

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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THIRTEENTH DAY

Bismarck, January 24, 1985

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

The prayer was offered by Father Stanley Sticka, Corpus Christi Church, Bismarck.

Let us pray: Let us for a moment recollect and raise our hearts and minds to the Lord and King of Nations. From Him proceed infallible norms for the government of His people. May this assembly here be endowed with the wisdom that proceeds from that divine source. This Senate is confronted with many problems. There will be much differing. However, the degree of human acumen may be, no one person will claim that he/she alone has the perfect solution. The members will pool their knowledge and abilities in a respectful manner. They learn from each other. Self-centered desires and mere selfish personal ambitions must subside. We are all servants of the people we represent. 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 Twelfth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 289, after line 22, insert the following:

"MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4029 be messaged to the House immediately, which motion prevailed."

On page 292, line 22, after the word "PASS" insert the following: ", and be rereferred to the Committee on Appropriations."

On page 301, line 33, after the word "bill," insert "as amended,"

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 2068, SB 2099, SB 2108, SB 2116, SB 2221

SEN. BAKEWELL, Chairman

SEN. KRAUTER 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 2043, SB 2044, SB 2088, SB 2095, SB 2100, SB 2114,
SB 2137, SB 2211, SB 2219, SB 2220

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 1086, HB 1090, HB 1091, HB 1141, HB 1143, HB 1177,
HCR 3005

ROY GILBREATH, Chief Clerk

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:

HCR 3033

ROY GILBREATH, Chief Clerk

RECOGNITION

SEN. NETHING ANNOUNCED that Tracy Pearce, Miss Rodeo North Dakota 1985, of Bismarck, is in the chamber and moved that the President appoint a committee of two to escort Miss Pearce to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Olson and Satrom. Miss Pearce was escorted to the rostrum and addressed the Assembly.

SEN. NETHING MOVED that the remarks of Tracy Pearce be printed in the Journal, which motion prevailed.

Thank you so much. As you said my name is Tracy Pearce and I was fortunate enough last October 21 to be given the title of Miss Rodeo North Dakota for 1985. If I were to put a definition behind the duties that I have for the coming year it would be that I am to be the official public relations professional for rodeo, both within and beyond the boundaries of North Dakota. This magnificent bunch of people who have escorted me here today is the police posse and they will be my official escort for the coming year both at functions like this and also at rodeos and parades throughout the state.

I think if I could share one thing with you it would be why I decided to run for Miss Rodeo North Dakota and I think it will become much of the reason why I will, to the best of my ability, pursue the title of Miss Rodeo America for the coming year and the easiest way for me to answer that is with the way I answered the question when I found it on my application for Miss Rodeo North Dakota and I chose words something like this:

"I've always enjoyed sharing with others why North Dakota is home for me and I've come to truly believe that the people of our state, in particular the cowboys and cowgirls, bring to life the spirit and the goodness and the friendliness that we find in our people here. As Miss Rodeo North Dakota, I feel that I can better express my love and my admiration for our people and I can also better promote the sport which so well represents the western heritage that we've come to take a part of and come to live."

I would hope that you might have received already an invitation, if not I'm sure it will be coming soon. And that invitation is to a coronation ball which will be held and each year the sponsoring organization for the new Miss Rodeo North Dakota has a ball which is a fundraiser and this year it will be at the Kirkwood Motor Inn on February 16, and I would like to take this time to personally invite all of you to come if your schedules permit. Please feel free and please feel welcome to join us.

Thank you so much for your time. Have a good day, have a good session.

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2040 as recommended by the Committee on Judiciary as printed on page 291 of the Senate Journal be adopted, and when so adopted, recommends that SB 2040 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2061 as recommended by the Committee on Judiciary as printed on page 291 of

the Senate Journal be adopted, and when so adopted, recommends that SB 2061 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2087 as recommended by the Committee on Judiciary as printed on page 292 of the Senate Journal be adopted, and when so adopted, recommends that SB 2087 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2135 as recommended by the Committee on Education as printed on pages 292-293 of the Senate Journal be adopted, and when so adopted, recommends that SB 2135 be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2135 was rereferred to the Committee on Appropriations.

SEN. CHRISTENSEN MOVED that the amendments to SB 2144 as recommended by the Committee on Judiciary as printed on page 294 of the Senate Journal be adopted, and when so adopted, recommends that SB 2144 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2173 as recommended by the Committee on Industry, Business and Labor as printed on page 294 of the Senate Journal be adopted, and when so adopted, recommends that SB 2173 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2178 as recommended by the Committee on Industry, Business and Labor as printed on pages 270-271 of the Senate Journal be adopted, and when so adopted, recommends that SB 2178 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2233 as recommended by the Committee on State and Federal Government as printed on page 295 of the Senate Journal be adopted, and when so adopted, recommends that SB 2233 DO PASS, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2267 as recommended by the Committee on Education as printed on page 295 of the Senate Journal be adopted, and when so adopted, recommends that SB 2267 DO PASS, which motion prevailed.

MOTIONS

SEN. REITEN MOVED that SCR 4027 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

SEN. REITEN MOVED that SCR 4027 be rereferred to the Committee on Social Services and Veterans Affairs, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2062 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

SEN. STENEHJEM MOVED that SB 2062 be rereferred to the Committee on Education, which motion prevailed.

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SCR 4029 which the House has amended as follows:

HOUSE AMENDMENTS TO SCR 4029

- On page 1, line 11, delete the numeral "85" and insert in lieu thereof the numeral "90"
- On page 1, line 12, delete the numeral "79" and insert in lieu thereof the numeral "84"
- On page 1, line 17, delete the numeral "64" and insert in lieu thereof the numeral "69"
- On page 1, line 18, delete the numeral "58" and insert in lieu thereof the numeral "64"
- On page 3, line 8, delete the numeral "85" and insert in lieu thereof the numeral "90"
- On page 3, line 9, delete the numeral "79" and insert in lieu thereof the numeral "84"
- On page 3, line 15, delete the numeral "64" and insert in lieu thereof the numeral "69"
- On page 3, line 16, delete the numeral "58" and insert in lieu thereof the numeral "64"
- On page 3, line 17, delete the numeral "58" and insert in lieu thereof the numeral "64"
- On page 3, line 18, delete the numeral "58" and insert in lieu thereof the numeral "64"

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2053 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. STENEHJEM, Chairman

SB 2053 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2054 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. STENEHJEM, Chairman

SB 2054 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 2085 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 12, after the word "property" insert the words "or property the judge has determined, when issuing a warrant, is likely to be removed, destroyed, or concealed if the property is not attached"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2085 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2092 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. INGSTAD, Vice Chairman

SB 2092 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 SB 2094 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

SB 2094 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 2183 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, after line 33, insert the following new subsection:

"4. May not contain the word "corporation", "company", or "incorporated", or any abbreviation of those words."

On page 2, line 34, delete the numeral "4" and insert in lieu thereof the numeral "5"

On page 3, line 3, after the word "state" insert the words ", or a trade name or fictitious name certificate on file with the secretary of state"

On page 3, line 23, delete the words "Once having so"

- On page 3, delete lines 24 through 26
- On page 3, line 27, delete the words "which that applicant reserved that name."
- On page 6, after line 35, insert the following new subdivision:
"e. A change of office or an agent."
- On page 8, line 28, delete the word "Two" and insert in lieu thereof the word "A", and delete the word "copies" and insert in lieu thereof the word "copy"
- On page 9, line 2, delete the underscored colon
- On page 9, line 3, delete the letter and word "a. Endorse" and insert in lieu thereof the word "endorse", and delete the words "each duplicate original" and insert in lieu thereof the words "the copy"
- On page 9, line 4, delete the underscored period
- On page 9, line 5, delete the letter and words "b. File one duplicate original" and insert in lieu thereof the words "and shall file the copy"
- On page 9, delete lines 7 and 8
- On page 9, after line 14, insert the following three new sections:

"SECTION 14. Renewal of certificate - Filing with secretary of state - Cancellation. Any certificate of limited partnership or registration of foreign limited partnership filed under sections 1 through 62 of this Act must be renewed every five years from the date of the initial filing. Limited partnerships existing prior to July 1, 1985, must file the statement of renewal by July 1, 1987, and every five years thereafter. The statement of renewal must be executed by the limited partnership or foreign limited partnership on forms prescribed and furnished by the secretary of state and sent to the address of the registered office at least sixty days prior to the deadline for filing. The statement must include the name of the limited partnership or foreign limited partnership, the state or country of organization, the address of the registered office and the name of the registered agent, and a statement that the limited partnership or foreign limited partnership is still in existence and continues to transact business in this state. If the secretary of state finds that the statement conforms to the requirements of this section, and the proper filing fee has been paid, the secretary of state shall file the statement. If the secretary of state finds that it does not conform, the secretary of state shall promptly return the statement to

the limited partnership or the foreign limited partnership for any necessary corrections, and the certificate of limited partnership or registration of foreign limited partnership must be cancelled if the statement is not returned corrected within thirty days after the statement was returned for corrections. If any limited partnership or foreign limited partnership fails to file the statement of renewal when due, the secretary of state shall cancel the certificate of limited partnership or registration of foreign limited partnership and shall mail notice of cancellation to the address of the registered office.

SECTION 15. Fees for filing documents. The secretary of state shall charge and collect for:

1. Filing a limited partnership, seventy-five dollars.
2. Filing a limited partnership amendment, twenty-five dollars.
3. Filing a limited partnership dissolution, twenty-five dollars.
4. Filing a limited partnership cancellation, twenty-five dollars.
5. Filing a reservation of name, ten dollars.
6. Filing a statement of renewal of a limited partnership or renewal of registration of foreign limited partnership, twenty-five dollars.
7. Filing registration of foreign limited partnership, seventy-five dollars.
8. Filing a certified statement of amendment of foreign limited partnership, twenty-five dollars.
9. Filing a certified statement of dissolution of foreign limited partnership, twenty-five dollars.
10. Filing a certified statement of cancellation of foreign limited partnership, twenty-five dollars.
11. Filing a statement of withdrawal of foreign limited partnership, twenty-five dollars.

SECTION 16. Duties of the secretary of state. The secretary of state shall maintain an alphabetical index of all limited partnerships and foreign limited partnerships on file with that office. All documents filed with the secretary of state pursuant to sections 1 through 62 of this Act must be retained in that office until they have

been committed to microcopy, at which time the documents may be returned to the limited partnership or foreign limited partnership."

- On page 10, line 4, delete the word "return" and insert in lieu thereof the word "filing"
- On page 10, line 5, delete the words "marked "Filed""
- On page 22, line 24, delete the words "in duplicate" and insert in lieu thereof the words "on forms prescribed and furnished by the secretary of state"
- On page 23, line 7, delete the words "no agent has been appointed under subsection 4"
- On page 23, line 8, delete the words "or, if appointed,"
- On page 23, line 11, delete the words "office required to be maintained in the"
- On page 23, delete line 12
- On page 23, line 13, delete the words "not so required, of the"
- On page 23, delete lines 15 through 18 and insert in lieu thereof the following paragraph to the section:
- "The application must be accompanied by a certificate of identification, existence, and status of a foreign limited partnership, duly certified by the proper officer of the state or country under the laws of which it is organized."
- On page 23, line 19, delete the word "Issuance" and insert in lieu thereof the word "Filing"
- On page 23, line 20, delete the numeral and period "1."
- On page 23, line 23, delete the letter "a" and insert in lieu thereof the numeral "1"
- On page 23, line 25, delete the letter "b" and insert in lieu thereof the numeral "2", and delete the words "one duplicate original" and insert in lieu thereof the words "the application"
- On page 23, delete lines 27 through 32
- On page 25, after line 2, insert the following new subsection:

- "5. Without excluding other activities which may constitute transacting business in this state, a foreign limited partnership shall not be considered to be transacting business in this state, for the purposes of this Act only, by reason of carrying on in this state any one or more of the following activities:
- a. Maintaining or defending any action or suit or any administrative or arbitration proceeding, or effecting the settlement thereof or the settlement of claims or disputes.
 - b. Holding meetings of its partners or carrying on other activities concerning its internal affairs.
 - c. Maintaining bank accounts.
 - d. Maintaining offices or agencies for the transfer, exchange, and registration of its securities, or appointing and maintaining trustees or depositaries with relation to its securities.
 - e. Effecting sales through independent contractors.
 - f. Soliciting or procuring orders, whether by mail or through employees or agents or otherwise, where such orders require acceptance without this state before becoming binding contracts.
 - g. Creating evidences of debt, mortgages, or liens on real or personal property.
 - h. Securing or collecting debts or enforcing any rights in property securing the same.
 - i. Transacting any business in interstate commerce.
 - j. Conducting an isolated transaction completed within a period of thirty days and not in the course of a number of repeated transactions of like nature.

This subsection does not establish a standard for activities which may or may not subject a foreign limited partnership to taxation or service of process."

- On page 25, line 4, delete the words "bring an action to restrain" and insert in lieu thereof the words "revoke the registration of"
- On page 25, line 5, delete the word "from" and insert in lieu thereof the word "for"
- On page 25, line 6, delete the numerals "48" and insert in lieu thereof the numerals "52" and after the numerals "55" insert the words: ", or that has failed to file a renewal statement as required by section 14 of this Act", and after the period insert the following new sentence: "The secretary of state may not revoke the registration of a foreign limited partnership unless the secretary of state has given the foreign limited partnership not less than sixty days' notice by mail addressed to its registered office in this state and the principal office of record, and the foreign limited partnership has failed to remedy the deficiency prior to revocation."
- On page 26, line 16, after the word "such" insert the words "through June 30, 1986,"
- On page 26, line 22, after the comma insert the words "through June 30, 1986,"
- On page 26, after line 24, insert the following new subsection:

"3. After June 30, 1986, sections 1 through 62 apply to all existing limited partnerships formed under any law of this state providing for formation of limited partnerships. All provisions of partnership agreements that may be included in the partnership agreements under sections 1 through 62 of this Act remain in effect. All provisions of the partnership agreements that are inconsistent with sections 1 through 62 of this Act cease to be effective on July 1, 1986. Any provisions required by sections 1 through 62 of this Act to be contained in the partnership agreement that do not appear in the partnership agreement are read into them as a matter of law."

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

SB 2183 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2198 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

SB 2198 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 2202 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

SB 2202 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 2244 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION:

On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to requiring a member of one house of the legislative assembly to resign before running for the other house; to"

On page 1, after line 6, insert the following new section:

"SECTION 1. A new section to chapter 54-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Senators or representatives seeking office in other house - Resignation required. Any senator or representative seeking to be elected to the other house must resign from the member's present office on or before March first of the year in which the general election is held for the office the member seeks, or within ten days of the issuance of a writ of election by the governor pursuant to section 16.1-13-10 for the holding of a special election to fill a vacancy if the member seeks to fill the vacant office. This section applies only if the member's term would otherwise extend past the date the member would take office in the other house if elected."

On page 1, line 25, remove the overstrike over the period and word "~~For~~"

On page 1, line 26, remove the overstrike over the words "~~any election in~~", after the word "~~that~~" insert the word "a", remove the overstrike over the words "~~multisenate district in which both~~", and after the word "~~both~~" insert the word "senatorial"

On page 1, remove the overstrike over lines 27 and 28

On page 2, remove the overstrike over lines 1 and 2

On page 2, line 3, remove the overstrike over the word "sought"

On page 2, line 11, delete the words "or senate seats o:
unequal terms,"

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

SB 2244 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 2250 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 6, after the numerals "57-33-03," insert the words "subsection 1 of section 57-33-04, sections"

On page 1, line 26, after the numerals "57-23-03," insert the numerals "57-23.1-01, 57-23.1-02"

On page 7, line 4, overstrike the words "to the" and delete the words "district court"

On page 8, line 15, delete the words "to the district court"

On page 8, line 28, overstrike the words "to the"

On page 8, line 30, delete the words "the district court"

On page 13, line 11, after the period insert the sentence: "Gross receipts derived from the sale of a capital asset do not have to be reported."

On page 13, after line 20, insert the following new section:

"SECTION 18. AMENDMENT. Subsection 1 of section 57-33-04 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The tax commissioner shall levy on each cooperative a tax upon its gross receipts for the preceding calendar year. Gross receipts derived from the sale of a capital asset are not subject to the tax imposed by this section. Each year for the first five years during which such cooperative is engaged in business the tax shall be one percent and thereafter the tax shall be two percent of its gross receipts. For the purpose of determining when the two percent rate shall be applied, the first year the cooperative is engaged in business shall be the first year in which the cooperative was engaged in business

prior to April first of that year. The tax hereby imposed shall be in lieu of any other taxes levied on the personal property of such cooperatives."

On page 14, line 8, delete the words "to the district court"

On page 19, line 5, after the numerals "57-23-03," insert the numerals "57-23.1-01, 57-23.1-02,"

And renumber the lines, sections, and pages accordingly

SEN. WRIGHT, Chairman

SB 2250 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 2253 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 6, line 23, delete the words ", law enforcement agencies"

On page 6, line 28, delete the words ", law enforcement agencies,"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2253 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2264 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

SB 2264 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 SB 2268 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

SB 2268 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 SB 2286 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

SB 2286 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 2298 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2298 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 SCR 4017 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SCR 4017 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 HB 1060 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

HB 1060 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1119 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1119 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1138 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1138 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1176 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1176 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1190 has had the same under consideration and recommends that the same DO PASS.

SEN. INGSTAD, Vice Chairman

HB 1190 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2068: A BILL for an Act to amend and reenact sections 16.1-06-04 and 16.1-13-22 of the North Dakota Century Code, relating to the form of the election ballot.

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 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; 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: Holmberg

ABSENT AND NOT VOTING: None

SB 2068 passed and the title was agreed to.

SB 2099: A BILL for an Act to amend and reenact section 12-59-15 of the North Dakota Century Code, relating to violations of parole agreements and redetermining the period remaining in supervision.

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 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; Nothing; 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: Meyer, W.

SB 2099 passed and the title was agreed to.

SB 2104: A BILL for an Act to amend and reenact subsection 4 of section 18-04-05 of the North Dakota Century Code, relating to fire insurance premium tax distribution to rural fire protection districts.

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; Nothing; 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 2104 passed and the title was agreed to.

SB 2108: A BILL for an Act to provide for the creation and operation of the property tax appeals court; to repeal chapter 57-23.1 of the North Dakota Century Code, relating to the tax appeals board; to provide an appropriation; and to declare an emergency.

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

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 23 YEAS, 30 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; David; Dotzenrod; Freborg; Hilken; Kelsh; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Parker; Streibel; Tallackson; Tennefos; Thane; Tweten; Vosper; Walsh; Wogsland

NAYS: Adams; Christensen; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Todd; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2108 was declared lost.

SB 2116: A BILL for an Act to create and enact a new subsection to section 14-15-09 of the North Dakota Century Code, relating to the fee for filing an adoption petition; and to amend and reenact sections 11-17-04, 11-26-04, 26.1-02-19, 27-07.1-11, 27-07.1-33, 27-08.1-03, 28-20-20, 28-20.1-05, 30.1-28-03, 32-37-05, 35-18-04, 35-21-05, 35-24-12, 43-01-19, 43-20-04, 44-06-03, and 57-22-32 of the North Dakota Century Code, relating to fees to be charged by the clerks of the district and county courts.

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, 1 NAY, 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; 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: Stenehjem

ABSENT AND NOT VOTING: Lodoen

SB 2116 passed and the title was agreed to.

SB 2147: A BILL for an Act to amend and reenact section 16.1-12-02 of the North Dakota Century Code, relating to a single column on the ballot for independent candidates.

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; Ereborg; 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; 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: Parker

SB 2147 passed and the title was agreed to.

SB 2208: A BILL for an Act to amend and reenact section 54-17-25 of the North Dakota Century Code, relating to the issuance by the industrial commission of student loan revenue bonds.

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; Ereborg; 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 2208 passed and the title was agreed to.

SB 2216: A BILL for an Act making an appropriation out of funds made available under section 903 (Reed Act) of the Social Security Act to the state of North Dakota unemployment compensation fund to be used for automated data processing needs of job service North Dakota.

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

NAYS: None

ABSENT AND NOT VOTING: Freborg; Redlin

SB 2216 passed and the title was agreed to.

SB 2221: A BILL for an Act to amend and reenact subdivision c of subsection 1 of section 57-38-01.2, subdivision c of subsection 1 of section 57-38-01.3, sections 57-38-08 and 57-38-10, subsection 3 of section 57-38-34, section 57-38-35.1, subsections 2, 5, and 6 of section 57-38-38, subdivisions b, c, and d of subsection 1 of section 57-38-45, section 57-38-64, subsections 2, 3, and 6 of section 57-38.2-01, and section 57-38.2-03 of the North Dakota Century Code, relating to income tax; 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 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Freborg; Mutch; Naaden

ABSENT AND NOT VOTING: None

SB 2221 passed and the title was agreed to.

SB 2246: A BILL for an Act to amend and reenact section 16.1-01-03 of the North Dakota Century Code, relating to the opening and closing of polls.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 30 YEAS, 23 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Holmberg; Kelly; Kilander; Langley; Lips; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelsh; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Reiten; Satrom; Shea; Stromme; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2246 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4001: A concurrent resolution directing the Legislative Council to study the investment powers and performance of the State Investment Board and funds of the Public Employees Retirement System.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4001 was declared adopted on a voice vote.

SCR 4006: A concurrent resolution directing the Department of Labor, the North Dakota Workmen's Compensation Bureau, and Job Service North Dakota to coordinate their efforts in providing labor and employment services to the people of North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4006 was declared adopted on a voice vote.

SCR 4013: A concurrent resolution directing the Legislative Council to study methods to encourage the use of modern energy saving construction techniques including use of super insulation and the feasibility and desirability of requiring use of such techniques in future construction.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4013 was declared adopted on a voice vote.

MOTIONS

SEN. LODOEN MOVED that SCR 4014 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. LODOEN MOVED that SCR 4014 be rereferred to the Committee on Joint Constitutional Revision, which motion prevailed.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3033: A concurrent resolution congratulating Lieutenant Colonel James Buchli and members of the Discovery flight

crew on their selection to serve on the Space Shuttle Mission 51-C.

Was read the first time.

MOTION

SEN. NELSON MOVED that the rules be suspended, that HCR 3033 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 RESOLUTION

HCR 3033: A concurrent resolution congratulating Lieutenant Colonel James Buchli and members of the Discovery flight crew on their selection to serve on the Space Shuttle Mission 51-C.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3033 was declared adopted on a voice vote.

POINTS OF PERSONAL PRIVILEGE

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

I would like to give my report on the fiftieth American presidential inaugural trip that Senator Krauter and myself were on. It was a very cold day on Saturday, January 19th, at 4:00 a.m., and we awoke early, excited and raring to go. Our first opportunity to share in all of the festivities of the presidential inauguration, one that we will read about in the history books of our nation in the years to come. The theme, "We the People", and there we were to be - Senators Tennefos and Krauter, representing our state of North Dakota. What a great time, what an opportunity. Yes, we were thrilled, and how grateful we were to live in a country that has a ceremony such as this.

We were ready. The plane felt warm inside, but after all, it was 70 degrees below, wind chill factor, outside and only one engine started. But with one engine, that was not enough. So we waited patiently and we finally got off the ground. We arrived in Minneapolis too late to catch our connecting flight to Washington, D.C.

So the day began. We arrived in Washington not at 11:45 a.m. as planned, but at 4:30 p.m. safe and sound but without luggage. Oh well, all of our information, our ball tickets, our rented tuxedos, were there wherever our luggage was. What does a person do when this happens? We

rented a cab and went touring through the monuments by night and it was a beautiful sight. We laughed a lot and we met many people from all over this great land of ours and took lots of photos. When we got back to our hotel our luggage was there waiting for us. So, all was well. The weather was quite mild, and it was around 36 above and we were very happy.

By Sunday morning the strong winds, very cold temperatures, and blizzard conditions had arrived in Washington. "We the people" gathered for breakfast and touched base with the other North Dakota legislators staying at the Howard Johnson across the street from the Watergate complex. Everyone had their own preferences of tours and what to do, so we decided to meet at the Marriott Hotel with the other North Dakota delegation and watch the Super Bowl on the big screen at 4:00 p.m. - and each had their favorite team.

That very morning we attempted to attend a national prayer service with the President at the Washington Cathedral. The weather was fierce, record low temperature of a -4 degrees below and a chill factor a -29. The security was strong, and so our cab could not wait for us to see if we could get in, so we went on to tour available places. The first stop was the old Post Office Building which had been restored and was being readied for the "Salute to Volunteers". We purchased tickets at the old Post Office and walked over to the Smithsonian Institute in the meantime. At 2:00 p.m. was the time to start the show and we enjoyed the day. As it was very cold, we saw lots of people and celebrities. We asked Paul Williams, the composer and entertainer, for his autograph and he was very cordial, and we had a great day. Secretary Block spoke in gratitude to the millions of volunteers in America, expressing it well. We had lots of excitement.

We used the Metro System for 80 cents a ticket - that is an efficient and clean system - and we were able to get back to our hotel where we wanted to be. The day was full, and was full of fun. Then the announcement came that the inauguration would not take place out-of-doors the next day, and the parade was canceled. Cold weather prevailed. Needless to say, we were disappointed as were thousands of young people from all over the land who had worked very hard to earn money to come take part in the parade. We were told of a high school band from South Dakota who had earned \$40,000 to take the trip and you can imagine how they felt.

On Monday, we all arrived at the office of Senator Andrews and Senator Andrews and his wife had a reception. It was nice again, because we were able to meet with other folks from home. We were visited there, and were welcomed by Senator and Mrs. Burdick, and met Congressman Dorgan at the

reception for the North Dakotans in the Budget Committee room of the Cannon Building where Governor George Sinner welcomed us, together with others from our state who worked in and around Washington, D.C. We were made to feel very special wherever we went.

The day flew by and it was time to get ready for the Inaugural Ball at the Aerospace Center - one of the nine balls which the President and Mrs. Reagan and Vice President and Mrs. Bush would visit sometime during the night. The surroundings were beautiful and we all felt we fit in nicely.

Shortly after our arrival, the President and Nancy Reagan arrived. The sound of ruffles and flourishes gave way to our ears, they were only ten feet from us, and he smiled and waved at us. I hope our photos turn out. They danced on stage to the music of Alvin Ray and his band. It was super. Soon they were off to another group of "We the people" to make it a part of the happenings. People sparkled not only with jewels, but also with joy. Vice President Bush and Barbara were soon to follow. They danced and came off the stage to shake hands and visit with all of us who were nearby. And we were there. Miss America sang and played for us and then she came down and stood by us so we could photograph her. She is beautiful. Senator Rudy Boschwitz from Minnesota was nearby and it was a gala event for us all.

It was 2:30 a.m. when we went to bed - very thankful for our country, for freedoms, and for the blessings of it all.

Tuesday morning arrived as it was supposed to. Now the countdown of hours before boarding Northwest to come home. We walked over to the Kennedy Center for a tour, but it was a short one as they were cleaning up from the ball the night before. So, our next trip to Washington we will still have lots to see. On behalf of Senator Krauter and myself, we thank you for this opportunity of a lifetime, and we hope we served you well, and our fellow North Dakotans well. God bless you all, and thank you.

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

EXPLANATION OF ABSENCE ON JANUARY 25, 1985

Tomorrow I will be in Washington, D.C. as the Acting President of the National Conference of State Legislatures to meet with Mr. Lee Thomas, the newly appointed Administrator of the Environmental Protection Agency. This will be the first official NCSL meeting with Mr. Thomas since he became the EPA Administrator. Other legislators representing NCSL and staff of NCSL will be present.

The meeting will be an opportunity to meet and discuss critical 1985 implementation issues such as hazardous waste amendments and ground water protection program, and to advise Mr. Thomas of the plan and existing NCSL environmental activities. We will also begin to examine avenues by which NCSL can work with EPA to help to properly inform state legislators. Among other issues that we will raise with him are leaking underground storage tanks, clean air, and water quality. I am sure that you can see that all of these are extremely important to North Dakota.

Our NCSL staff will be holding more detailed meetings with other EPA officials during that day and I will attend as many of those sessions as my airline schedule will permit.

As the president-elect of NCSL and presently as the acting president of NCSL it is necessary for me to miss an occasional session day. I trust these meetings will bring about additional benefits to North Dakota as well as the other 49 states who are members of our organization.

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

Thank you very much for giving me this opportunity to partake in such a memorable trip. I'll have to commend Senator Tennefos from the 46th District for giving the major portion of our trip, and I'm not going to be repetitious, but our departure from Bismarck through Minneapolis onto Washington, D.C. had many highlights, as he pointed out. Our stay was at the Howard Johnson Hotel across the street from the Watergate Complex, and I'm sure Watergate Complex brings back memories or thoughts of what took place in that memorable occasion when the Howard Johnson Hotel was used to do the research work in investigating the Watergate break-in. Sunday afternoon, as was mentioned, we went to the Crystal City Marriott, and we were in Virginia City to watch the Super Bowl game, and one thing that was not brought out was the fact that there was a legal pool organized there, and if the good senator would want to comment on that later, who was the fortunate winner of that pool, it would be his obligation to do so. On Monday, we met with Senator Mark Andrews and his wife at the reception there that they had put on, and there I met a former U.S. Senator from the state of Kansas by the name of Wheeler, and he asked me about our particular area that I lived in and what some of the things that are going on there, and I brought out the fact that we have a serious situation in regards to railroad abandonment and bankruptcy of the Milwaukee Railroad. By coincidence, he happened to be working in that field in Washington, D.C., so I forwarded his information along with his card to Congressman Byron Dorgan who is also doing some research work to see if there would be federal matching funds

available in regards to the impacted areas of railroad abandonment. Then Monday, later on in the afternoon we had the reception at the Cannon building for North Dakota delegates. There I met former Congressman Kleppe, former Secretary of Agriculture Bergland, and I'm sure many of you remember Jess Cooper, and it was an exciting time. Governor Sinner was there. He gave his brief report on the Garrison Diversion project, because that was part of his admission to be down there, and I was not fortunate enough to get ahold of any ball tickets, so that evening, my wife and I visited with a landlord of mine that I farmed for since 1951. He was a former U.S. Ambassador to Uruguay under the Nixon administration, so we had an interesting evening visiting with a diplomat, and I think, as far as I'm concerned, this was an excursion that will never be forgotten, and along with Senator Tennesos and myself, I want to thank whoever made it possible for us to attend this occasion. It will never be forgotten to be a part of this excursion. Thank you very much.

FIRST READING OF SENATE BILLS

Sens. Lodoen, D. Meyer, W. Meyer and Reps. Martinson, Moore introduced:

SB 2442: A BILL for an Act to provide for the manner in which state agencies shall contract for architect, engineer, and land surveying services.

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

Sens. Moore, Dotzenrod and Reps. A. Olson, Riehl introduced:

SB 2443: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the capitalization rate used in the valuation and assessment of agricultural lands; and to provide an effective date.

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

Sen. Christensen introduced:

SB 2444: A BILL for an Act to create and enact a new subsection to section 50-06-05.1 and a new subsection to section 54-12-01 of the North Dakota Century Code, relating to the powers and duties of the department of human services and the attorney general regarding administrative hearings.

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

Sen. Christensen and Rep. Unhjem introduced:

SB 2445: A BILL for an Act to adopt the Uniform Law Commissioners' Model Criminal Responsibility and Post-trial Disposition Act, relating to the defense of lack of criminal responsibility; to amend and reenact sections 12.1-04-02 and 12.1-04-06 of the North Dakota Century Code, relating to the use of intoxication as a defense, and psychiatric examinations of defendants for mental disease

or defect; and to repeal sections 12.1-04-03 and 12.1-04-10 of the North Dakota Century Code, relating to lack of criminal responsibility as a defense, and the disposition of defendants found not criminally responsible.

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Heinrich, Streibel and Reps. L. Hanson, Schindler introduced:

SCR 4032: A concurrent resolution directing the Legislative Council to conduct a study of chemical manufacturing plants and storage facilities in the state near residential areas.

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

FIRST READING OF HOUSE BILLS

HB 1004: A BILL for an Act making an appropriation for the homestead tax credit.

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

HB 1018: A BILL for an Act making an appropriation for insurance premium tax payments distribution to fire departments.

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

HB 1066: A BILL for an Act to amend and reenact sections 32-39-01, 32-39-02, and 32-39-03 of the North Dakota Century Code, relating to voluntary service or partial payment of claims.

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

HB 1094: A BILL for an Act to amend and reenact section 57-51-04 of the North Dakota Century Code, relating to taxable property used for oil and gas exploration or production being taxable to the owner of that property; and to provide an effective date.

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

HB 1121: A BILL for an Act to amend and reenact section 13-04.1-04 of the North Dakota Century Code, relating to the surety bond requirement for money brokers.

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

HB 1160: A BILL for an Act to amend and reenact section 57-15-19.2 of the North Dakota Century Code, relating to special road funds in townships.

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

HB 1172: A BILL for an Act to amend and reenact sections 18-12-06, 18-12-23, and 18-12-25 of the North Dakota

Century Code, relating to construction of educational occupancies; and to repeal sections 15-35-01, 15-35-02, 15-35-03, 15-35-04, 15-35-05, 15-35-06, 18-12-07, 18-12-08, 18-12-09, 18-12-10, 18-12-11, 18-12-12, 18-12-13, 18-12-14, 18-12-15, 18-12-17, 18-12-18, 18-12-19, 18-12-20, 18-12-21 of the North Dakota Century Code, relating to the construction of and prevention in educational occupancies. Was read the first time and referred to the Committee on Education.

HB 1181: A BILL for an Act to create and enact three new subsections to section 43-15-10 of the North Dakota Century Code, relating to the powers of the board of pharmacy. Was read the first time and referred to the Committee on Industry, Business and Labor.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3006: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of expanding the jurisdiction of the Legislative Council's Committee on Public Employees Retirement Programs to include all fringe benefits for state employees.

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

HCR 3007: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating the various public employee retirement funds in the state.

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

HCR 3008: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of imposing actuarial reporting and evaluation standards on all public employee retirement programs in the state.

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

HCR 3009: A concurrent resolution directing the Legislative Council to study the actuarial soundness and financial status of public employee retirement programs authorized by state law for employees of political subdivisions.

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

MOTION

SEN. NELSON MOVED that at the conclusion of the Ninth order of business, the Thirteenth order of business and after the reading of SB 2040, SB 2054, SB 2061, SB 2087, SB 2092, SB 2094, SB 2144, SB 2173, SB 2178, SB 2198, SB 2202, SB 2233, SB 2264, SB 2267,

SB 2268, SB 2286, SB 2298, SCR 4017, HB 1060, HB 1119, HB 1138, HB 1176, and HB 1190, the Senate adjourn and convene at 12:30 p.m., Friday, January 25, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary