

## JOURNAL OF THE SENATE

## Forty-ninth Legislative Assembly

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## SIXTEENTH DAY

Bismarck, January 29, 1985

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

The prayer was offered by Reverend Mel Soderberg, First Lutheran Church, Bismarck.

Almighty God, the Father of Our Lord Jesus Christ: We give You praise and thanks for all Your goodness and love for the human family. We thank You that You have created us and that You do sustain us from day to day. We again thank You for the gift of Your Son, Jesus Christ, through whom You have made known Your will and grace. We thank You for the Holy Spirit, the means of grace through which You continue to bless us with Your presence. We thank You also for the lives of all faithful and godly people and for the hope of the life to come. We pray also for Your continued guidance, here in our North Dakota State Legislature, that through the various individuals involved, Your will and purpose for the good of the human family will be evident. Bless especially Governor Sinner and his staff, Lt. Governor Meiers, Senators and Representatives, and the many others who work with them. Give to each of them a sense of Your Holy Will as they attempt to be Your faithful people. For all these things and whatever else You see that we need, grant us, Father, for the sake of Jesus Christ, our Lord. 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 Fifteenth 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 2041, SB 2055, SB 2107, SB 2252, SB 2263, SB 2266

SEN. BAKEWELL, Chairman

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

## CONSIDERATION OF AMENDMENTS

SEN. STENEHJEM MOVED that the amendments to SB 2089 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 375 of the Senate Journal be adopted, and when so adopted, recommends that SB 2089 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2091 as recommended by the Committee on Political Subdivisions as printed on pages 375-376 of the Senate Journal be adopted, and when so adopted, recommends that SB 2091 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2258 as recommended by the Committee on Political Subdivisions as printed on page 377 of the Senate Journal be adopted, and when so adopted, recommends that SB 2258 DO PASS, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1105 as recommended by the Committee on Natural Resources as printed on page 378 of the Senate Journal be adopted, and when so adopted, recommends that HB 1105 DO PASS, which motion prevailed.

## 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 1087, HB 1146, HB 1153, HB 1209

ROY GILBREATH, Chief Clerk

## MESSAGE TO THE SENATE

## HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HCR 3033

ROY GILBREATH, Chief Clerk

**SIGNING OF BILLS AND RESOLUTIONS**

**THE SECRETARY ANNOUNCED** that the President signed the following:

HCR 3033

**LEO LEIDHOLM, Secretary**

**MESSAGES TO THE HOUSE  
SENATE CHAMBER**

**MR. SPEAKER:** I have the honor to return herewith the following which the President has signed:

HB 1193

**LEO LEIDHOLM, Secretary**

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

SB 2040, SB 2061, SB 2087, 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

**LEO LEIDHOLM, Secretary**

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

HB 1060, HB 1119, HB 1138, HB 1176, HB 1190, HCR 3040

**LEO LEIDHOLM, Secretary**

**SECOND READING OF SENATE BILLS**

**SB 2041:** A BILL for an Act to create and enact chapter 10-19.1 of the North Dakota Century Code, relating to the creation, organization, operation, liability, and dissolution of business corporations; to amend and reenact sections 10-06-07, 10-06-07.1, 10-22-01, 10-22-02, 10-22-03, 10-22-05, 10-22-06, 10-22-07, 10-22-15, 10-22-16, 10-22-18, 10-23-09, 10-23-11, 10-23-12, 10-23-13, 10-23-14, 10-23-15, 10-23-16, 10-23-17, 10-30-05, subsection 12 of section 25-03.1-02, and subsection 4 of section 38-08.1-03.1 of the North Dakota Century Code, relating to references to chapters 10-19, 10-20, and 10-21 (North Dakota Business Corporation Act); and to repeal chapters 10-19, 10-20, and 10-21 of the North Dakota Century Code, relating to the North Dakota Business Corporation Act; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

**NAYS:** None

**ABSENT AND NOT VOTING:** None

SB 2041 passed, the title was agreed to, and the emergency clause carried.

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**SB 2042:** A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to the enforcement of child support and visitation rights; to amend and reenact sections 14-07-15, 14-08-09, 14-09-09.1, subsection 1 of section 14-09-09.2, sections 14-09-09.4, 14-09-14, 14-12.1-09, 14-12.1-11, 14-12.1-23, and 14-17-16 of the North Dakota Century Code, relating to the obligation and enforcement of child support payments, assignment of wages for child support payments, the contents and filing of a petition for support, and a defense for nonpayment of child support.

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, 53 NAYS, 0 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; Nething; 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:** None

SB 2042 was declared lost.

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SB 2050: A BILL for an Act to create and enact sections 21-10-02.1 and 21-10-06.1 of the North Dakota Century Code, relating to the state investment board's policies on investment goals and objectives and the state investment board investment reporting; and to amend and reenact section 54-52-04 of the North Dakota Century Code, relating to the public employees retirement system's investment reporting.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2050 passed and the title was agreed to.

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SB 2055: A BILL for an Act to provide for the department of human services to limit state reimbursement for rental expenses of long-term care facilities.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2055 passed and the title was agreed to.

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SB 2078: A BILL for an Act to create and enact sections 26.1-01-03.1 and 26.1-01-03.2, and chapters 26.1-26, 26.1-27, 26.1-28, 26.1-29, 26.1-30, 26.1-31, 26.1-32, 26.1-33, 26.1-34, 26.1-35, 26.1-36, 26.1-37, 26.1-38, 26.1-39, 26.1-40, 26.1-41, 26.1-42, 26.1-43, and 26.1-44 of the North Dakota Century Code, relating to the authority of the commissioner of insurance; insurance agents, brokers, consultants, and representatives; insurance administrators; insurance vending machines; insurance contracts; insurance policies; reinsurance and double insurance; loss and notice of loss; life insurance; annuities; life insurance and annuity valuation; accident and health insurance; credit life and accident and health insurance; the North Dakota life and health insurance guaranty association; property and casualty insurance; automobile insurance and warranties; auto accident reparations; the North Dakota insurance guaranty association; legal expense insurance; and surplus line insurance; to repeal chapters 26-02, 26-03, 26-03.1, 26-03.2, 26-03.3, 26-03.4, 26-03.5, 26-03.6, 26-05, 26-06, 26-09.2, 26-10, 26-10.1, 26-11.1, 26-17.1, 26-17.2, 26-18, 26-31, 26-33, 26-34, 26-35, 26-36, 26-36.1, 26-39, and 26-41, and sections 26.1-17-13, 26.1-17-14, 26.1-17-15, 26.1-17-17, 26.1-18-15, and 26.1-18-16 of the North Dakota Century Code, sections 1 and 10 of chapter 247, sections 1 and 12 of chapter 248, and section 1 of chapter 249 of the 1977 Session Laws, section 1 of chapter 303 of the 1981 Session Laws, and section 27 of chapter 332 of the 1983 Session Laws, relating to the insurance laws remaining in title 26, uncodified provisions pertaining to those laws, contract requirements covered by title 26.1, and temporary transition from title 26 to title 26.1; to provide penalties; and to provide for transition.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2078 passed and the title was agreed to.

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SB 2079: A BILL for an Act to create and enact a new subsection to section 15-29-08 and a new subsection to section 58-06-01 of the North Dakota Century Code, relating to fire and tornado insurance coverage by school districts and townships; and to amend and reenact sections 2-02-09, 13-03.1-17, 26.1-02-02, subsections 6, 7, and 9 of section 26.1-02-05, subsection 5 of section 26.1-02-06, subsection 2 of section 26.1-02-23, subsections 1 and 2 of section 26.1-03-12, section 26.1-03-15, subsections 1 and 2 of section 26.1-03-17, subsection 1 of section 26.1-04-04, subsections 1 and 4 of section 26.1-04-05, sections 26.1-04-06, 26.1-05-04, 26.1-05-19, 26.1-05-27, 26.1-05-34, 26.1-07-14, subsection 5 of section 26.1-07-17, subsections 2, 6, and 9 of section 26.1-08-01, subsections 1 and 2 of section 26.1-08-03, subsection 1 of section 26.1-08-05, subsection 1 of section 26.1-08-06, subsection 4 of section 26.1-08-09, subsections 1, 2, and 3 of section 26.1-08-10, subsections 3 and 4 of section 26.1-08-11, subsection 1 of section 26.1-08-12, section 26.1-09-13, subsection 3 of section 26.1-10-01, subsection 9 of section 26.1-11-01, sections 26.1-11-07, 26.1-11-11, subsection 1 of section 26.1-11-12, sections 26.1-11-18, 26.1-11-19, 26.1-12-11, 26.1-12-12, 26.1-12-15, 26.1-13-16, 26.1-13-19, 26.1-14-15, 26.1-17-18, 26.1-17-23, 26.1-17-25, 26.1-17-26, 26.1-17-27, subsection 11 of section 26.1-18-03, sections 26.1-18-12, 26.1-18-14, subsection 3 of section 26.1-19-04, sections 26.1-19-08, 26.1-19-10, 26.1-22-20, 26.1-23-05, 26.1-23-11, 26.1-24-03, 26.1-24-05, 26.1-24-07, 26.1-25-16, 28-04-02, 31-12-06, 32-12.1-05, 32-12.1-06, subsection 1 of section 32-12.1-15, subsection 1 of section 39-01-08, subsection 7 of section 39-04-05, subsections 2, 3, and 4 of section 39-04-06, subsection 7 of section 39-05-20.3, subsection 2 of section 39-06-05, sections 39-16-05, 39-16-29, subsection 3 of section 39-16.1-04, section 39-16.1-20, subsection 7 of section 41-09-04, subsection 2 of section

43-10.1-01, sections 43-13-31, 49-18-33, subsection 2 of section 51-07-12, sections 54-30-24.1, 60-02-10.1, and 60-02-35.1 of the North Dakota Century Code, relating to insurance policies, insurance contracts, and accident and health insurance.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2079 passed and the title was agreed to.

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SB 2107: A BILL for an Act to amend and reenact sections 10-22-01, 10-22-02, 10-22-03, 10-22-04, 10-22-05, 10-22-06, 10-22-07, 10-22-08, 10-22-09, 10-22-10, 10-22-12, 10-22-13, 10-22-14, 10-22-15, 10-22-16, 10-22-17, and 10-22-19 of the North Dakota Century Code, relating to foreign corporations, and to repeal section 10-22-18 of the North Dakota Century Code, relating to foreign corporations; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2107 passed, the title was agreed to, and the emergency clause carried.

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SB 2152: A BILL for an Act to amend and reenact section 15-39.1-26 of the North Dakota Century Code, relating to investment of moneys in the teachers' fund for retirement.

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, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Mutch; Peterson

ABSENT AND NOT VOTING: None

SB 2152 passed and the title was agreed to.

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SB 2172: A BILL for an Act to create and enact chapter 30.1-30 of the North Dakota Century Code as a new part 5 of article V of the Uniform Probate Code, relating to the Uniform Durable Power of Attorney Act; to amend and reenact sections 30.1-28-11 and 30.1-29-10 of the North Dakota Century Code, relating to the appointment of guardians and conservators; and to repeal the present chapter 30.1-30 of the North Dakota Century Code.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2172 passed and the title was agreed to.

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SB 2188: A BILL for an Act to amend and reenact sections 16.1-06-04 and 16.1-11-22 of the North Dakota Century Code, relating to the size of type on ballots.

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 10 YEAS, 43 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Hilken; Ingstad; Kelsh; Maixner; Mutch; Thane; Tweten; Vosper

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

ABSENT AND NOT VOTING: None

SB 2188 was declared lost.

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SB 2195: A BILL for an Act to amend and reenact subsection 1 of section 19-02.1-04, sections 19-02.1-06 and 19-02.1-07 of

the North Dakota Century Code, relating to penalties, prosecutions, and minor violations of the Food, Drug, and Cosmetic Act; and providing a penalty.

Which has been read.

**ROLL CALL**

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

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

ABSENT AND NOT VOTING: None

SB 2195 passed and the title was agreed to.

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**MOTION**

SEN. NETHING MOVED that SB 2263 be moved to the head of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILLS**

SB 2263: A BILL for an Act to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to compulsory school attendance and providing exceptions for home school instruction.

Which has been read.

**MOTION**

SEN. LASHKOWITZ MOVED that SB 2263 be amended as follows:

On page 1 of the engrossed bill, line 3, after the word "instruction" insert the following: "; and to provide an expiration date"

On page 5 of the engrossed bill, after line 6, insert the following new section:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1987, and after that date is ineffective. The provisions of section 15-34.1-03 as they existed on December 31, 1984, are in effect after June 30, 1987."

And renumber the lines and pages accordingly

#### MOTIONS

SEN. LASHKOWITZ MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. NETHING MOVED that the rules be suspended, that SB 2263 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2263: A BILL for an Act to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to compulsory school attendance and providing exceptions for home school instruction; and to provide an expiration 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 13 YEAS, 40 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; David; Freborg; Lashkowitz; Meyer, D.; Mutch; Naaden; Streibel; Tennefos; Todd; Tweten

NAYS: Adams; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2263 was declared lost.

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SB 2237: A BILL for an Act to create and enact a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to a property tax levy in addition to the general fund levy for county correction centers; to amend and reenact sections 57-15-06.6 and 57-15-06.8 of the North Dakota Century Code, relating to the county correction centers levy.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 37 YEAS, 16 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Mushik; Naaden; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: Bakewell; David; Freborg; Hilken; Langley; Lashkowitz; Meyer, D.; Meyer, W.; Moore; Mutch; Nelson; Streibel; Thane; Tweten; Vosper; Walsh

ABSENT AND NOT VOTING: None

SB 2237 passed and the title was agreed to.

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SB 2239: A BILL for an Act to amend and reenact subsection 2 of section 19-02.1-14.1 of the North Dakota Century Code, relating to the label of drugs.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Redlin; Reiten

SB 2239 passed and the title was agreed to.

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SB 2252: A BILL for an Act to cancel and declare forfeited a portion of water permit numbers 153B and 2143 relating to the right of the Jamestown state hospital and the Hettinger

experiment station to appropriate water; 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 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 2252 passed, the title was agreed to, and the emergency clause carried.

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SB 2266: A BILL for an Act to amend and reenact sections 61-04-06.2, 61-04-23, 61-04-24, and 61-04-25 of the North Dakota Century Code, relating to terms of permits for use of water and forfeiture of water rights.

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; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; 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: Dotzenrod; Meyer, D.

SB 2266 passed and the title was agreed to.

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SB 2323: A BILL for an Act to amend and reenact section 3-05-01 and subsection 3 of section 41-06-08 of the North Dakota Century Code, relating to auction clerks.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2323 passed and the title was agreed to.

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SB 2326: A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to the limitation on the amount of real estate owned or carried by banking associations.

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, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

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

NAYS: Reiten; Tennefos

ABSENT AND NOT VOTING: None

SB 2326 passed and the title was agreed to.

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SB 2347: A BILL for an Act to amend and reenact subsection 2 of section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for a person sixty-five years of age or older, or for any person who is permanently and totally disabled, if that person rents living quarters and has an income of ten thousand dollars or less per annum.

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 2347 passed and the title was agreed to.

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#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2115 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2115 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 2128 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2128 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 2141 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 13, after the word "candidates" insert the words "beside or"

On page 1, line 16, overstrike the words "the names in"

On page 1, overstrike lines 17 and 18

On page 1, line 19, overstrike the words "and district offices" and insert in lieu thereof the words "all the names for each office on the ballot in an order determined by lot by the county auditor or responsible election official"

On page 1, line 20, overstrike the word "the" and insert in lieu thereof the word "all"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2141 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 2271 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2271 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 2273 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 commas and numerals ", 55-11-05,"

On page 1, line 4, delete the words "and acquisition of nature preserves and natural areas"

On page 1, delete lines 18 through 27

On page 2, delete lines 1 and 2

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

SB 2273 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 2275 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2275 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2276 has had the same under consideration and recommends that the same BE AMENDEE AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact a new section to chapter"

On page 1, delete line 2

On page 1, line 3, delete the words "immunity for activities for long-term care ombudsmen; and"

On page 1, line 4, delete the words and numeral "subsections 1 and" and insert in lieu thereof the word "subsection"

On page 1, line 10, delete the words and numeral "Subsections 1 and" and insert in lieu thereof the word "subsection"

On page 1, line 12, delete the word "are" and insert in lieu thereof the word "is"

On page 1, delete lines 13 through 17

On page 3, line 7, overstrike the words "legally appointed" and insert immediately thereafter the word "designated"

On page 3, line 11, overstrike the words "legally appointed" and insert immediately thereafter the word "designated"

On page 4, line 4, after the word "guardian" insert the words "or attorney-in-fact"

On page 4, delete lines 7 through 15

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

SB 2276 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2280 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, remove the overstrike over the word "~~The~~" and delete the words "Except as otherwise provided,"

On page 1, line 14, delete the word "Records" and insert in lieu thereof the words "However, records"

On page 1, line 15, delete the words "person that has submitted a bid" and insert in lieu thereof the words "party that has applied for prequalification as a bidder, or is designated as a prequalified bidder"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2280 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 2282 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2282 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 2285 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2285 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2299 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2299 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 2301 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2301 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 2311 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

SB 2311 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2312 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

SB 2312 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2320 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2320 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 2330 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 20, line 7, delete the numeral "30.00" and insert in lieu thereof the numeral "20.00"

On page 21, line 1, remove the overstrike over the word "~~shall~~" and delete the word "may"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2330 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 2333 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2333 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Education to which was referred SB 2439 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. PETERSON, Chairman**

SB 2439 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**FIRST READING OF A HOUSE BILL**

**HB 1046:** A BILL for an Act to repeal chapters 6-09.3, 54-31, and 54-32 of the North Dakota Century Code, and sections 1 and 2 of chapter 108 of the 1941 Session Laws of North Dakota, relating to irrigation development debentures, North Dakota mill and elevator bonds, and North Dakota mill and elevator refunding bonds.

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

**MOTION**

**SEN. NETHING MOVED** after the reading of SB 2089, SB 2091, SB 2115, SB 2128, SB 2258, SB 2271, SB 2275, SB 2282, SB 2285, SB 2299, SB 2301, SB 2320, SB 2333, SB 2439, and HB 1105, the Senate adjourn and convene at 1:00 p.m., Wednesday, January 30, 1985, which motion prevailed.

**LEO LEIDHOLM, Secretary**