, delete the word "Tax" and insert in lieu thereof the words "Property tax"

On page 1, line 9, after the first word "a" insert the word "property"

On page 1, line 10, after the word "The" insert the word "property"

On page 1, line 13, delete the word "Tax" and insert in lieu thereof the words "Property tax"

On page 1, line 14, after the word "The" insert the word "property"

On page 1, line 17, after the word "The" insert the word "property"

On page 1, line 19, after the first word "the" insert the word "property"

On page 1, line 20, after the second word "the" insert the word "property"

- On page 1, line 25, after the first word "the" insert the word "property"
- On page 1, line 28, after the word "the" insert the word "property"
- On page 2, line 1, after the word "the" insert the word "property"
- On page 2, line 11, after the first word "the" insert the word "property" and after the second word "the" insert the word "property"
- On page 2, line 14, after the third word "the" insert the word "property"
- On page 2, line 16, after the third word "the" insert the word "property"
- On page 2, line 22, delete the word "board" and insert in lieu thereof the word "court"
- On page 2, line 25, after the second word "the" insert the word "property"
- On page 2, line 29, delete the word "board" and insert in lieu thereof the word "court"
- On page 2, line 30, after the word "the" insert the word "property"
- On page 3, line 2, after the second word "the" insert the word "property"
- On page 3, line 5, after the word "the" insert the word "property"
- On page 3, line 9, after the word "The" insert the word "property"
- On page 3, line 11, after the word "The" insert the word "property"
- On page 3, line 13, after the second word "the" insert the word "property"
- On page 3, line 15, after the word "the" insert the word "property"
- On page 3, line 25, after the first word "the" insert the word "property"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2108 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 2116 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 3, line 8, delete the word "twenty-five" and insert in lieu thereof the word "twenty"

On page 3, line 10, delete the word "ten" and insert in lieu thereof the word "five"

On page 3, line 14, delete the word "ten" and insert in lieu thereof the word "five"

On page 3, line 16, delete the word "five" and insert in lieu thereof the word "two"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2116 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 2143 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2143 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 2145 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2145 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 2178 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 3, after line 2, insert the following: "g. Amounts distributable from a mineral interest in land."

On page 7, line 26, delete the word "five" and insert in lieu thereof the word "twenty"

On page 14, line 33, delete the words "one year" and insert in lieu thereof the words "five years"

On page 15, line 19, delete the word "five" and insert in lieu thereof the word "ten"

On page 24, line 12, delete the words "general fund"

On page 24, line 13, delete the words "of this state" and insert in lieu thereof the words "state treasury to the credit of the common schools trust fund"

On page 24, line 28, delete the word "general" and insert in lieu thereof the words "common school trust"

On page 25, line 29, delete the words "If the"

On page 25, delete lines 30 through 35

On page 26, delete lines 1 through 10

On page 27, line 34, after the word "establishes" insert the words "and is awarded"

On page 28, line 28, delete the numeral "1."

On page 29, delete lines 4 through 7

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

SB 2178 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 2192 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2192 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 2210 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2210 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 2215 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2215 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2221 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 7, line 28, after the numerals "1984" insert the words
 ", except for section 6 of this Act, which is to be
 effective for all refunds to be paid after June 30, 1985"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2221 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 2230 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2230 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 2261 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2261 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 2270 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2270 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2294 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2294 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1193 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1193 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sen. Moore introduced:

SB 2439: A BILL for an Act to amend and reenact sections 15-40.1-07, 15-40.1-08, and 15-40.2-03 of the North Dakota Century Code, relating to the foundation aid formula twenty-mill equalization factor; and to repeal subsection 3 of section 15-40.1-06 of the North Dakota Century Code, relating to the foundation aid formula twenty-mill equalization factor.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Stromme, Thane and Rep. Kingsbury introduced:

SCR 4026: A concurrent resolution directing the Legislative Council to study recent changes in classification and assessment of real property for purposes of ad valorem taxation and the effects of these changes upon mill levy limitations imposed by law on political subdivisions.

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

Sens. J. Meyer, Matchie, Wenstrom and Reps. Retzer, Hill, D. Olsen introduced:

SCR 4027: A concurrent resolution directing the Legislative Council to study the availability and coverage of long-term care insurance.

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

Sen. Stenehjem introduced:

SCR 4028: A concurrent resolution for the repeal of section 7 of article XI of the Constitution of the State of North Dakota, relating to continuity of state and local government in periods of emergency resulting from disasters caused by enemy attack.

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

FIRST READING OF HOUSE BILLS

HB 1050: A BILL for an Act to amend and reenact section 57-15-14 of the North Dakota Century Code, relating to tax levy limitations in school districts; and to provide an effective date.

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

HB 1057: A BILL for an Act to amend and reenact section 16.1-01-09 of the North Dakota Century Code, relating to requirements for the form and circulation of initiative, referendum, or recall petitions.

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

HB 1061: A BILL for an Act to amend and reenact sections 57-60-01 and 57-60-03 of the North Dakota Century Code, relating to definitions for purposes of the privilege tax on coal facilities, to exempt byproducts of the coal gasification process from the gross receipts tax on coal gasification plants, and to annual reporting by the operator of a coal gasification plant of the quantity of byproducts produced.

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

HB 1162: A BILL for an Act to amend and reenact section 28-32-14 of the North Dakota Century Code, relating to lengthening the period for petitioning for a rehearing before the North Dakota workmen's compensation bureau.

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

HB 1184: A BILL for an Act to amend and reenact subsection 1 of section 13-03-09 and subsection 1 of section 13-03.1-11 of the North Dakota Century Code, relating to the frequency of examinations of small loan companies and consumer finance companies.

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

HB 1192: A BILL for an Act to create and enact subdivision i of subsection 6 of section 10-04-05 of the North Dakota Century Code, relating to exempt securities; and to amend and reenact section 10-04-02, subsections 1 and 3 of section 10-04-03, subdivision c of subsection 8 and subsection 10 of section 10-04-06, and subsection 6 of section 10-04-10 of the North Dakota Century Code, relating to definitions, administration, exempt transactions, and fees.

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

HB 1198: A BILL for an Act to amend and reenact sections 32-19.1-04, 32-19.1-04.1, 32-19.1-05 and 35-22-20 of the North Dakota Century Code, relating to the redemption of real property under the short-term mortgage redemption act; and to declare an emergency.

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

HB 1199: A BILL for an Act to amend and reenact subsection 6 of section 65-01-02, and sections 65-05-09 and 65-05-17 of the North Dakota Century Code, relating to the definition of child and workmen's compensation benefits payments for children of disabled or deceased employees.

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

SECOND READING OF SENATE BILLS

SB 2043: A BILL for an Act to amend and reenact sections 36-05-01, 36-05-03, 36-05-04, 36-05-05, 36-05-06, 36-05-09, 36-05-13, and 36-05-13.1 of the North Dakota Century Code, relating to transferring authority over the licensing and bonding of livestock auction markets from the livestock sanitary board to the commissioner of agriculture.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Krauter; Tennefos

SB 2043 passed and the title was agreed to.

SB 2044: A BILL for an Act to create and enact two new sections to chapter 36-04 and three new sections to chapter 36-05 of the North Dakota Century Code, relating to livestock dealers and auction markets, cease and desist authority, injunctions, and investigations and hearings; and to amend and reenact sections 36-04-10, 36-05-06, and 36-05-13 of the North Dakota Century Code, relating to livestock dealers and auction markets, licenses, and hearings.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; 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; Stenehjøm; Streibel; Stromme; Tallackson;
 Thane; Todd; Vosper; Waldera; Walsh; Wenstrom;
 Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Krauter; Tennefos;
 Tweten

SB 2044 passed and the title was agreed to.

SB 2088: A BILL for an Act to amend and reenact section 1-02-12
 of the North Dakota Century Code, relating to headnotes.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
 called and there were 37 YEAS, 14 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Ereborg;
 Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kilander;
 Kusler; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.;
 Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson;
 Nething; Olson; Parker; Peterson; Reiten; Stenehjøm;
 Streibel; Stromme; Thane; Todd; Tweten; Vosper;
 Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Kelsh; Lashkowitz;
 Maixner; Matchie; Redlin; Satrom; Shea; Tallackson;
 Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2088 passed and the title was agreed to.

SB 2093: A BILL for an Act to amend and reenact section 2-06-15
 and subsection 1 of section 57-15-06.7 of the North Dakota
 Century Code, relating to a county tax levy for airport
 purposes and determining the amount of the levy when
 another jurisdiction also makes an airport tax levy.

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

ROLL CALL

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

YEAS: Heinrich; Holmberg; Ingstad; Kilander; Kusler; Lips; Matchie; Meyer, J.; Mushik; Nething; Olson; Reiten; Shea; Stenehjem; Tallackson; Todd; Tweten; Wenstrom

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Hilken; Kelly; Kelsh; Langley; Lashkowitz; Lodoen; Maixner; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Redlin; Satrom; Streibel; Stromme; Thane; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2093 was declared lost.

SB 2095: A BILL for an Act to create the Tenneco plant impact assistance interstate compact; to amend and reenact subsection 1 of section 57-62-02, and sections 57-62-03 and 57-62-05 of the North Dakota Century Code, relating to the distribution of coal severance tax revenues and the energy development impact office; and to provide an appropriation.

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 30 YEAS, 21 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Ingstad; Kelly; Kelsh; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nething; Olson; Redlin; Reiten; Shea; Stenehjem; Stromme; Thane; Todd; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; David; Freborg; Hilken; Holmberg; Kilander; Kusler; Lodoen; Mutch; Naaden; Nelson; Parker; Peterson; Satrom; Streibel; Tallackson; Tweten; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2095 passed and the title was agreed to.

SB 2100: A BILL for an Act to create and enact a new subsection to section 4-27-06 of the North Dakota Century Code, relating to assessments charged milk producers; to amend and reenact subsection 1 of section 4-27-06 of the North

Dakota Century Code, relating to the assessment charged milk producers under the North Dakota Dairy Promotion Act; to repeal subsection 1 of section 4-27-06 of the North Dakota Century Code, relating to assessments charged milk producers; and to provide an effective date.

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; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2100 passed and the title was agreed to.

SB 2114: A BILL for an Act to amend and reenact section 25-06-04 of the North Dakota Century Code, relating to qualifications for admission to the school for the blind and transportation costs for students.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Ereborg; Kelly; Kusler; Maixner; Matchie

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2114 passed and the title was agreed to.

SB 2137: A BILL for an Act to create and enact three new sections to chapter 4-35, a new subsection to section 4-35-05, a new subsection to section 4-35-23, and a new subsection to section 4-35-24 of the North Dakota Century Code, relating to reports of damage from pesticide application, pesticide stop-sale orders, definition of applicator, civil penalties for violation of pesticide laws, and enforcement of payment of civil penalties; to amend and reenact section 4-35-09, subsection 4 of section 4-35-12, and section 4-35-21 of the North Dakota Century Code, relating to pesticide act requirements and enforcement; and to repeal sections 28-01-40 and 28-01-41 of the North Dakota Century Code, relating to reports of pesticide accidents or loss.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; 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; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Krauter; Teneffos; Thane

SB 2137 passed and the title was agreed to.

SB 2203: A BILL for an Act to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to the display of name on the side of vehicles owned and operated by the state.

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, 39 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Kelsh; Kusler; Lashkowitz; Maixner; Mushik; Satrom; Thane; Waldera; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Langley; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Walsh; Wright

ABSENT AND NOT VOTING: Krauter; Tennefos

SB 2203 was declared lost.

SB 2211: A BILL for an Act to repeal section 40-57-09.1 of the North Dakota Century Code, relating to the assessment of a two percent bond issuance fee for all municipal industrial development act bonds guaranteed by the industrial revenue bond guarantee program.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: David; Krauter; Satrom; Tennefos

SB 2211 passed and the title was agreed to.

SB 2219: A BILL for an Act to amend and reenact section 46-03-11 of the North Dakota Century Code, relating to the copyright of the North Dakota session laws.

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

NAYS: None

ABSENT AND NOT VOTING: David; Krauter; Satrom; Tennefos

SB 2219 passed and the title was agreed to.

SB 2220: A BILL for an Act to amend and reenact section 12-48-15 of the North Dakota Century Code, relating to penitentiary inmate accounts.

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

NAYS: None

ABSENT AND NOT VOTING: David; Krauter; Satrom; Tennefos

SB 2220 passed and the title was agreed to.

MOTION

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

SEN. NOTHING MOVED that after the reading of SB 2073, SB 2077, SB 2111, SB 2143, SB 2145, SB 2192, SB 2204, SB 2210, SB 2215, SB 2223, SB 2224, SB 2230, SB 2242, SB 2254, SB 2261, SB 2270, SB 2294, HB 1193, the Senate adjourn and convene at 1:00 p.m., Wednesday, January 23, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary