

## JOURNAL OF THE SENATE

## Forty-ninth Legislative Assembly

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## SEVENTEENTH DAY

Bismarck, January 30, 1985

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

The prayer was offered by Reverend George Walker, Associate Superintendent, North Central District, Evangelical Free Church, Bismarck.

Let us pray: Our most gracious God, we come into Your presence with much praise for who You are, the Almighty One, the King of Kings and Lord of Lords. We thank You that even in Your magnitude and greatness, You are concerned and love each of us. Our Father, I thank You for these men and women who have been elected to serve our great state. I pray that You would guide them as they consider the many items of business that will come before them. Give to them wisdom and may they remember they are Your ministers for the good of the people of North Dakota. May they honestly, carefully, and prayerfully make each decision that is required of them. Thank You for Your promise that You will give wisdom, guidance, and direction to those who will ask. So at the beginning of this legislative day, we claim these promises in the name of Christ, our Savior. 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 Sixteenth day and finds the same to be correct.

SEN. DAVID, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2089, SB 2091, SB 2258

SEN. BAKEWELL, Chairman

SEN. KRAUTER 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 bill and find the same correctly reengrossed:

SB 2263

SEN. BAKEWELL, Chairman

SEN. SHEA MOVED that the report be adopted, 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 1005, HB 1026, HB 1040, HB 1128, HB 1204, HB 1217,  
HB 1236, HB 1246, HB 1247, HB 1252, HB 1253, HB 1256,  
HB 1260, HB 1263, HB 1264

ROY GILBREATH, Chief Clerk

#### POINT OF PERSONAL PRIVILEGE

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

The purpose of this loaf of bread is to demonstrate how little wheat growers receive from the sale of wheat products.

For example:

\* The USDA says that in an 81¢ loaf of white bread, the value of the wheat is only 6¢. Putting it another way, 75¢ of the 81¢ goes to someone other than the farmer.

\* While the average price for a loaf of bread has nearly doubled since 1970, from 41¢ to 81¢, the revenue wheat farmers get has increased by only 2¢.

American farmers are in deep trouble. One-third of them are facing economic collapse. Agriculture is not sharing the economic stability and recovery which seems to be occurring in the rest of the economy.

Through Congressman Dorgan's office, we have also distributed loaves with this message to each member of the U.S. House of Representatives. We hope you will keep this information in mind.

## MOTION

SEN. D. MEYER MOVED that SB 2431 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

## REQUEST

SEN. D. MEYER REQUESTED the unanimous consent of the Senate to withdraw SB 2431. There being no objection, it was so ordered by the President.

## MOTION

SEN. NETHING MOVED that Rule 402 be suspended, that SB 2502, at the request of the Governor, be approved for introduction at this time, which motion prevailed.

## FIRST READING OF A SENATE BILL

Committee on Agriculture introduced:

SB 2502: A BILL for an Act to provide for relief against foreclosure of mortgages or liens on agricultural property, to provide relief from cancellations of contracts for deed on agricultural property, to provide for extended periods of redemption and other equitable relief, and to provide for confidential meetings and records; to amend and reenact sections 6-09-15, 10-06-13, subdivision 1 of subsection 1 of section 28-32-01, and sections 54-30-03 and 54-30-28 of the North Dakota Century Code, relating to the authority of the Bank of North Dakota, corporate farming, exclusion from the Administrative Agencies Practice Act and real estate bonds issued for the replacement of funds of the Bank of North Dakota; to provide an appropriation; to provide an expiration date; to suspend inconsistent laws; and to declare an emergency.

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

## REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your Conference Committee to which was referred SCR 4029 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 313 of the Senate Journal and that SCR 4029 be amended as follows:

- On page 1, line 13, delete the numerals "69" and insert in lieu thereof the numerals "64"
- On page 1, line 14, delete the numerals "75" and insert in lieu thereof the numerals "70"
- On page 1, line 15, delete the numerals "69" and insert in lieu thereof the numerals "64"
- On page 3, line 10, delete the numerals "69" and insert in lieu thereof the numerals "64"

On page 3, line 11, delete the numerals "75" and insert in lieu thereof the numerals "70"

On page 3, line 12, delete the numerals "69" and insert in lieu thereof the numerals "64"

On page 3, line 35, delete the numerals "70" and insert in lieu thereof the numerals "64"

For the Senate: Sens. Naaden, Nelson, Satrom

For the House: Reps. Martinson, Melby, Opedahl (refused to sign)

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

#### MOTION

SEN. NAADEN MOVED that the rules be suspended, that SCR 4029 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4029: A concurrent resolution providing and designating Senate and House employees and fixing their compensation.

Which has been read.

#### ROLL CALL

The question being on the final adoption of the resolution, 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

SCR 4029 was declared adopted.

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#### MOTION

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SCR 4029.

LEO LEIDHOLM, Secretary

## CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2141 as recommended by the Committee on Judiciary as printed on page 407 of the Senate Journal be adopted, and when so adopted, recommends that SB 2141 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2273 as recommended by the Committee on State and Federal Government as printed on pages 407-408 of the Senate Journal be adopted, and when so adopted, recommends that SB 2273 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2276 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 408 of the Senate Journal be adopted, and when so adopted, recommends that SB 2276 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2280 as recommended by the Committee on State and Federal Government as printed on page 409 of the Senate Journal be adopted, and when so adopted, recommends that SB 2280 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2330 as recommended by the Committee on Industry, Business and Labor as printed on page 410 of the Senate Journal be adopted, and when so adopted, recommends that SB 2330 DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2089: A BILL for an Act to create and enact two new sections to chapter 37-15 of the North Dakota Century Code, relating to definitions and establishing priorities for admission to the veterans' home; and to amend and reenact sections 15-10-18.2, 21-10-06, subdivision w of subsection 1 of section 28-32-01, sections 37-01-40, 37-14-03.3, 37-14-04, 37-14-06, 37-15-01, 37-15-02, 37-15-03, 37-15-07, 37-15-08, 37-15-10, 37-15-11, 37-15-12, 37-15-13, 37-15-14, 37-15-14.1, 37-15-15, 37-15-16, 37-15-17, 37-15-19, 37-15-21, 37-18.1-03, 37-18.1-04, subsection 5 of section 37-19.1-01, and sections 54-23-01, 54-23-56, 54-23-59, and 57-36-24 of the North Dakota Century Code, relating to changing the name of the soldiers' home to the veterans' home, benefits available to peacetime veterans as well as to wartime veterans, the exclusion of the administrative committee on veterans' affairs from the Administrative Agencies Practice Act, and the powers and duties of the commandant of the veterans' home.

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 2089 passed and the title was agreed to.

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SB 2091: 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; and 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.

Which has been read.

## MOTION

SEN. HOLMBERG MOVED that SB 2091 be amended as follows:

On page 2 of the engrossed bill, line 20, delete the words "operator shall adopt a resolution calling for a"

On page 2 of the engrossed bill, delete line 21

On page 2 of the engrossed bill, line 22, delete the words "region, that will" and insert in lieu thereof the words "board of county commissioners of the county in which the air carrier airport is located shall set a tax levy in mills, on the taxable valuation of property in the region. The tax levy so set must"

On page 2 of the engrossed bill, line 25, delete the words "The board of county"

On page 2 of the engrossed bill, delete lines 26 and 27

On page 2 of the engrossed bill, line 29, after the first word "county" insert the word "taxable"

On page 2 of the engrossed bill, line 33, after the word "total" insert the word "taxable"

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2091 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### ROLL CALL

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

YEAS: Heinrich; Holmberg; Ingstad; Kilander; Lips; Lodoen; Matchie; Mutch; Nething; Olson; Peterson; Sstrom; Shea; Stenehjem; Todd; Waldera

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Hilken; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Parker; Redlin; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Tweten; Vosper; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2091 was declared lost.

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SB 2115: A BILL for an Act to amend and reenact section 25-07-04 of the North Dakota Century Code, relating to the qualifications for admission to the school for the deaf and transportation costs for students.

Which has been read.

#### ROLL CALL

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

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

Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; 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:** Matchie

**ABSENT AND NOT VOTING:** None

SB 2115 passed and the title was agreed to.

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**SB 2128:** A BILL for an Act to amend and reenact section 6-03-27 of the North Dakota Century Code, relating to lists of shareholders for banking institutions.

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 2128 passed and the title was agreed to.

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**SB 2258:** A BILL for an Act to create and enact a new subsection to section 11-11-14 and a new subsection to section 40-05-01 of the North Dakota Century Code, relating to powers of boards of county commissioners and governing bodies of cities regarding community development block grant funds; 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 2258 passed, the title was agreed to, and the emergency clause carried.

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SB 2271: A BILL for an Act to amend and reenact subsection 4 of section 12.1-20-02 of the North Dakota Century Code, relating to the definition of sexual contact.

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 2271 passed and the title was agreed to.

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SB 2275: A BILL for an Act to amend and reenact sections 11-17-01, 11-17-05, 11-17-09, 11-19-17, 15-29-10, subsection 2 of section 27-02-05.1, sections 27-07.1-12, 27-07.1-24, 27-08.1-06, 27-08.1-07, 28-20-12, 28-20-13, 28-20-16, 28-20-20, subsection 4 of section 28-20-21, sections 28-20-22, 28-20-25, 29-01-26, 32-28-02, 32-28-03, 35-15-05, 35-18-04, 35-21-05, 35-24-12, and 57-22-31 of the North Dakota Century Code, relating to the duties and recordkeeping functions of the clerks of district courts and clerks of county courts; and to repeal sections 28-20-10 and 28-20-19 of the North Dakota Century Code, relating to recordkeeping requirements of the clerks of district courts and the clerks of county courts.

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; 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: Bakewell

ABSENT AND NOT VOTING: None

SB 2275 passed and the title was agreed to.

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SB 2282: A BILL for an Act to amend and reenact section 44-01-03 of the North Dakota Century Code, relating to the date state and district officers qualify for office.

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; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin;

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

NAYS: Heinrich; Maixner

ABSENT AND NOT VOTING: None

SB 2282 passed and the title was agreed to.

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SB 2285: A BILL for an Act to amend and reenact sections 11-17-10, 27-07.1-08, and 27-08.1-07 of the North Dakota Century Code, relating to retention and disposition schedules for district court and county court records.

Which has been read.

ROLL CALL

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

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

SB 2285 passed and the title was agreed to.

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SB 2299: A BILL for an Act to amend and reenact subsection 3 of section 57-40.2-03.3 of the North Dakota Century Code, relating to use tax on contractors.

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 2299 passed and the title was agreed to.

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#### POINT OF PERSONAL PRIVILEGE

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

Tomorrow I will be participating in a meeting with about fifteen or sixteen legislators from the United States; a meeting with a like number of legislators from Canada. This is the sixth in a series of meetings that we've had with the Canadians, and they are very informative, and hopefully, we will be able to bring back information that helps the members from the participating states, as well as developing a better relationship with our Canadian neighbors. This particular meeting will also be attended by Speaker Roy Hausauer from our House.

The meeting is going to be built around the effects of high technology on the economies of the states and provinces. It is going to address the growth of high-technology industries, the steps that states and provinces have taken to foster their development, and expansion and potential problems brought about by the presence of high-technology industries.

At the present time, we don't look upon North Dakota as a state that has high-tech industries, but it may well be in the future, as this industry continues to expand, that opportunities will be developing.

Because of that meeting, I will be gone on Thursday and Friday. There is one good part of this, in addition to the subject matter that we will be discussing, and even though it is a rather heavy agenda, the meeting is in Orlando, Florida, and I do not regret traveling that far at this time. Thank you.

## SECOND READING OF SENATE BILLS

SB 2301: A BILL for an Act to amend and reenact section 39-08-18 of the North Dakota Century Code, relating to the penalty for consuming alcoholic beverages in motor vehicles on public highways.

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 2301 passed and the title was agreed to.

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SB 2320: A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code to provide for regularly scheduled special sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Matchie; Meyer, J.; Meyer, W.; Mushik; Redlin; Satrom; Shea; Stenehjem; Stromme; Tallackson; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Tweten

SB 2320 was declared lost.

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MOTION

SEN. REITEN MOVED that SB 2333 be laid over one legislative day, which motion prevailed.

SECOND READING OF A SENATE BILL

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

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, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Bakewell; David; Dotzenrod; Meyer, W.; Moore; Mutch; Tallackson; Tweten; Vosper; Wright

NAYS: Adams; Berube; Christensen; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Holmberg; Nething; Satrom

SB 2439 was declared lost.

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SECOND READING OF A HOUSE BILL

HB 1105: A BILL for an Act to amend and reenact subdivisions e, f, and g of subsection 1 of section 38-14.1-14, subsection 5 of section 38-14.1-21, and subsection 3 of section 38-14.1-33 of the North Dakota Century Code, relating to permit application requirements for surface coal mining and reclamation operations, permit approval and denial standards for surface coal mining and reclamation operations, and the issuance of permits for surface coal mining and reclamation operations.

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

NAYS: None

ABSENT AND NOT VOTING: Nething; Satrom

HB 1105 passed and the title was agreed to.

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#### REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2069 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2069 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 2127 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, delete lines 17 through 27

On page 1, line 28, delete the word "liabilities"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2127 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 2129 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 21, remove the overstrike over the word "~~thirty~~" and delete the word "sixty"

On page 1, line 23, delete the word "within"

On page 1, line 24, delete the words "the ensuing thirty days"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2129 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 rereferred SB 2154 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2154 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 2226 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, delete lines 15 through 18

On page 1, line 26, delete the word "Any"

On page 1, delete lines 27 and 28

And renumber the lines, subsections, and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2226 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 2272 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2272 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 2297 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 4, delete the first "and"

On page 1, line 6, after the word "government" insert the words  
"; and to declare an emergency"

On page 1, after line 28, insert the following new section:

"SECTION 3. 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 and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2297 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2306 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2306 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2308 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2308 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 2366 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2366 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 2378 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2378 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 2379 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2379 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 2382 has had the same under consideration and recommends that the same DO PASS.

**SEN. LODOEN, Chairman**

SB 2382 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 2400 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

**SEN. REITEN, Chairman**

SB 2400 was rereferred to the Committee on Appropriations.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SCR 4026 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SCR 4026 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 SCR 4031 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SCR 4031 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

**SEN. NAADEN MOVED** that SB 2482 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

#### REQUEST

**SEN. NAADEN REQUESTED** the unanimous consent of the Senate to withdraw SB 2482. There being no objection, it was so ordered by the President.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1060, HB 1119, HB 1138, HB 1176, HB 1190, HCR 3040  
ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

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

HCR 3033  
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 2084, SB 2085, SB 2183, SB 2250, SB 2253, SB 2292,  
SB 2293, SCR 4003  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1074, HB 1106  
LEO LEIDHOLM, Secretary

FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Maixner, Olson introduced:

SCR 4040: A concurrent resolution directing the Legislative Council to study existing state law enforcement agencies. Was read the first time and referred to the Committee on Judiciary.

FIRST READING OF HOUSE BILLS

HB 1087: A BILL for an Act to amend and reenact section 57-62-03 of the North Dakota Century Code, relating to coal development impact loans to impacted areas from the coal development trust fund. Was read the first time and referred to the Committee on Finance and Taxation.

**HB 1146:** A BILL for an Act to adopt the Uniform Arbitration Act, relating to the enforcement of voluntary written agreements to arbitrate disputes; to amend sections 24-02-28, 32-04-12, and 60-06-06.1 of the North Dakota Century Code, relating to the procedure for arbitration of highway construction contracts, obligations which cannot be specifically enforced, and arbitration by the public service commission; and to repeal chapter 32-29 of the North Dakota Century Code, relating to the arbitration of controversies.

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

**HB 1153:** A BILL for an Act to create and enact sections 41-08-07.1, 41-08-36.1, 41-08-43, 41-08-44, and a new subsection to section 41-09-03 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes in article 9; and to amend and reenact subsections 5, 14, and 20 of section 41-01-11, subsection 2 of section 41-05-14, sections 41-08-02, 41-08-03, 41-08-04, 41-08-05, 41-08-06, 41-08-07, 41-08-09, 41-08-10, 41-08-11, 41-08-12, 41-08-13, 41-08-14, 41-08-15, 41-08-16, 41-08-17, 41-08-18, 41-08-20, 41-08-21, 41-08-22, 41-08-23, 41-08-24, 41-08-25, 41-08-26, 41-08-27, 41-08-28, 41-08-29, 41-08-30, 41-08-31, 41-08-32, 41-08-33, 41-08-34, 41-08-35, 41-08-36, 41-08-37, 41-08-38, 41-08-39, 41-08-40, 41-08-41, 41-08-42, subdivision a of subsection 3 of section 41-09-03, subdivision i of subsection 1 of section 41-09-05, subsection 1 of section 41-09-16, subsection 1 of section 41-09-23, sections 41-09-25, 41-09-26, 41-09-30, and subsection 7 of section 41-09-33 of the North Dakota Century Code, relating to investment securities and a revision of article 8 of the Uniform Commercial Code with appropriate changes to articles 1, 5, and 9.

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

**HB 1209:** A BILL for an Act to change the name of the Grafton state school to the state developmental center at Grafton; to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to changing the name of the Grafton state school to the state developmental center at Grafton; and to provide an effective date.

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 2069, SB 2141, SB 2154, SB 2251, SB 2272, SB 2273, SB 2276, SB 2280, SB 2306, SB 2308, SB 2330, SB 2333, SB 2366, SB 2378, SB 2379, SB 2382, SCR 4026, and SCR 4031, the Senate adjourn and

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convene at 1:00 p.m., Thursday, January 31, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary