

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FOURTEENTH DAY

Bismarck, January 25, 1985

The Senate convened at 12:30 p.m., with President Meiers presiding.

The prayer was offered by Reverend David Thoreson, Faith Lutheran Church, Bismarck.

"O God, our Help in Ages Past, our hope for years to come." May the words of this great hymn remind us again this day that You, O Lord, have cared for and nurtured Your people in all times and in all places. We give You thanks this day that Your spirit has guided those who have previously occupied the positions of leadership that these men and women now hold. Lead these decisionmakers into a future that is solidly grounded in hope. Not the hope that comes from worldly power but the hope that provides liberty and justice for all people. In a constantly changing world we look to You as our rock of hope. May the leaders of this state have the courage of their convictions and the wisdom of Your guidance to serve all people. As they come to the end of another week of service, give them strength to carry on in the appointed tasks. As they prepare to join their families and friends we pray that You might renew them in body and in spirit through recreation, fellowship, and worship. We ask Your blessings on their work and pray that You would give each a sense of renewed dedication to the vocation before them.

We pray this in the name of the God of hope. Amen.

ROLL CALL

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

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 Thirteenth day and finds the same to be correct.

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 they have examined the following bills and find the same correctly engrossed:

SB 2040, SB 2061, SB 2087, SB 2135, SB 2144, SB 2173,
SB 2178, SB 2233, SB 2267

SEN. BAKEWELL, Chairman

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

POINT OF PERSONAL PRIVILEGE

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

Madam President: On Thursday, January 24, 1985, the Senate Appropriations Committee held a hearing on the preventative health and health services block grant moneys anticipated by the State Department of Health during the period beginning October 1, 1985, and ending September 30, 1987. If any member of the Legislative Assembly desires copies of the minutes and testimony presented to the Senate Appropriations Committee during the block grant hearing, the Senate Appropriations Committee Clerk will make copies available to you. I inform you about the availability of the information at this time, since your approval or disapproval of the appropriation for the State Department of Health includes the legislative action regarding the use of the federal block grant funds.

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2085 as recommended by the Committee on Judiciary as printed on page 314 of the Senate Journal be adopted, and when so adopted, recommends that SB 2085 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2183 as recommended by the Committee on Industry, Business and Labor as printed on pages 314-319 of the Senate Journal be adopted, and when so adopted, recommends that SB 2183 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2244 as recommended by the Committee on State and Federal Government as printed on pages 320-321 of the Senate Journal be adopted, and when so adopted, recommends that SB 2244 DO PASS, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2250 as recommended by the Committee on Finance and Taxation as printed on pages 321-322 of the Senate Journal be adopted, and when so adopted, recommends that SB 2250 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2253 as recommended by the Committee on Industry, Business and Labor as printed on page

322 of the Senate Journal be adopted, and when so adopted, recommends that SB 2253 DO PASS, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2040: A BILL for an Act to amend and reenact section 27-08.1-01 of the North Dakota Century Code, relating to small claims court venue for collection of nonsufficient fund or no account checks.

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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; 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: Nething

SB 2040 passed and the title was agreed to.

MOTION

SEN. STENEHJEM MOVED that SB 2054 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2061: A BILL for an Act to amend and reenact section 5-02-10 of the North Dakota Century Code, relating to the suspension or revocation of a retail liquor license for violation of the games of chance law.

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 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lodoen;

Maixner; Matchie; Meyer, D.; Meyer, W.; Moore; Naaden; Olson; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Hilken; Lashkowitz; Lips; Meyer, J.; Mushik; Mutch; Nelson; Parker; Redlin; Thane

ABSENT AND NOT VOTING: Nething

SB 2061 passed and the title was agreed to.

SB 2087: A BILL for an Act to amend and reenact section 1-02-09 of the North Dakota Century Code, relating to reconciliation of statutes passed during the same session.

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 48 YEAS, 4 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; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Lashkowitz; Maixner; Redlin; Wogsland

ABSENT AND NOT VOTING: Nething

SB 2087 passed and the title was agreed to.

SB 2092: A BILL for an Act to establish air carrier service regions throughout the state, to provide for a tax levy to support air carrier airports in each air carrier region, to provide for adoption of a budget by air carrier airports, and to provide for adoption and payment of the tax levy; to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to tax levy limitation for air carrier regions; to make the effectiveness of a portion of this Act contingent upon approval by the people of the state; and to provide for the effectiveness of a

portion of this Act contingent on regional approval by the people.

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

ROLL CALL

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

YEAS: None

NAYS: 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; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Nething

SB 2092 was declared lost.

SB 2094: A BILL for an Act to create and enact a new subsection to section 2-02-06 and a new subsection to section 2-06-07 of the North Dakota Century Code, relating to power of certain airport operators and airport authorities to establish toll access roadways.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Heigaard; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Langley; Lips; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Berube; Freborg; Heinrich; Hilken; Kelly; Kusler; Lashkowitz; Maixner; Matchie; Mutch; Naaden; Redlin; Streibel; Tweten

ABSENT AND NOT VOTING: Nething

SB 2094 passed and the title was agreed to.

SB 2144: A BILL for an Act to amend and reenact section 16.1-11-10 of the North Dakota Century Code, relating to the candidate's affidavit to place a name on the primary 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, 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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; 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: Nething

SB 2144 passed and the title was agreed to.

SB 2173: A BILL for an Act to adopt the Uniform Fraudulent Transfer Act, relating to fraudulent property transfers; to amend and reenact section 13-01-03 of the North Dakota Century Code, relating to creditor preferences; and to repeal sections 13-01-05, 13-01-06, 13-01-07, 13-01-08, 13-01-09, and chapter 13-02 of the North Dakota Century Code, relating to fraudulent property transfers.

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.; Meyer, W.; Moore;

Mushik; Mutch; Naaden; Nelson; 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: Nothing

SB 2173 passed and the title was agreed to.

SB 2178: A BILL for an Act to adopt the Uniform Unclaimed Property Act, relating to the disposition of abandoned and unclaimed property in this state; to create and enact a new section to chapter 15-02 of the North Dakota Century Code, relating to appointment of an administrator of this Act; to amend and reenact sections 6-07-46, 9-12-29, and subdivision v of subsection 1 of section 28-32-01 of the North Dakota Century Code, relating to the disposition of unclaimed moneys of an insolvent bank, the claim of moneys deposited by a debtor with the county treasurer when the creditor cannot be located, and exclusion from the Administrative Agencies Practice Act; to repeal chapter 47-30 of the North Dakota Century Code, relating to the disposition of abandoned and unclaimed property in this state; and to provide a penalty.

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.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; 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: Nothing

SB 2178 passed and the title was agreed to.

SB 2198: A BILL for an Act to amend and reenact section 61-04-24 of the North Dakota Century Code, relating to the forfeiture of water rights.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; 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; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Freborg; Nething; Parker; Walsh

SB 2198 passed and the title was agreed to.

SB 2202: A BILL for an Act to amend and reenact section 61-16.1-23 of the North Dakota Century Code, relating to appeals from assessments of water resource boards.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Nething; Parker; Walsh

SB 2202 passed and the title was agreed to.

SB 2233: A BILL for an Act to amend and reenact section 54-17-07.7 of the North Dakota Century Code, relating to the granting to the North Dakota industrial commission, acting as the North Dakota housing finance agency, the authority not to require program restrictions necessary to the exemption from federal income taxes of the interest payable on its housing revenue bonds; and to declare an emergency.

Which has been read.

ROLL CALL

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

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

SB 2233 passed, the title was agreed to, and the emergency clause carried.

RECOGNITION

SEN. REITEN ANNOUNCED that Colonel Christopher Branch of the 91st Strategic Missile Wing at Minot Air Force Base, who is the Strategic Wing Commander, is in the chamber.

SEN. NELSON MOVED that the President appoint a committee of two to escort Colonel Branch to the rostrum, which motion prevailed. The President appointed as such committee Senators Holmberg and Redlin. Colonel Branch was escorted to the rostrum and addressed the Assembly.

SEN. NELSON MOVED that the remarks of Colonel Branch be printed in the Journal, which motion prevailed.

Madam President, Senator Reiten, and distinguished Senators, ladies and gentlemen: It is a privilege and an honor to appear before this august body. I, too, share

your pride in the efficiency and openness with which you conduct the state government. In reviewing with you how you do your business, I wish the federal government could deport themselves in as efficient and businesslike manner.

I want to assure you that we are responsible stewards of your and my taxpayer dollars. We represent the military, and I am proud to stand here from both the Air Force and Strategic Air Command and the two strategic bases that are located in the great state of North Dakota. We have highly trained, highly motivated and dedicated men and women who take care of the business of national defense. There are three, what are called, dual-wing bases in Strategic Air Command. Two of those dual-wing bases which contain both Minuteman ICBM's and strategic bombers are located in the state of North Dakota. That means that there are two wings of B-52 bombers, two wings of KC-135 tankers, two detachments of helicopters for support, and two wings of Minuteman missiles over a hundred and fifty at each base, three hundred - almost one-third of our strategic ICBM inventories is located in North Dakota.

At Minot Air Force Base, I represent over fifteen thousand men and women; about seven thousand active duty military and civilian and about eight thousand dependents and families - over fifteen thousand people who are proud to live in North Dakota.

We're pleased and honored to be accepted as members of your community, and we are very impressed with all we have seen here today. In Minot Air Force Base, we have the Fifth Bombardment Wing, which has the B-52 H-model and a worldwide force projection capability. It is the largest far alert force in Strategic Air Command. It is the second oldest bombardment wing in Strategic Air Command. We also have the modern F-15 fighter plane which we're converting to for the Fifth Fighter Interceptor Squadron. And we also have the Minuteman 3 intercontinental ballistic missile with command data buffer which has an ability to instantaneously retarget its missiles, and the latest reentry system. So we are the most modern assemblage of strategic and tactical forces in the Air Force inventory right in Minot. Together, we comprise an extremely effective and capable strategic deterrent force.

We have been very impressed with all that we have seen here today in looking at the way you run your business, and it's been a privilege for us to be here with you. I want to extend personally to all of you the invitation this summer to come visit either Minot or Grand Forks, and we will be sending those invitations out to all of you. Thank you very much for the privilege and honor of appearing before you today, and we are proud to serve in this great state of North Dakota. Thank you, ladies and gentlemen.

SECOND READING OF A SENATE BILL

SB 2264: A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, relating to county emergency fund levies.

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

NAYS: None

ABSENT AND NOT VOTING: Christensen; Langley; Nething; Parker

SB 2264 passed and the title was agreed to.

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:

HCR 3040

ROY GILBREATH, Chief Clerk

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

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

HCR 3040: A concurrent resolution welcoming representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program.

Was read the first time.

MOTION

SEN. NELSON MOVED that the rules be suspended, that HCR 3040 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 3040: A concurrent resolution welcoming representatives of Grand Forks Air Force Base and Minot Air Force Base participating in the military-state government leadership exchange program.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3040 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2267: A BILL for an Act to amend and reenact section 15-60-04 of the North Dakota Century Code, relating to limitations on the amount of loans received by school districts from the state school construction fund.

Which has been read.

ROLL CALL

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

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

SB 2267 passed and the title was agreed to.

SB 2268: A BILL for an Act to amend and reenact sections 11-19.1-15, 11-19.1-16, and 11-19.1-17 of the North Dakota Century Code, relating to the duties of coroners to notify relatives and fee responsibilities of the counties.

Which has been read.

ROLL CALL

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

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

SB 2268 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

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

SB 2286 passed and the title was agreed to.

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.

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

NAYS: Berube; Kelly; Lodoen; Walsh; Wenstrom

ABSENT AND NOT VOTING: Nething; Parker

SB 2298 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

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

Which has been read.

The question being on the final adoption of the resolution.

SCR 4017 was declared adopted on a voice vote.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NAADEN MOVED that the Senate do not concur in the House amendments to SCR 4029 as printed on page 313 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SCR 4029:

Sens. Naaden, Nelson, Satrom

SECOND READING OF HOUSE BILLS

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 39 YEAS, 12 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Holmberg; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Olson; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Tallackson; Tennefos; Todd; Tweten; Waldera; Walsh; Wogsland

NAYS: David; Hilken; Ingstad; Lashkowitz; Lips; Mutch; Satrom; Stromme; Thane; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Nething; Parker

HB 1060 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

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

HB 1119 passed and the title was agreed to.

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.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 1 NAY, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Freborg; 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; Olson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Bakewell; Nething; Parker; Peterson; Walsh

HB 1138 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

YEAS: Adams; 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; 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: Bakewell; Nething; Parker

HB 1176 passed and the title was agreed to.

HB 1190: A BILL for an Act to amend sections 57-15-05, 57-15-07, and 57-15-11 of the North Dakota Century Code, relating to dates for levying taxes for county, city, and park district levy requests.

Which has been read.

ROLL CALL

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

YEAS: Adams; 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; 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: Bakewell; Nething; Parker

HB 1190 passed and the title was agreed to.

MESSAGES TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SCR 4029 and the President has appointed as a conference committee to act with a like committee from the House on:

SCR 4029: Sens. Naaden, Nelson, Satrom

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 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

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1193

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 1070, HB 1114, HB 1132, HB 1150, HB 1166, HB 1238,
HB 1242, HB 1248

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2041 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 12, after the word "Act" insert the words "; and to declare an emergency"
- On page 18, line 20, delete the word "if" and insert in lieu thereof the word "of"
- On page 18, line 33, delete the word "if" and insert in lieu thereof the word "but", and delete the words "is not" and insert in lieu thereof the words "may not be"
- On page 19, line 6, after the word "corporation" insert the words "or limited partnership"
- On page 19, line 9, after the numerals "10-19.1-14" insert the words "or is a fictitious name registered with the office of the secretary of state in the manner provided in chapter 45-11"
- On page 19, line 14, after the word "corporation" insert the words ", limited partnership, or partnership"
- On page 71, line 3, delete the words ", beneficial owner,"
- On page 126, after line 23, insert the following new section:
- "SECTION 25. 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. REITEN, Chairman

SB 2041 was placed on the Sixth 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 2055 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 10, delete the words "nursing home,"

On page 1, line 11, delete the words "foster family care home for adults" and insert in lieu thereof the words "other facility furnishing care to its residents, where a care rate is based, in part, upon property costs unique to that facility,"

On page 1, line 17, after the period insert the following new sentence: "The department of human services shall apply this limit to rates set for each facility's first fiscal year beginning on or after July 1, 1985, but shall consider, in setting such rates, all sales occurring on or after July 18, 1984."

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2055 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 2084 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2084 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 2107 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 3, delete the numerals "10-22-11,"

On page 1, line 7, after the word "corporations", insert the words "; and to declare an emergency"

On page 3, line 8, overstrike the word "certificate" and insert immediately thereafter the word "notice", and after the word "or" insert the words "certificate of"

On page 3, line 34, after the word "corporation" insert the words "or domestic limited partnership"

On page 3, line 35, after the word "corporation" insert the words "or foreign limited partnership"

On page 4, line 3, after the numerals "10-19.1" insert the words ", or a fictitious name registered with the office of the secretary of state in the manner provided in chapter 45-11, or a trade name registered with the secretary of state in the manner provided in chapter 47-25"

On page 6, delete lines 6 through 17, and insert in lieu thereof the following:

"11. An estimate, expressed in dollars, of the value of all property to be owned by the corporation for the following year, wherever located, and an estimate of the value of the property of the corporation to be located within this state during such year, and an estimate, expressed in dollars, of the gross amount of business which will be transacted by the corporation during such year, and an estimate of the gross amount thereof which will be transacted by the corporation at or from places of business in this state during such year."

On page 11, delete lines 3 through 19

On page 13, remove the overstrike from lines 16 through 27

On page 13, line 28, remove the overstrike over the numeral "9."

On page 17, after line 8, insert the following new section:

"SECTION 19. 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. REITEN, Chairman

SB 2107 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 2252 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 8, delete the numerals "279.6" and insert in lieu thereof the numerals "176"

And renumber the lines accordingly

SEN. MOORE, Chairman

SB 2252 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2263 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 32, after the word "child" insert the words "in any of the grades one through six"

On page 2, line 34, delete the words ",or by a person or"

On page 2, delete line 35

On page 3, delete line 1

On page 3, line 2, delete the words "child, stepchild, or ward"

On page 3, line 29, delete the words "after consultation"

On page 3, delete line 30

On page 3, line 31, delete the words "custody of the child,"

On page 4, line 3, delete the words "more than one grade level or year"

On page 4, line 4, delete the words "level or the equivalent thereof"

On page 4, line 14, delete the word "Provide" and insert in lieu thereof the word "Require"

On page 5, delete lines 9 through 11

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2263 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 2266 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the numerals "61-04-02.1" and insert in lieu thereof the numerals "61-04-06.2"

On page 1, line 3, delete the words "emergency or temporary authorization by the state"

On page 1, line 4, delete the word "engineer" and insert in lieu thereof the words "terms of permits"

On page 1, delete lines 7 through 27 and insert in lieu thereof the following new section:

SECTION 1. AMENDMENT. Section 61-04-06.2 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

61-04-06.2. Terms of permit. The state engineer may issue a conditional permit for less than the amount of water requested, but in no case may he issue a permit for more water than can be beneficially used for the purposes stated in the application except that water permits for incorporated municipalities may contain water in excess of present needs if based upon reasonable projections of future water needs of the municipality. He may require modification of the plans and specifications for the appropriation. He may issue a permit subject to fees for water use, terms, conditions, restrictions, limitations, and termination dates he considers necessary to protect the rights of others, and the public interest. Conditions and limitations so attached shall be related to matters within the jurisdiction of the state engineer; provided, however, that all conditions attached to any permit issued prior to July 1, 1975, shall be binding upon the permittee.

And renumber the lines and pages accordingly

SEN. DON MOORE, Chairman

SB 2266 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 2292 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2292 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 2293 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2293 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 SCR 4003 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SCR 4003 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 1074 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1074 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1106 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1106 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF SENATE BILLS

Sen. Lips introduced:

SB 2446: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to deposit of funds for pre-need funeral service contracts.

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

Sen. Freborg introduced:

SB 2447: A BILL for an Act to amend and reenact section 39-22-05.2 of the North Dakota Century Code, relating to performance bonds of contracts to sell motor vehicles to governmental agencies.

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

Sen. J. Meyer introduced:

SB 2448: A BILL for an Act to amend and reenact section 14-02.4-03 of the North Dakota Century Code, relating to discriminatory practices of an employer.

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

Sens. Maixner, Parker, Kusler and Reps. Watne, Whalen introduced:

SB 2449: A BILL for an Act to create and enact section 57-61-01.3 of the North Dakota Century Code, relating to a severance tax reduction on coal mined for certain users.

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

Sens. Bakewell, Redlin, Dotzenrod and Reps. Nicholas, Keller introduced:

SB 2450: A BILL for an Act to create and enact subsections 9, 10, 11, 12, and 13 to section 41-09-28, four new subsections to section 41-09-42, and a new section to title 41 of the North Dakota Century Code, relating to a central

filing system, the protection of buyers of crops and livestock, the responsibilities of the secretary of state for the central filing system, fees chargeable, and transition; to amend and reenact subsection 8 of section 11-18-01, subsection 1 of section 41-09-28, and section 41-09-46 of the North Dakota Century Code, relating to sales of crops or livestock, responsibilities of the secretary of state, and financing statements; to repeal subsections 4, 5, 6, 7, and 8 of section 41-09-28, relating to the certificate of ownership law; to provide an appropriation; and to provide an effective date.

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

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Maixner, David and Reps. W. Williams, Shaw introduced:

SCR 4033: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII, and sections 12 and 13 of article IX of the Constitution of the State of North Dakota, relating to the establishment of a system of higher education comprised of the university of North Dakota and school of mines at Grand Forks, Mayville, and Minot, with a two-year center at Williston, the North Dakota state university at Fargo, Dickinson, and Valley City, with a two-year center at Bottineau, and the experiment station at Fargo with its substations, and the North Dakota junior college at Bismarck, Devils Lake, and Wahpeton; to remove the authority to establish other institutions of higher education; and to provide an effective date.

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

FIRST READING OF HOUSE BILLS

HB 1086: A BILL for an Act to amend and reenact section 18-11-18 of the North Dakota Century Code, relating to benefits under the alternate firemen's relief association retirement plan.

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

HB 1090: A BILL for an Act to provide a procedure for seeking financial assistance for the development of water-related projects from the resources trust fund and to establish criteria governing review of applications for financial assistance for water-related projects from the resources trust fund.

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

HB 1091: A BILL for an Act to amend and reenact section 39-04-10.4 of the North Dakota Century Code, relating to number plates and personalized plates on antique motor vehicles.

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

HB 1141: A BILL for an Act to amend and reenact section 24-02-42 of the North Dakota Century Code, relating to highway department scholarships.

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

HB 1143: A BILL for an Act to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to permit fees for motor vehicles in state parks, recreational areas, or reserves.

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

HB 1177: A BILL for an Act to create and enact a new subsection to section 4-30-01 and three new sections to chapter 4-30 of the North Dakota Century Code, relating to definitions for dairy products regulation, and the sale of imitation milk or imitation milk products and filled dairy products; to amend and reenact sections 4-30-53 and 4-30-56 of the North Dakota Century Code, relating to penalties for violation and enforcement of chapter 4-30 of the North Dakota Century Code, providing for dairy products regulation; to repeal sections 4-30-43 and 4-30-55 of the North Dakota Century Code, relating to the sale of filled dairy products and raw milk; and to provide a penalty.

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

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Legislative Council introduced:

HCR 3005: A concurrent resolution urging the Congress of the United States to appropriate sufficient moneys to pay 100 percent of the payments in lieu of taxes under the Wildlife Refuge Revenue Sharing Act and the Payments in Lieu of Taxes Act of 1976.

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

COMMUNICATION

North Dakota Medical Association Doctor of the Day Schedule

January 28: Charles Volk, M.D. - Bismarck
 January 29: Russell Emery, M.D. - Bismarck
 January 30: William Buckingham, M.D. - Bismarck
 January 31: Judith Kaur, M.D. - Bismarck
 February 1: Lloyd Giltner, M.D. - Minot

MOTIONS

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

SEN. NELSON MOVED that at the conclusion of the Fifth order of business, the Eleventh order of business, Thirteenth order of business and after the reading of SB 2084, SB 2085, SB 2183, SB 2244, SB 2250, SB 2253, SB 2292, SB 2293, SCR 4003, HB 1074, and HB 1106, the Senate adjourn and convene at 1:00 p.m., Monday, January 28, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary