

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

\* \* \* \* \*

TWENTY-FIRST DAY

Bismarck, February 5, 1985

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

The prayer was offered by Reverend J. H. Nicolai, Trinity Lutheran Church, Bismarck.

Aware, O Lord, of the responsibilities before these legislators in the limited amount of time that is theirs; and aware of the inability of man to understand all things and man's incapability of knowing all things, we seek Your direction and blessing. May Your Spirit guide them in the weighty matters before them. In their relationship one with another, grant them wisdom and understanding as they strive to bring forth what they feel is right. In all their dealings, may they act with decency, order, and love. We thank You for Your presence and pray for Your continued direction in the business that is now at hand.

In Jesus' name, Amen.

ROLL CALL

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

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 Twentieth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 489, delete line 17

On page 493, line 16, after the word "in" insert the word "Farm"

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 2277, SB 2319, SB 2324, SB 2352, SB 2357, SB 2361,  
SB 2394, SB 2406, SCR 4027

SEN. BAKEWELL, Chairman

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

MESSAGES TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169,  
SCR 4029

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1074, HB 1106, HB 1119

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 2127, SB 2129, SB 2226, SB 2290, SB 2297, SB 2305,  
SB 2318, SB 2325, SB 2342, SB 2374

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. LODOEN MOVED that the amendments to SB 2227 as recommended by the Committee on State and Federal Government as printed on page 488 of the Senate Journal be adopted, and when so adopted, recommends that SB 2227 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2303 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 488 of the Senate Journal be adopted, and when so adopted, recommends that SB 2303 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2307 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 489 of the Senate Journal be adopted, and when so adopted, recommends that SB 2307 DO PASS, and be rereferred to the Committee on Appropriations, which motion prevailed.

SB 2307 was rereferred to the Committee on Appropriations.

SEN. HOLMBERG MOVED that the amendments to SB 2337 as recommended by the Committee on Political Subdivisions as printed on

page 489 of the Senate Journal be adopted, and when so adopted, recommends that SB 2337 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SB 2339 as recommended by the Committee on Agriculture as printed on pages 489-490 of the Senate Journal be adopted, and when so adopted, recommends that SB 2339 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SB 2340 as recommended by the Committee on Agriculture as printed on page 490 of the Senate Journal be adopted, and when so adopted, recommends that SB 2340 DO PASS, which motion prevailed.

SEN. STENEHJEM MOVED that the amendments to SB 2344 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 490 of the Senate Journal be adopted, and when so adopted, recommends that SB 2344 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2372 as recommended by the Committee on Political Subdivisions as printed on page 491 of the Senate Journal be adopted, and when so adopted, recommends that SB 2372 DO PASS, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2377 as recommended by the Committee on Transportation as printed on page 492 of the Senate Journal be adopted, and when so adopted, recommends that SB 2377 DO PASS, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2393 as recommended by the Committee on Political Subdivisions as printed on page 492 of the Senate Journal be adopted, and when so adopted, recommends that SB 2393 DO PASS, which motion prevailed.

SEN. VOSPER MOVED that the amendments to SCR 4024 as recommended by the Committee on Agriculture as printed on page 493 of the Senate Journal be adopted, and when so adopted, recommends that SCR 4024 DO PASS, which motion prevailed.

#### MOTION

SEN. NETHING MOVED that the Senate stand in recess for a Joint Session in the House to hear the budget message of the Governor and will convene immediately after the Joint Session, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, President Meiers presiding.

#### 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 1081, HB 1104, HB 1122, HB 1129, HB 1168, HB 1195,  
 HB 1215, HB 1219, HB 1221, HB 1245, HB 1257, HB 1300,  
 HB 1361, HB 1383, HB 1389

ROY GILBREATH, Chief Clerk

### SECOND READING OF SENATE BILLS

SB 2018: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2018 passed and the title was agreed to.

\*\*\*\*\*

SB 2019: A BILL for an Act making an appropriation for defraying the expenses of the state fair association of the state of North Dakota.

Which has been read.

### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

**NAYS:** Bakewell; Lodoen; Meyer, D.; Meyer, W.; Moore; Nelson

**ABSENT AND NOT VOTING:** Tallackson

SB 2019 passed and the title was agreed to.

\*\*\*\*\*

**SB 2027:** A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**NAYS:** None

**ABSENT AND NOT VOTING:** Tallackson

SB 2027 passed and the title was agreed to.

\*\*\*\*\*

**SB 2212:** A BILL for an Act to amend and reenact subsection 5 of section 41-09-04 of the North Dakota Century Code, relating to the exclusion from secured transactions provisions of chapter 41-09 of the North Dakota Century Code of transactions involving security interests created by the state or any of its agencies or political subdivisions; and to declare an emergency.

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

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 2 YEAS, 50 NAYS, 1 ABSENT AND NOT VOTING.

**YEAS:** Lips; Tweten

**NAYS:** Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; 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; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**ABSENT AND NOT VOTING:** Tallackson

SB 2212 was declared lost.

\*\*\*\*\*

**SB 2248:** A BILL for an Act to amend and reenact sections 39-06-01, 39-06-03, 39-06-03.1, 39-06-04, 39-06-05, 39-06-06, 39-06-07, 39-06-08, 39-06-13, 39-06-14, 39-06-17, 39-06-18, and 39-06-19 of the North Dakota Century Code, relating to operators licenses, nondriver photo identification cards, instruction permits, restricted instruction permits, temporary drivers permits, application for licenses or instruction permits, application of minors, examinations, types of licenses, penalties, duplicate certificates, and expiration.

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, 51 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** None

**NAYS:** Adams; Bakewell; Berube; Christensen; David; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**ABSENT AND NOT VOTING:** Dotzenrod; Tallackson

SB 2248 was declared lost.

\*\*\*\*\*

**SB 2277:** A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating

to enforcement of the rights of long-term care facility residents; and to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-03 of the North Dakota Century Code, relating to rights of long-term care facility residents.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 3 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.; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Moore; Mutch; Tweten

ABSENT AND NOT VOTING: Tallackson

SB 2277 passed and the title was agreed to.

\*\*\*\*\*

SB 2287: A BILL for an Act to amend and reenact section 29-28-07 of the North Dakota Century Code, relating to the right of the state to appeal in criminal prosecutions.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: Stenehjem

ABSENT AND NOT VOTING: Tallackson

SB 2287 passed and the title was agreed to.

\*\*\*\*\*

SB 2319: A BILL for an Act to authorize counties or cities to impose an excise tax on telephone access lines for funding emergency services communication systems.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Hilken; Tennefos

ABSENT AND NOT VOTING: Tallackson

SB 2319 passed and the title was agreed to.

\*\*\*\*\*

SB 2324: A BILL for an Act to amend and reenact subsection 5 of section 16.1-16-01 of the North Dakota Century Code, relating to election recount procedures.

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

NAYS: None

ABSENT AND NOT VOTING: Stromme; Tallackson

SB 2324 passed and the title was agreed to.

\*\*\*\*\*

SB 2332: A BILL for an Act to amend and reenact section 16.1-06-19 of the North Dakota Century Code, relating to the posting of maps showing precinct boundaries at the polling place.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2332 passed and the title was agreed to.

\*\*\*\*\*

SB 2348: A BILL for an Act to amend and reenact section 5-02-05 of the North Dakota Century Code, relating to disposal prohibited on certain days and removal of containers by a specific hour and includes a penalty.

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 3 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Lips; Shea; Tweten

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

Kusler; Langley; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Tallackson

SB 2348 was declared lost.

\*\*\*\*\*

SB 2352: A BILL for an Act to provide for a bill of rights for public employees; 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 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; 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; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Ereborg; Kelly; Vosper

ABSENT AND NOT VOTING: Tallackson

SB 2352 passed and the title was agreed to.

\*\*\*\*\*

SB 2353: A BILL for an Act to amend and reenact section 54-14-04.3 of the North Dakota Century Code, relating to severance pay for state employees and officers.

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 17 YEAS, 35 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Kelsh; Krauter; Kusler;  
Lashkowitz; Maixner; Matchie; Meyer, J.; Mushik;  
Redlin; Satrom; Shea; Thane; Tweten; Waldera; Wogsland

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

ABSENT AND NOT VOTING: Tallackson

SB 2353 was declared lost.

\*\*\*\*\*

SB 2357: A BILL for an Act to provide for the payment of  
interest on delinquent accounts.

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 35 YEAS, 17 NAYS, 1 ABSENT AND  
NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David;  
Hilken; Holmberg; Ingstad; Kelly; Kilander; Lips;  
Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.;  
Mutch; Naaden; Nelson; Nething; Parker; Peterson;  
Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;  
Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Dotzenrod; Freborg; Heigaard; Heinrich; Kelsh;  
Krauter; Kusler; Langley; Lashkowitz; Maixner; Moore;  
Mushik; Olson; Shea; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2357 passed and the title was agreed to.

\*\*\*\*\*

SB 2361: A BILL for an Act to amend and reenact sections  
61-16.1-08 and 61-16.1-25 of the North Dakota Century Code,  
relating to financial reporting for water resource  
districts.

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; Holmberg; Hilken; Heinrich; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Tallackson

SB 2361 passed and the title was agreed to.

\*\*\*\*\*

SB 2365: A BILL for an Act to apply the value of sick leave accumulated to the date of retirement to purchase state uniform group health insurance for the retiring state employee.

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 24 YEAS, 28 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Heinrich; Hilken; Ingstad; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Nething; Olson; Parker; Redlin; Satrom; Shea; Stenehjem; Tennefos; Thane; Todd; Tweten; Waldera; Wright

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Holmberg; Kelly; Kelsh; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Peterson; Reiten; Streibel; Stromme; Vosper; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2365 was declared lost.

\*\*\*\*\*

**SB 2370:** A BILL for an Act to provide for a bill of rights for public employees; and to provide a penalty.

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 22 YEAS, 28 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Redlin; Satrom; Shea; Stromme; Waldera; Walsh; Wogsland

**NAYS:** Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Moore; Mutch; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

**ABSENT AND NOT VOTING:** Meyer, W.; Naaden; Tallackson

SB 2370 was declared lost.

\*\*\*\*\*

**SB 2394:** A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a refund of sales taxes paid in this state by residents of Canada; and to amend and reenact subsection 12 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for certain nonresidents.

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

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 21 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Bakewell; Berube; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Matchie; Mushik; Shea; Stenehjem; Stromme; Thane; Tweten; Wogsland

**NAYS:** Adams; Christensen; David; Holmberg; Ingstad; Kilander; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Streibel; Tennefos; Todd; Vosper; Waldera; Walsh; Wenstrom; Wright

**ABSENT AND NOT VOTING:** Meyer, W.; Naaden; Tallackson

SB 2394 was declared lost.

\*\*\*\*\*

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169,  
SCR 4029

ROY GILBREATH, Chief Clerk

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2037 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2037 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 2039 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 11, delete the word "five" and insert in lieu thereof the word "two", and overstrike the words "within two years after the"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2039 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 2065 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 word "and"

On page 1, line 10, after the word "dissolution" insert the words "; and to declare an emergency"

On page 1, line 20, delete the word "operating"

On page 2, line 2, delete the word "operating"

On page 26, after line 9, insert the following:

"15-27.3-21. Proportionate tax rate on agricultural property. Any school district which imposed a proportionate tax rate for school purposes levied on agricultural property different from the school district levy on other taxable property as permitted by sections 15-53.1-37 and 15-53.1-38, as they existed on December 31, 1984, must continue to levy that proportionate tax rate unless it is discontinued by the school board upon a majority of the voters of the school district. No other school district may impose such a proportionate tax rate for different classes of property within the school district."

On page 33, after line 18, insert the following new section:

"SECTION 10. 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. PETERSON, Chairman

SB 2065 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 2090 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2090 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 2105 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2105 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 2206 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 7, delete the words "No annuity may be increased under this"

On page 2, delete line 8

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2206 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2257 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 19, delete the word ", and"

On page 1, delete line 20

On page 1, line 21, delete the words and numerals "after December 31, 1984,"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

SB 2257 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2281 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 22, after the word "Certification" insert the words "- Investment reporting by venture capital corporations"

On page 1, line 26, after the period insert the words "Within fourteen days of making any investment, a venture capital corporation must give notice of the investment to the Bank of North Dakota. The notice must contain the name of the business in which the venture capital corporation invested, the dollar amount of the investment, and the date on which the investment was made."

On page 2, line 1, delete the numeral "1." and delete the words "department of banking and financial institutions may" and insert in lieu thereof the words "Bank of North Dakota shall notify the attorney general of any investment made by a venture capital corporation in a business not certified as a qualified entity under section 2 of this Act. The attorney general shall"

On page 2, line 2, delete the word "each" and insert in lieu thereof the word "the" and delete the words "made by a"

On page 2, delete line 3

On page 2, line 4, delete the words "a qualified entity under section 2 of this Act," and delete the word "may"

On page 2, delete lines 10 through 25

On page 6, line 22, after the period insert the following sentence: "The tax credit provided for in this Act, including carrybacks and carryforwards, may not be claimed by taxpayers filing income tax returns pursuant to the provisions of section 57-38-30.3."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2281 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2345 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 word "a" and insert in lieu thereof the word "two", delete the word "section" and insert in lieu thereof the word "sections", and delete the numerals "57-02" and insert in lieu thereof the numerals "57-15"

On page 1, line 3, after the word "districts" insert the words "and school district levy limits"

On page 1, line 6, delete the word "A" and insert in lieu thereof the word "Two", delete the word "section" and insert in lieu thereof the word "sections", and delete the numerals "57-02" and insert in lieu thereof the numerals "57-15"

On page 1, line 7, delete the word "is" and insert in lieu thereof the word "are"

On page 1, line 21, after the word "levy" insert the words "at most"

On page 1, line 23, after the word "levy" insert the words "at most"

On page 3, after line 18, insert the following:

"School district levy limits. Any school district may increase its levy for the purposes listed in section 57-15-14 by at least four percent in 1985 from the amount levied in dollars in 1984 and four percent more in 1986 from the amount levied in dollars in 1985. In the alternative, but not in addition, any school district whose electorate has approved a specified levy for prior years and which district did not levy up to the authorized level of that specified levy, may levy the difference between the levy authorized and the amount levied the preceding year

for that purpose in addition to the maximum levy allowable under section 57-15-14."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2345 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2350 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

SB 2350 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 2356 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2356 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 2360 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 17, remove the overstrike over the word "two" and delete the words "at most one"

On page 1, line 18, after the word "commissioners" insert the words "in a county with a five-member board of county commissioners and one of whom shall be appointed from the board of county commissioners in a county with a three-member board of county commissioners, at least one shall be appointed from each county commissioner's district in the county, if commissioners are elected from districts in the county" and delete the word "at"

On page 1, delete lines 19 and 20

On page 1, line 21, delete the words "in the county,"

On page 2, line 15, after the word "individuals" insert the following: ". In counties with a three-member board of county commissioners", delete the words "at most of whom", and delete the word "is" and insert in lieu thereof the words "must be"

On page 2, line 16, after the word "commissioners" insert the following: ". In counties with five-member boards of"

county commissioners", and delete the words "at least one is appointed from each county"

On page 2, delete line 17

On page 2, line 18, delete the words "elected from districts", overstrike the words "and the" and insert immediately thereafter the words "two must be appointed from the board of county commissioners. In counties with county commissioner districts, at least one must be appointed from each county commissioner's district in the county. The", and after the word "members" insert the words "must be"

And renumber the lines and pages accordingly

SEN. HOLMBERG, Chairman

SB 2360 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 2364 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 4, line 16, delete the words "an annual salary"

On page 4, delete line 17

On page 4, line 18, delete the words "court judge", and insert in lieu thereof the words "the same minimum annual salary paid to a county court judge as provided in section 27-07.1-04 as of January 1, 1985"

On page 4, line 19, delete the word "district" and insert in lieu thereof the word "county"

On page 4, line 23, after the numeral "21-07.1-04" insert the words "as of January 1, 1985"

And renumber the lines and pages accordingly

SEN. HOLMBERG, Chairman

SB 2364 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2384 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2384 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 2409 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SB 2409 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 2416 has had the same under consideration and recommends that the same DO PASS.

**SEN. LODOEN, Chairman**

SB 2416 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 2425 has had the same under consideration and recommends that the same DO PASS.

**SEN. CHRISTENSEN, Chairman**

SB 2425 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1214 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. WRIGHT, Chairman**

HB 1214 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred HB 1248 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

HB 1248 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF HOUSE BILLS

**HB 1291:** A BILL for an Act to amend and reenact section 15-29-05 of the North Dakota Century Code, relating to the compensation of school board members.

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

**HB 1316:** A BILL for an Act to amend and reenact sections 14-05-17 and 14-06-06 of the North Dakota Century Code, relating to the durational residency requirements for granting divorce actions and separations from bed and board.

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval:

SB 2096, SB 2133, SB 2148, SB 2165, SB 2168, SB 2169

SEN. BAKEWELL, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing:

SCR 4029

SEN. BAKEWELL, Chairman

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

MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business, and after the reading of SB 2406, SB 2426, SCR 4027, SCR 4030, SB 2037, SB 2090, SB 2105, SB 2227, SB 2303, SB 2337, SB 2339, SB 2340, SB 2344, SB 2350, SB 2356, SB 2372, SB 2377, SB 2384, SB 2393, SB 2409, SB 2416, SB 2425, SCR 4024, HB 1214, HB 1248, and HCR 3005, the Senate adjourn and convene at 1:00 p.m., Wednesday, February 6, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary