

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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TWENTY-SEVENTH DAY

Bismarck, February 13, 1985

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

The prayer was offered by Reverend Keith Odney, Lutheran Church of the Cross, Bismarck.

Almighty God, our heavenly Father, You are the source of all goodness; all that we have and are, is from Your loving hand.

You have given us this good earth as a home and as a responsibility; and You have called us to be Your servants in all that we do. We come before You this day to ask Your blessing upon all who serve You in the government of our state--upon our governor and those who administer our laws, upon these legislators and all who make our laws, and upon the courts and those who judge our laws. Grant them the wisdom and the strength to know Your will and to do it. Give to them vision and integrity, patience and discernment, and a spirit of good will. And help us all to remember that we are called to serve one another as lovers of truth and justice, through Jesus Christ, our Lord, Amen.

ROLL CALL

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

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 Twenty-sixth day and finds the same to be correct.

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully reexamined the Journal of the Twenty-fifth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 635, line 19, after the word "in" insert the word "the"

On page 635, line 21, delete the word "law" and insert in lieu thereof the word "laws"

On page 635, line 22, delete the word "and", and after the word "state" insert an underscored comma

On page 635, line 26, delete the word "and"

SEN. DAVID, Chairman

SEN. KELLY MOVED that the reports 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 2312, SB 2341, SB 2371, SB 2388, SB 2442, SB 2495,
SB 2500

SEN. BAKEWELL, Chairman

SEN. TWETEN 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 1182, HB 1273, HB 1274, HB 1277, HB 1283, HB 1289,
HB 1318, HB 1319, HB 1345, HB 1354, HB 1431, HB 1484,
HB 1521, HB 1537, HB 1544

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2031 as recommended by the Committee on Appropriations as printed on pages 663-664 of the Senate Journal be adopted, and when so adopted, recommends that SB 2031 DO PASS, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2304 as recommended by the Committee on Transportation as printed on page 664 of the Senate Journal be adopted, and when so adopted, recommends that SB 2304 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2496 as recommended by the Committee on State and Federal Government as printed on page 665 of the Senate Journal be adopted, and when so adopted, recommends that SB 2496 DO PASS, which motion prevailed.

SEN. MOORE MOVED that the amendments to HB 1070 as recommended by the Committee on Natural Resources as printed on page 666 of the Senate Journal be adopted, and when so adopted, recommends that HB 1070 DO PASS, which motion prevailed.

RECOGNITION

THE PRESIDENT ANNOUNCED that the following foreign exchange students are in the chamber visiting the Senate today and will be the guests of Senator Satrom. Their advisor is Ronald D. Barman, Sr. who is accompanying them.

Vidar Sedberg - Horten, Norway
 Frank Hubner - Hamburg, W. Germany
 Tom Hoksbergen - Wageningen, Holland
 Judit Eklof - Uppsala, Sweden
 Bente Holt - Oslo, Norway
 Beata Hansen - Kristiansands, Norway
 Bianca Talman - Holland

CONFIRMATION SESSION

SEN. NETHING MOVED that the Senate resolve itself into a Confirmation session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your select committee appointed to consider the nomination for membership on the State Board of Higher Education do advise and consent to the appointment of:

Mrs. Marijo Shide, Larimore

SEN. THANE, Chairman

SEN. THANE MOVED that the report be adopted.

ROLL CALL

The question being on the motion to adopt the select committee report on the selection of Mrs. Marijo Shide, 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; 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; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner; Walsh

The report was adopted.

SEN. NETHING MOVED that the Confirmation Session be dissolved, which motion prevailed.

MOTION

SEN. LASHKOWITZ MOVED that SB 2408 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

REQUEST

SEN. LASHKOWITZ REQUESTED the unanimous consent of the Senate to withdraw SB 2408. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4034: A concurrent resolution directing the Legislative Council to study the life insurance needs of persons born with incurable diseases.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4034 was declared adopted on a voice vote.

SCR 4036: A concurrent resolution directing the Legislative Council to study problems associated with, and to compile information regarding, the protection and rejuvenation of shelterbelts.

Which has been read.

The question being on the final adoption of the resolution, as amended.

SCR 4036 was declared adopted on a voice vote.

SCR 4038: A concurrent resolution recognizing the importance of fine arts as part of basic school curricula and encouraging the inclusion of fine arts education in the schools' curricula.

Which has been read.

MOTIONS

SEN. WOGSLAND MOVED that SCR 4038 be amended as follows:

On page 1, line 22, delete the word "incude" and insert in lieu thereof the word "include"

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

SEN. WOGSLAND MOVED that the rules be suspended, that SCR 4038 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SCR 4038: A concurrent resolution recognizing the importance of fine arts as part of basic school curricula and encouraging the inclusion of fine arts education in the schools' curricula.

Which has been read.

The question being on the final adoption of the resolution, as amended.

SCR 4038 was declared adopted on a voice vote.

RECOGNITION

SEN. NETHING MOVED that a committee of two be appointed to escort the Honorable Mark Andrews, United States Senator, to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Teneffos and Kilander. Senator Mark Andrews was escorted to the rostrum and addressed the assembly.

SEN. NETHING MOVED that the following remarks of Senator Andrews be printed in the Journal, which motion prevailed.

REMARKS

By

Honorable Mark Andrews
United States Senator

Thank you Madam President. It's a privilege to be here. I always make mistakes, though, coming up here and that natural urge to go to the left, but my friends corrected me, and I went to the right. Actually, it's good to see so many old friends here. To those of you who are the party I belong to, the Republican Party; we've campaigned together in your homes and your communities so often, it's like seeing part of the family. Earl Kelly and I go back a long, long time, even longer than some of the old mossback members of the Senate. To those of you on the opposite side of the political aisle, of course, we get a great affinity for you too, because as we go down to your neighborhoods, often we see you working the other side of the street and we understand each other completely because even though we may be from separate parties, we're both working for the same state and the same group of people, and that's really what government and politics in this country of ours is all about. The challenges, Madam President, that we face down at the federal level are not too far different from the challenges

that you face out here in our state legislature. Actually, our problems are those of revenue and spending and they're the same things that you're faced with on a day-by-day basis out here. You've got an advantage because you've got a balanced budget requirement and there's no way you can slip, slide, and duck around that one and end up with a gross deficit that impacts so unfavorably upon the people. That federal deficit that's running this last year at a \$180 billion, projected next year to not be much different, has a tremendous adverse impact on agriculture. As a farmer myself, not just as a member of the Senate Ag Committee, I know what we need in agriculture. We need higher prices and we need lower interest rates. That's the best kind of farm program we could get. And they're both impacted and impacted adversely by this deficit. Now how do we get the deficit under control? Well, that's the challenge that we face. But the only way we're going to get it under control is when enough people realize what it's doing to them. The deficit for years has been a kind of a dirty word--something to be avoided. But until the general public feels that blowtorch of the effects of the deficit on their rear, they're not going to be pushed into demanding that we do something about it.

Think for just a minute about what the deficit does do to us. Last year we had to get \$80 billion from foreign investors to cover the deficit we were unwilling to cover ourselves. How do we get that money from foreigners? We get it by urging it in, by coaxing it in. We get it by super valuing the dollar and kiting interest rates higher than they are in competitive economies in this world of ours. And because we did that, we got the money in. And you could read in your newspapers on the weekend, travel plans--buy a ticket to Europe, ski in the Swiss Alps; it's a wonderful bargain. It is? It's a bargain today because of the super value of the dollar to eat at a fancy French restaurant, or stay in a British hotel, but it's not worth a darn if you want to sell a bushel of wheat overseas, and we have to sell three out of every five bushels of grain we produce overseas in order to find a market for them. That's part of the impact on agriculture. For year after year after year, we've been talking about the deficit and doing nothing about it. I'm extremely proud that an idea that we have to freeze spending is gaining support. It's a bipartisan concept. Senator Hollings is the principal Democratic sponsor, I'm the principal Republican sponsor. My colleague, Senator Burdick, supports it as I do. Last year we got thirty-eight votes. Why is it better than some of the other ideas? Let me share with you for just a minute why I think it's better. Davy Stockman's hit list is just that: a hit list, maybe you'd call it a wish list. Who's going to vote to cut \$500 million from the National Institute's of Health research program to find ways of curing cancer, heart disease, and stroke? Name five members of the Senate. You can't find them. Who's going to vote to cut out money for women, infants, and children nutrition? The WIC program, the one that supplies money to take care of the adequate nourishment of the pregnant woman? You know if you don't care about people; if you're flinty-eyed and mean and you

could care less about humanity and you only worship the dollar, you still ought to be for that program because every dollar you spend in adequate nutrition for a pregnant woman saves you four dollars that you don't have to spend taking care of the handicapped child. AMTRAK, important to North Dakota's northern tier of states--AMTRAK, Dave Stockman comes out and says we're going to save \$684 million by cutting out AMTRAK. What they don't look at is we've got to spend \$2.10 billion in canceled labor contracts if we cut out AMTRAK. That's not a saving, that's costing.

And then you've got to look at the phony figures they use. You've read in the newspaper about AMTRAK should go because with AMTRAK the federal government is subsidizing \$36 of every ticket purchased on AMTRAK. I checked into that and I found it's true. But as Chairman of the Transportation Subcommittee, I checked into how much the federal government subsidizes airline tickets and I found that for every airline ticket that's purchased, there's a federal government subsidy of \$39. Is it bad then for a federal government subsidy of \$36 for a railroad ticket, but not bad for a federal subsidy of \$39 for an airline ticket? I think not.

These are the things that we have to look at. The challenge then if these programs are there because they've been adopted because of public hearings where people from all over this great land of ours have come and testified, they've been passed on by bipartisan committees of the Congress, adopted by both houses, signed by the President, they're probably there because they're needed. Then the only way really to address the deficit is to do it in some concrete way and that concrete way is an across-the-board freeze. As I said, as the principal Republican sponsor joined with Senator Hollings, principal Democratic sponsor, joined also by my colleague, Quentin Burdick, we're proud that we are gaining ground on that freeze. This week's edition of Newsweek in Periscope mentions it and how we're gaining ground.

Why do we need a freeze? We need a freeze because \$300 billion of our spending is in defense, \$250 billion is entitlements, and another \$150 billion is interest on the national debt - that's \$700 billion. And if you increase defense spending, hold harmless and let rise entitlements, then you obviously can't do anything about the \$150 billion interest on the debt. It's idiotic to think that you can save \$200 billion which is the deficit out of the remaining \$275 billion of the federal budget, because that's really the investment part of the budget. It's the part that builds the highways, does the farm research and runs the Soil Conservation Service, and funds the water projects and the rest. But we're making progress and we think we're going to get a solid vote on a budget freeze and get to the point where we can, in fact and in deed, say that we have held the deficit finally under control, and we're going to do it on a bipartisan basis.

Closer to home, of course, those deficits have caused a farm credit crunch. You're wrangling with how to handle that in the Legislature. We're challenged by how to handle it on the federal level because it's really a federal problem. I held three hearings across North Dakota as Chairman of the Subcommittee on Investigations with the Senate Agriculture Committee last summer. Those hearings showed me conclusively that credit problems were growing across my home state of North Dakota. When I checked with my colleagues, I find those in other agricultural areas were having the same problems. We were able last fall to pass a credit emergency bill: a \$650 million pilot loan guarantee program. It was passed, it was signed into law and it's what the President implemented just a week and a half ago. It's a beginning, but it's just a beginning. With that money released and with teams out in the field helping implement it with the local bankers and with, and mind you this is a figure you ought to be aware of, the operating loan window of Farmers Home this year has two and a half times as many dollars available as they had just four years ago. Farmers Home is not being shorted money. The need of agriculture has grown and grown at a pace that no one could imagine.

The other part of the President's initiative and one that we hope we can broaden is the instructions that they're giving to the bank examiners when they go to those local banks: tell them be a little sensible about how you handle farm loans. You know in the last few months bank examiners have been looking at the financial statement of farmers, and they've said this machinery isn't worth what it says on the statement. These acres aren't worth what they were when you put them on the statement. And even though the individual customer, that farm family is up-to-date in their interest payments and up-to-date in their loan principal payments, the bank examiner, because of technical rules enforced in a way that had they been enforced thirty years ago, I couldn't have gotten my start in farming, has asked the bank to classify the loan and begin to proceed against it. We have to stop that by instructing the bank examiners to use a little common sense and judgment and make sure that these financial statements aren't classified for reasons over which that farm family had no control at all.

Now people might ask why we're that concerned. Is this a legitimate object of government to do this? I say yes. I'm here talking today out of your generous hospitality, Madam President, and I recognize I don't want to impose too much on your time, but I'm here as my colleague, Byron Dorgan, was earlier this week because we're now on a Lincoln Day recess. They've turned us loose for ten days, that means you can relax, we're not going to do anything to you for at least ten days. But it also means we have time to come back home and celebrate the birthday of the individual who gave birth to our great Republican Party. We're going to have a Lincoln Day dinner in town tonight and I know most of my Republican friends in this chamber will be there, and I want to extend a most cordial welcome to my Democratic friends

in this chamber to come too. You might learn quite a bit from our talking about Abraham Lincoln and what he has to offer, and we'd be very happy to have you and I'm sure that we Republicans would show you a very warm welcome. But let me get back to why we should be concerned about agricultural credit in the terms of Lincoln and what he stood for.

Lincoln's belief basically was in the Constitution. Many people forget what's in that document. Lincoln believed in the constitutional responsibility of government to ensure domestic tranquility and to promote the general welfare. That led him to proclaim his oft-repeated words that the legitimate object of government is to do for a community of people whatever they need to have done but cannot do for themselves in their separate and individual capacities. That was good doctrine over one hundred and twenty years ago, and it's good and necessary and needed doctrine today. And that's why we have to move ahead to sensibly resolve the farm credit crunch that bothers our nation so deeply.

So, in this tradition, we're addressing the need. It is, in deed and in fact, critical to our nation's future, and I as one farmer, more so probably than as a legislator, would hope that we can begin talking about farm programs, not from the standpoint of the farm problem, but from the standpoint of the agricultural opportunity. Think for just a minute in a world that's troubled and wondering which side to stand with, in a world where wheat moves at \$10 a bushel in Europe and costs \$12 a bushel to produce in the Soviet Union, costs \$29 or \$30 a bushel to produce in the People's Republic of China and the Japanese support it at \$27 a bushel. We produce it in abundance for three dollars and a half and call it a farm problem. And yet we see on our television screens the searing hunger in lands like Ethiopia. We take a look at the military problems we have in Central America and wonder how we can address them and the military problems down there came about because the infrastructure of that country fell apart because of a lack of adequate nutrition. Any four-year farm bill we put together, I would hope, would be put together not on the basis of addressing the farm problem, but speaking to the agricultural opportunity and what it can give our nation in the leadership of a troubled world in proving that our system works so much better than any other system because it can produce that basic commodity, that basic need of mankind, food, and have enough left over to share with others at reasonable cost. This really is the pride of America. This is why it's so important to get our farm credit needs under control before spring planting season and to move on with pride to salute and look up to what our farm families have given us that we have overlooked decade after decade, through administration after administration. Let me assure you that I understand the South Dakota's legislature is coming down to Washington; they're taking up a collection down there to have them come down. The weather isn't all that good in Washington, but speaking on behalf of Quentin and Byron, we can assure you warm hospitality if you do come down and we'll be glad to have you. Let me also say that Quentin joined me last fall in

putting together that \$650 million pilot program for farm credit, and Byron, I understand, is now having farm hearings around North Dakota. He's going to find out what I found out last summer, that indeed there is a problem out there, so we're convinced. But if you want to come down and convince us more, I can't tell you how happy we'd be to see those friendly faces that I'm looking at right now to come down, so look upon it as an invitation if you choose. Otherwise, we'll count you on our side when we work to take care of this farm credit crunch that affects us so much.

Let me say just one other thing. I spoke early on of the advantage you have as North Dakota legislators, because you work, Madam President, under a Constitution that doesn't allow you to run a deficit. You have the other advantage of having a date certain for ending your legislative session. That means that bills and problems and the rest all must be dealt with in a timely manner. That also means that those of us who have been given your gracious hospitality can return it most effectively by not leaning on it for too long a period of time so that you can, in deed and in fact, get on with the job.

Thanks for including me here today with you. Best wishes to what you are doing for the state of North Dakota. It's a privilege to work with and for you. We appreciate your hospitality.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4039: A concurrent resolution directing the Legislative Council to monitor United States Congress and federal agency actions having a fiscal impact on the state of North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4039 was declared adopted on a voice vote.

SCR 4041: A concurrent resolution urging the Congress of the United States to enact appropriate legislation to transfer to the states the power and authority to approve or disapprove rail line abandonments.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4041 was declared adopted on a voice vote.

SCR 4042: A concurrent resolution urging Congress and the Secretary of the Treasury to provide for the withholding of state income tax from federal employees who elect to have state income tax withheld from their wages.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4042 was declared adopted on a voice vote.

SCR 4045: A concurrent resolution designating the restoration of the Custer Home and other buildings on the Cavalry Square in Fort Lincoln as a North Dakota Centennial Project.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4045 was declared adopted on a voice vote.

SECOND READING OF SENATE BILLS

SB 2257: A BILL for an Act to amend and reenact subsection 4 of section 57-60-01 of the North Dakota Century Code, relating to the definition of "gross receipts" for purposes of the privilege tax on coal conversion facilities; to provide an effective date and an expiration date; 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 34 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kilander; Kusler; Lips; Lodoen; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Berube; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Redlin; Shea; Stromme; Tallackson; Wogsland

ABSENT AND NOT VOTING: Walsh

SB 2257 passed, the title was agreed to, but the emergency clause lost.

SB 2284: A BILL for an Act to establish a North Dakota soybean council; to provide a penalty; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 7 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; Hilken; Krauter; Maixner; Satrom; Shea; Wogsland

ABSENT AND NOT VOTING: Heigaard; Walsh

SB 2284 passed and the title was agreed to.

SB 2307: A BILL for an Act to amend and reenact subsection 2 of section 14-06.1-02 and section 14-06.1-12 of the North Dakota Century Code, relating to the citizen advisory body to the displaced homemaker program; and to provide an appropriation.

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 44 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; David; Freborg; Mutch; Nelson; Parker; Tennefos; Wright

ABSENT AND NOT VOTING: Walsh

SB 2307 passed and the title was agreed to.

SB 2312: A BILL for an Act to establish a historical impact fund for emergency historical and archaeological projects.

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

NAYS: Bakewell; Meyer, D.

ABSENT AND NOT VOTING: Walsh

SB 2312 passed and the title was agreed to.

SB 2420: A BILL for an Act to amend and reenact section 15-04-10 of the North Dakota Century Code, relating to bidding for leases of lands under the jurisdiction of the board of university and school lands.

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

MOTIONS

SEN. PARKER MOVED that SB 2420 be amended as follows:

On page 1, line 23, after the word "land" insert the words "during the current year"

And renumber the lines and pages accordingly

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

SEN. PARKER MOVED that the rules be suspended, that SB 2420 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2420: A BILL for an Act to amend and reenact section 15-04-10 of the North Dakota Century Code, relating to bidding for leases of lands under the jurisdiction of the board of university and school lands.

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 13 YEAS, 39 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; David; Freborg; Moore; Mutch; Parker; Peterson; Reiten; Tallackson; Tennefos; Tweten; Vosper; Wenstrom

NAYS: Bakewell; Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Nelson; Nething; Olson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Thane; Todd; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Walsh

SB 2420 was declared lost.

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

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

NAYS: None

ABSENT AND NOT VOTING: Walsh

SB 2446 passed and the title was agreed to.

SB 2473: A BILL for an Act to create and enact a new section to chapter 57-51 and a new section to chapter 57-51.1 of the North Dakota Century Code, relating to an exemption from gross production and extraction taxes for the gross value of oil produced from a wildcat well and an exemption for extracting oil from wildcat and extension wells; to amend and reenact subsection 4 of section 38-08-04 of the North Dakota Century Code, relating to the duties of the industrial commission; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Dotzenrod; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Reiten; Satrom; Stromme; Tallackson; Waldera; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Christensen; David; Ereborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Shea; Stenehjerm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: Walsh

SB 2473 was declared lost.

SB 2495: A BILL for an Act to amend and reenact subsection 1 of section 4-36-03 of the North Dakota Century Code, relating to qualifications for loans under the Agricultural Development Act.

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, 0 NAYS, 3 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, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, J.; Walsh

SB 2495 passed and the title was agreed to.

MOTIONS

SEN. FREBORG MOVED that the Senate reconsider the action whereby SB 2487 passed, which motion prevailed.

SEN. REITEN MOVED that SB 2487 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Krauter; Meyer, J.;
Naaden; Walsh

HB 1090 passed and the title was agreed to.

HB 1109: A BILL for an Act to amend and reenact section 24-01-07 of the North Dakota Century Code, relating to maps of state, county, and municipal highway, road, and street systems.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David;
Dotzenrod; Freborg; Heigaard; Heinrich; Hilken;
Holmberg; Ingstad; Kilander; Kusler; Langley;
Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.;
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;
Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelly; Kelsh; Krauter; Meyer, J.;
Walsh

HB 1109 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Maixner; Meyer, J.; Walsh

HB 1141 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, J.; Walsh

HB 1177 passed and the title was agreed to.

HB 1201: A BILL for an Act to amend and reenact section 39-21-44.2 of the North Dakota Century Code, relating to a drawbar or other connection between vehicles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, J.; Stromme; Walsh

HB 1201 passed and the title was agreed to.

HB 1219: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees, excluding faculty and senior administrative staff at the institutions and agencies under the control of the state board of higher education, for the period beginning January 1, 1985, and ending June 30, 1985; and declaring an emergency.

Which has been read.

ROLL CALL

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

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

NAYS: David; Meyer, D.; Moore; Parker; Wright

ABSENT AND NOT VOTING: Walsh

HB 1219 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3013: A concurrent resolution congratulating former Fargo Shanley High School football coach Sid Cichy on being inducted into the National High School Sports Hall of Fame.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3013 was declared adopted on a voice vote.

MOTIONS

SEN. MUTCH MOVED that SB 2304 be rereferred to the Committee on Transportation, which motion prevailed.

SEN. WENSTROM MOVED that SB 2505 be returned to the Senate floor from the Committee on Judiciary, which motion prevailed.

REQUEST

SEN. WENSTROM REQUESTED the unanimous consent of the Senate to withdraw SB 2505. There being no objection, it was so ordered by the President.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred SB 2160 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2160 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 2222 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2222 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 2229 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2229 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 2295 has had the same under consideration and

recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 13, delete the words "one hundred" and insert in lieu thereof the word "fifty"

On page 1, line 23, delete the words "an individual" and insert in lieu thereof the words "any person sixty-five years of age or older or any person who is permanently and totally disabled, as certified by a physician, with an adjusted gross income as shown on the taxpayer's federal income tax return of less than twelve thousand dollars,"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2295 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 2300 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 5, delete the words "subdivision b of subsection 1 of"

On page 1, line 8, after the word "to" insert the words "the rate of tax and"

On page 1, line 18, remove the overstrike over the comma

On page 1, line 19, remove the overstrike over the word and comma "gas", and after the word "and" insert the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

On page 3, line 2, remove the overstrike over the commas and word "gas", and after the word "and" insert the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

On page 3, line 21, remove the overstrike over the commas and word "gas" and insert immediately thereafter the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

On page 3, line 29, remove the overstrike over the commas and word "gas" and insert immediately thereafter the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

On page 4, delete lines 7 through 12 and insert in lieu thereof the following new section:

"SECTION 2. AMENDMENT. Section 57-39.2-02.1 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-39.2-02.1. Sales tax imposed.

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes and for sales of farm machinery and irrigation equipment used exclusively for agricultural purposes, except as provided in subsection 4 for sales of natural gas, and except as otherwise expressly provided in this chapter, there is imposed a tax of four percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the state of North Dakota of the following to consumers or users:
 - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and farm machinery and irrigation equipment used exclusively for agricultural purposes.
 - b. The furnishing or service of steam other than steam used for processing agricultural products, gas, or communication services.
 - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin.
 - d. Magazines and other periodicals.
 - e. The leasing or renting of a hotel or motel room or tourist court accommodations.
 - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
2. There is hereby imposed a tax of three percent upon the gross receipts of retailers from all sales at retail of mobile homes used for residential or business purposes, except as

provided in subsection 35 of section 57-39.2-04, and of farm machinery and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural purposes within the state of North Dakota to consumers or users.

3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to April 1, 1983, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.
4. There is hereby imposed a tax upon the gross receipts of retailers from all sales at retail of gas used primarily for the purpose of heating or cooling in residential or commercial buildings at the rate provided in this subsection.
 - a. The rate of the tax is four percent through December 31, 1985.
 - b. The rate of the tax is three percent from January 1, 1986, through December 31, 1986.
 - c. The rate of the tax is two percent from January 1, 1987, through December 31, 1987.
 - d. The rate of the tax is one percent from January 1, 1988, through December 31, 1988.
 - e. On and after January 1, 1989, sales at retail of gas used primarily for the purpose of heating or cooling in residential or commercial buildings are exempt."

On page 4, line 17, delete the word "and" and insert in lieu thereof the word "or"

On page 4, line 18, after the word "buildings" insert the words "on or after January 1, 1989"

On page 4, line 24, remove the overstrike over the word and commas "7 gas," and after the word "and" insert the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

On page 5, line 1, remove the overstrike over the commas and words "7 and gas" and insert immediately thereafter the words "other than gas used primarily for the purpose of heating or cooling in residential or commercial buildings,"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2300 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 2313 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2313 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 2343 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. WRIGHT, Chairman

SB 2343 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 2355 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 3, line 18, overstrike the word "must" and insert immediately thereafter the word "may"

And renumber the lines and pages accordingly

SEN. OLSON, Vice Chairman

SB 2355 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 2380 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2380 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 2397 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2397 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 2419 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2419 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 2435 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 and numerals "sections 28-22-02," and insert in lieu thereof the word "section"

On page 1, delete lines 8 through 28

On page 2, delete lines 1 through 18

On page 3, after line 10, insert the following:

"d. Veteran's pension benefits, not including military retirement pay, except that the benefits are not exempt from process levy or sale for enforcement of any order for the support of a dependent child."

On page 3, line 21, after the period, insert the words "Earnings" includes military retirement pay."

On page 5, line 19, after the period, insert the words "Earnings" includes military retirement pay."

And renumber the lines, sections, and pages accordingly

SEN. OLSON, Vice Chairman

SB 2435 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 2436 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 2, line 19, delete the second underscored comma

On page 2, delete lines 20 and 21

On page 2, line 22, delete the words "United States Government Printing and Binding Regulations"

On page 2, line 34, overstrike the second word "or"

On page 2, line 35, after the comma, insert the words "or institutions with printing services or journalistic programs under the jurisdiction of the board of higher education,"

On page 3, line 17, after the word "means" insert the words "side or corner stitching with duplicating processes and"

On page 3, line 18, after the word "and" insert the word "nonmetal"

On page 3, line 21, delete the words "ten and three-fourths by fourteen and one-fourth" and insert in lieu thereof the words "eleven by seventeen"

On page 3, line 24, delete the words ", and as such term is"

On page 3, delete lines 25 and 26

On page 3, line 27, delete the words "Government Printing and Binding Regulations"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2436 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 2444 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2444 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 2457 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2457 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 2467 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2467 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 2476 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, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following:
"for an Act to amend and reenact section 15-28-09 of the North Dakota Century Code, relating to public school district elections.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-09 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

15-28-09. Election - Candidates - Ballots - Stickers. Any

1. Except as otherwise provided in subsection 2, any candidate for election as a member of the school board of a school district shall file with the clerk of the board, not less than twenty-five days before the election and before four p.m. on the twenty-fifth day, a statement setting forth the candidate's name and the position for which that person is a candidate. A statement which is mailed to the clerk shall be in the clerk's physical possession before four p.m. on the twenty-fifth day before the election. At least twenty days before the election, the clerk shall prepare and cause to be printed, or otherwise uniformly reproduced, an official ballot containing the names of all persons who have filed as herein provided. The arrangement of the names of the candidates upon the ballot shall be determined by lot by such clerk in the presence of the candidates or their representatives. The ballot shall be headed "official ballot", shall be nonpartisan in form, and shall contain the following:

- 1- a. The name of the district.
- 2- b. The date of the election.
- 3- c. The number of persons to be elected to each office.
- 4- d. Blank spaces below the names listed as candidates for each office in which names not stated on the ballot may be written.

2. When a school annual election or special election is held in conjunction with a statewide election,

any candidate for election as a member of the school board of a school district shall file with the clerk of the board, not less than fifty-five days before the election and before four p.m. on the fifty-fifth day, a statement setting forth the candidate's name and the position for which that person is a candidate. A statement which is mailed to the clerk shall be in the clerk's physical possession before four p.m. on the fifty-fifth day before the election.

3. Nothing herein shall prevent any person who is qualified to hold the office, who desires to be a candidate at the election, and who has failed to file as herein provided, from providing stickers to be attached to the official ballot by the electors. A sticker shall not be more than one-half inch [12.7 millimeters] in width, and shall have printed thereon the name and address of one person."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2476 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 2485 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2485 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 2497 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2497 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 2503 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

SB 2503 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 2504 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2504 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 2506 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 2506 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SCR 4044 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SCR 4044 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 SCR 4047 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SCR 4047 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 HB 1050 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1050 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1252 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1252 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1291 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1291 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

- HB 1279: A BILL for an Act to create and enact a new section to chapter 27-15 of the North Dakota Century Code, relating to judicial conference funding; to amend and reenact sections 27-02-05.2, 27-15-01, 27-15-02, 27-15-03, 27-15-04, 27-15-05, and 27-15-10 of the North Dakota Century Code, relating to changing the name of the judicial council to the judicial conference and changing the membership, terms, organization, duties, and payment of expenses of members of the judicial conference; and to repeal sections 27-15-06, 27-15-08, and 27-15-09 of the North Dakota Century Code, relating to hearings and reports of the judicial council, and the meeting of judges concerning judicial council recommendations.
- Was read the first time and referred to the Committee on Judiciary.
- HB 1424: A BILL for an Act to amend and reenact section 30.1-15-04 of the North Dakota Century Code, relating to the right of and the demand for a jury trial in contested formal testacy proceedings.
- Was read the first time and referred to the Committee on Judiciary.
- HB 1427: A BILL for an Act to amend and reenact section 32-04-12 of the North Dakota Century Code, relating to specific performance of agreements to arbitrate.
- Was read the first time and referred to the Committee on Judiciary.
- HB 1447: A BILL for an Act to amend and reenact subsection 6 of section 11-10-10 of the North Dakota Century Code, relating to salaries of county sheriffs.
- Was read the first time and referred to the Committee on Political Subdivisions.
- HB 1479: A BILL for an Act to amend and reenact section 18-10-07 of the North Dakota Century Code, to allow rural fire protection districts to accumulate funds from year-to-year for major purchases of firefighting equipment.
- Was read the first time and referred to the Committee on Political Subdivisions.
- HB 1485: A BILL for an Act to amend and reenact sections 27-08.1-03 and 27-08.1-04 of the North Dakota Century Code, relating to a defendant's answer in small claims court.
- Was read the first time and referred to the Committee on Judiciary.
- HB 1493: A BILL for an Act to amend and reenact sections 28-22-03 and 28-22-03.1 of the North Dakota Century Code, relating to property exempt from all process.
- Was read the first time and referred to the Committee on Finance and Taxation.

HB 1529: A BILL for an Act to amend and reenact subsection 3 of section 19-13.1-04 of the North Dakota Century Code, relating to labeling of commercial feed.

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

HB 1535: A BILL for an Act to amend and reenact section 43-33-04, subsection 4 of section 43-33-07, and subdivision g of subsection 2 of section 43-33-12 of the North Dakota Century Code, relating to the licensure of hearing aid dealers.

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

HB 1548: A BILL for an Act to amend and reenact section 21-03-07 and subsection 1 of section 57-15-17 of the North Dakota Century Code, relating to the voter approval requirements for the issuance of general obligation bonds and the use of school building funds.

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

HB 1582: A BILL for an Act to amend and reenact section 60-02-17 of the North Dakota Century Code, relating to warehouse storage rates for dry edible beans.

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

HB 1614: A BILL for an Act to create and enact a new subsection to section 15-28-01 of the North Dakota Century Code, relating to certain school board elections and terms of office for school board members; and to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to certain school board elections and terms of office for school board members.

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

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3030: A concurrent resolution urging Congress and federal agencies to protect adequately against grasshopper infestations on federal land.

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

MOTIONS

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

SEN. NOTHING MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business, and after the reading of SB 2031, SB 2160, SB 2222, SB 2229, SB 2313, SB 2343, SB 2380, SB 2397, SB 2419, SB 2444, SB 2457, SB 2467, SB 2485, SB 2487, SB 2492, SB 2496, SB 2497, SB 2503, SB 2504, SCR 4044, SCR 4047, HB 1042, HB 1045, HB 1046, HB 1050, HB 1070, HB 1108, HB 1110, HB 1114, HB 1120, HB 1172, HB 1209, HB 1236, HB 1252, HB 1253, HB 1291, HB 1470, the Senate adjourn and convene at 1:00 p.m., Thursday, February 14, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary