

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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TWENTY-NINTH DAY

Bismarck, February 15, 1985
The Senate convened at 12:30 p.m., with President Meiers presiding.

The prayer was offered by Reverend Richard Metzgar, Northwest Bible College, Minot.

Let us pray. Our Precious and Heavenly Father, we thank You for this day and Your many blessings. I come before You today to pray for these ladies and gentlemen who are in political leadership in our state. We pray that their efforts will bring some measure of hope to the disillusioned, confidence to the fearful, and encouragement to the troubled. I thank You for the privilege of being part of this government today.

We ask for Your continued wisdom, strength, and guidance. Grant to each one under the sound of my voice a special blessing: blessing of guidance, blessing of insight, blessing of compassion, blessing of physical strength, blessing of direction that You will guide and direct each decision of each lawmaker here today. In the wonderful and matchless name of Jesus, we ask all these things. Amen.

ROLL CALL

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

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-eighth day and finds the same to be correct.

SEN. DAVID, Chairman

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

REPORT OF PROCEDURAL COMMITTEE

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

SB 2247

SEN. BAKEWELL, Chairman

SEN. TWETEN 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 2295, SB 2300, SB 2355, SB 2435, SB 2436, SB 2476,
SB 2487

SEN. BAKEWELL, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

State of North Dakota
EXECUTIVE OFFICE
Bismarck

February 14, 1985

The Honorable Ruth Meiers
President of the Senate
Senate Chambers
State Capitol
Bismarck, North Dakota 58505

Dear Madam President:

This is to inform you that on February 6, 1985, I signed the following:

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

Sincerely,

GEORGE A. SINNER
Governor

MESSAGES TO THE HOUSE
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 2257, SB 2284, SB 2307, SB 2312, SB 2446, SB 2495,
SCR 4034, SCR 4036, SCR 4038, SCR 4039, SCR 4041, SCR 4042,
SCR 4045

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1090, HB 1109, HB 1141, HB 1177, HB 1201, HB 1219,
HCR 3013

LEO LEIDHOLM, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1091, HB 1139, HCR 3002, HCR 3016

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1091, HB 1139, HCR 3002, HCR 3016

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2056 as recommended by the Committee on Judiciary as printed on page 726 of the Senate Journal be adopted, and when so adopted, recommends that SB 2056 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2181 as recommended by the Committee on Judiciary as printed on page 727 of the Senate Journal be adopted, and when so adopted, recommends that SB 2181 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2274 as recommended by the Committee on Industry, Business and Labor as printed on pages 727-735 of the Senate Journal be adopted, and when so adopted, recommends that SB 2274 DO PASS, that the rules be suspended and that SB 2274 be rereferred to the Committee on Appropriations, which motion prevailed on a verification vote.

SB 2274 was rereferred to the Committee on Appropriations.

SEN. OLSON MOVED that the amendments to SB 2390 as recommended by the Committee on Judiciary as printed on page 735 of the Senate Journal be adopted, and when so adopted, recommends that SB 2390 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2445 as recommended by the Committee on Judiciary as printed on page 736 of the Senate Journal be adopted, and when so adopted, recommends that SB 2445 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2452 as recommended by the Committee on Judiciary as printed on page 736 of the Senate Journal be adopted, and when so adopted, recommends that SB 2452 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2479 as recommended by the Committee on Judiciary as printed on pages 736-737 of the Senate Journal be adopted, and when so adopted, recommends that SB 2479 DO PASS, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2080: A BILL for an Act to create and enact a new section to chapter 49-09 and a new section to chapter 49-10.1 of the North Dakota Century Code, relating to eminent domain powers of railroads subject to public service commission jurisdiction and the duty of the public service commission to intervene in railroad line abandonment cases.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Peterson; Wenstrom

SB 2080 passed and the title was agreed to.

SB 2170: A BILL for an Act to amend and reenact sections 39-04-12 and 39-04-36 of the North Dakota Century Code, relating to transfer of number plates and transfer of motor vehicle registration.

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, 2 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Hilken; Lashkowitz

ABSENT AND NOT VOTING: Moore; Peterson; Wenstrom

SB 2170 passed and the title was agreed to.

SB 2171: A BILL for an Act to amend and reenact section 39-04-10.3 of the North Dakota Century Code, relating to the issuance of personalized plates; and to provide an effective date.

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, 47 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Lips; Thane

NAYS: Adams; 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.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Moore; Peterson; Wenstrom

SB 2171 was declared lost.

MOTIONS

SEN. MUTCH MOVED that SB 2214, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. NETHING MOVED that the Senate reconsider the action whereby SB 2160 was defeated, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2160: A BILL for an Act to amend and reenact subsection 16 of section 52-06-02 of the North Dakota Century Code, relating to reduction of unemployment compensation benefits due to receipt of pensions.

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 33 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Nething; Olson; Redlin; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Adams; Bakewell; David; Freborg; Ingstad; Kelly; Lodoen; Meyer, W.; Mutch; Naaden; Nelson; Parker; Reiten; Streibel; Tennefos; Todd; Tweten

ABSENT AND NOT VOTING: Moore; Peterson; Wenstrom

SB 2160 passed and the title was agreed to.

SB 2295: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, providing for an income tax credit for qualified renters; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 22 YEAS, 27 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berube; Heigaard; Heinrich; Hilken; Kelsh; Kusler; Lashkowitz; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Redlin; Shea; Stenehjem; Streibel; Tennefos; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Holmberg; Ingstad; Kelly; Kilander; Krauter; Langley; Lips; Mutch; Nelson; Nething; Olson; Parker; Reiten; Satrom; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Moore; Naaden; Peterson; Wenstrom

SB 2295 was declared lost.

SB 2300: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to the exemption of gas used for heating purposes from sales and use taxes; and to amend and reenact subsections 7, 8, and 9 of section 57-39.2-01, section 57-39.2-02.1, subsection 2 of section 57-39.2-18, and subdivision a of subsection 8 of section 57-40.2-01 of the North Dakota Century Code, relating to the rate of tax and the exemption of gas used for heating purposes from sales and use taxes.

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 31 YEAS, 20 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dotzenrod; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Reiten; Satrom; Stenehjelm; Streibel; Tennefos; Thane; Todd; Vosper; Waldera; Wright

NAYS: Berube; David; Freborg; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Maixner; Meyer, J.; Moore; Redlin; Shea; Stromme; Tallackson; Tweten; Walsh; Wogsland

ABSENT AND NOT VOTING: Peterson; Wenstrom

SB 2300 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that SB 2300 be reprinted, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2355: A BILL for an Act to amend and reenact section 6-08-16.2 of the North Dakota Century Code, relating to issuing checks with insufficient funds or without an account; 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 37 YEAS, 14 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Parker; Satrom; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wogsland; Wright

NAYS: Adams; Ingstad; Lashkowitz; Lips; Lodoen; Mushik; Nelson; Nething; Olson; Redlin; Reiten; Stenehjem; Tweten; Walsh

ABSENT AND NOT VOTING: Peterson; Wenstrom

SB 2355 passed and the title was agreed to.

MOTION

SEN. SATROM MOVED that SB 2363 be returned to the Senate floor from the Committee on Social Services and Veterans Affairs, which motion prevailed.

REQUEST

SEN. SATROM REQUESTED the unanimous consent of the Senate to withdraw SB 2363. There being no objection, it was so ordered by the President.

MOTION

SEN. MOORE MOVED that HB 1070, which is on the Fourteenth order, be rereferred to the Committee on Natural Resources, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2435: A BILL for an Act to amend and reenact section 28-22-03.1, subsection 3 of section 32-09.1-01, and section 32-09.1-09 of the North Dakota Century Code, relating to an exemption of social security benefits and veterans' pensions benefits from attachment, execution, and garnishment actions.

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

NAYS: None

ABSENT AND NOT VOTING: Peterson; Wenstrom

SB 2435 passed and the title was agreed to.

SB 2458: A BILL for an Act to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to privileged communications between a social worker and client.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 20 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Heigaard; Heinrich; Kelsh; Krauter; Kusler; Lips; Maixner; Meyer, J.; Meyer, W.; Redlin; Satrom; Shea; Tallackson; Todd; Tweten; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Holmberg; Ingstad; Kelly; Kilander; Langley; Lashkowitz; Lodoen; Matchie; Meyer, D.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Reiten; Stenehjem; Streibel; Stromme; Tennefos; Thane; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Peterson

SB 2458 was declared lost.

SB 2474: A BILL for an Act to create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to the enforcement of visitation rights.

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

ABSENT AND NOT VOTING: Parker; Peterson

SB 2474 was declared lost.

SB 2476: A BILL for an Act to amend and reenact section 15-28-09 of the North Dakota Century Code, relating to public school district elections.

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; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Redlin; Reiten; Satrom; Shea; Stenehjsem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Meyer, J.; Parker; Peterson

SB 2476 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the Senate stand in recess for twenty minutes, which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

SECOND READING OF HOUSE BILLS

HB 1120: A BILL for an Act to amend and reenact section 15-60-04 of the North Dakota Century Code, relating to purposes and amount expended for construction.

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 1 YEA, 48 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Reiten

NAYS: Bakewell; Berube; Christensen; 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; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Adams; David; Parker; Peterson

HB 1120 was declared lost.

HB 1172: A BILL for an Act to amend and reenact sections 18-12-06, 18-12-23, and 18-12-25 of the North Dakota Century Code, relating to construction of educational occupancies; and to repeal sections 15-35-01, 15-35-02, 15-35-03, 15-35-04, 15-35-05, 15-35-06, 18-12-07, 18-12-08, 18-12-09, 18-12-10, 18-12-11, 18-12-12, 18-12-13, 18-12-14, 18-12-15, 18-12-17, 18-12-18, 18-12-19, 18-12-20, and 18-12-21 of the North Dakota Century Code, relating to the construction of and fire prevention in educational occupancies.

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: Bakewell; Berube; Christensen; 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; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; David; Parker; Peterson

HB 1172 passed and the title was agreed to.

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

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: Bakewell; Berube; Christensen; 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; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; David; Parker; Peterson

HB 1209 passed and the title was agreed to.

HB 1236: A BILL for an Act to amend and reenact section 57-15-14.2 of the North Dakota Century Code, relating to special fund mill levies for the removal of asbestos from school buildings.

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

NAYS: None

ABSENT AND NOT VOTING: Christensen; David; Parker; Peterson

HB 1236 passed and the title was agreed to.

HB 1252: A BILL for an Act to amend and reenact sections 37-17.1-01, 37-17.1-02, 37-17.1-03, 37-17.1-04, 37-17.1-05, 37-17.1-06, 37-17.1-07, 37-17.1-09, 37-17.1-10, 37-17.1-11, 37-17.1-12, 37-17.1-13, 37-17.1-14, 37-17.1-15, 37-17.1-16, 37-17.1-17, 37-17.1-18, 37-17.1-19, 37-17.1-20, 37-17.1-21, and 37-17.1-22 of the North Dakota Century Code, relating to disasters or emergencies; and to repeal section 37-17.1-08 of the North Dakota Century Code, relating to disasters or emergencies.

Which has been read.

MOTIONS

SEN. MATCHIE MOVED that HB 1252 be amended as follows:

On page 11 of the engrossed bill, delete lines 13 through 17

And renumber the lines and pages accordingly.

SEN. MATCHIE MOVED that the proposed amendments be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 45 YEAS, 4 NAYS, 4 ABSENT AND NOT VOTING.

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

Olson; Redlin; Reiten; Satrom; Shea; Stenehjem;
 Streibel; Tallackson; Thane; Todd; Vosper; Waldera;
 Walsh; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz; Mutch; Tennefos; Tweten

ABSENT AND NOT VOTING: David; Parker; Peterson; Stromme

HB 1252 passed and the title was agreed to.

HB 1253: A BILL for an Act to amend and reenact section 15-29-02 of the North Dakota Century Code, relating to the time for the annual meeting of school boards.

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; Dotzenrod; Freborg; 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; Nething; Olson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: David; Kelly; Parker; Peterson

HB 1253 passed and the title was agreed to.

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.

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

NAYS: None

ABSENT AND NOT VOTING: David; Parker; Peterson

HB 1291 passed and the title was agreed to.

MOTION

SEN. WRIGHT MOVED that HB 1470 which is on the Fourteenth order be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

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

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

NAYS: None

ABSENT AND NOT VOTING: David; Parker; Peterson; Redlin

HB 1086 passed and the title was agreed to.

HB 1278: A BILL for an Act to amend and reenact sections 43-01-15.1 and 43-01-18 of the North Dakota Century Code, relating to fees chargeable by abstracters.

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

NAYS: None

ABSENT AND NOT VOTING: David; Parker; Peterson; Redlin

HB 1278 passed and the title was agreed to.

HB 1311: A BILL for an Act to amend and reenact sections 43-01-04, 43-01-07, 43-01-10, 43-01-11, and 43-01-14 of the North Dakota Century Code, relating to the abstracters' board of examiners.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; 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; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wright

NAYS: Wogsland

ABSENT AND NOT VOTING: David; Parker; Peterson; Redlin; Vosper

HB 1311 passed and the title was agreed to.

**SECOND READING OF HOUSE BILLS
ON CONSENT CALENDAR**

HB 1197: A BILL for an Act to amend and reenact section 32-12.1-13 of the North Dakota Century Code, relating to the issuance of bonds to pay compromised judgments against political subdivisions.

HB 1200: A BILL for an Act to amend and reenact sections 40-29-16 and 40-31-10 of the North Dakota Century Code, relating to the payment by cities of sidewalk assessment warrants and curbing assessment warrants from the sidewalk special fund and the curbing special fund.

Which have been read.

ROLL CALL

The question being on the final passage of the bills, the roll was called and there were 49 YEAS, 0 NAYS, 4 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, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: David; Parker; Peterson; Redlin

HB 1197, HB 1200 passed and the titles were agreed to.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2075 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SB 2075 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 2159 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, delete lines 26 through 28 and insert in lieu thereof the following:

<u>"1.50 to 1.80</u>	<u>14</u>
<u>1.81 to 2.11</u>	<u>16</u>
<u>2.12 to 2.42</u>	<u>18</u>
<u>2.43 to 2.73</u>	<u>20</u>
<u>2.74 to 3.04</u>	<u>22</u>
<u>3.05 to 3.22</u>	<u>24</u>
<u>3.23 or more</u>	<u>26"</u>

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2159 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 2180 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 11, after line 18, insert the following new subsection:

"10. Notwithstanding the other provisions of this Act, if a court finds that the enforcement of a marital agreement would be clearly unconscionable, the court may refuse to enforce the agreement, enforce the remainder of the agreement without the unconscionable provision, or limit the application of an unconscionable provision to avoid an unconscionable result."

And renumber the lines, subsections, and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2180 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 2217 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 8, delete the word "and", and after the word "date" insert the words "; and to declare an emergency"

On page 3, line 10, delete the numerals "1984" and insert in lieu thereof the numerals "1983"

On page 3, immediately after line 10, insert the following new section:

"SECTION 4. 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 accordingly

SEN. WRIGHT, Chairman

SB 2217 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 2240 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 and numerals "to amend and reenact subsections 3 and 4 of section 57-38-30.3"

On page 1, delete lines 6 and 7

On page 1, line 8, delete the words "are subject to federal income tax;"

On page 1, remove the underscore from lines 15 through 22

On page 1, delete lines 23 through 28

Delete page 2

On page 3, delete lines 1 through 8

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

SB 2240 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 2262 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 14-07.1-02 and subsection 2 of section 14-07.1-03 of the North Dakota Century Code, relating to adult abuse protection orders; and to declare an emergency.

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

SECTION 1. AMENDMENT. Section 14-07.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

14-07.1-02. Adult abuse - Protection order.

1. An action for a protection order commenced by a verified application alleging the existence of adult abuse may be brought in district court by any spouse ~~or~~, family member ~~or~~, former spouse ~~in the district court~~, parent, child, persons related by blood, persons who are presently residing together or who have resided together in the past, persons who have a child in common regardless of whether they have been married or have lived together at any time or by any other person if the court determines that the relationship between that person and the alleged abusing person is sufficient to warrant the issuance of an adult abuse protection order. An action may be brought under this section, regardless of whether ~~or not~~ a petition for legal separation, annulment, or divorce has been filed.
2. Upon receipt of the application, the court shall order a hearing to be held not later than fourteen days from the date of the hearing order.
3. Service shall be made upon the respondent not less than five days prior to the hearing. If service cannot be made, the court may set a new date.
4. Upon a showing of actual or imminent adult abuse, the court may enter a protection order after due notice and full hearing. The relief provided by the court may include any or all of the following:
 - a. Restraining any party from threatening, molesting, or injuring any other party or minor children of the parties person.
 - b. Excluding either party the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of the other another person against whom the adult abuse is occurring, or from an adult abuse care facility, where this exclusion is necessary to the physical or mental well-being of the applicant or others.
 - c. Awarding temporary custody or establishing temporary visitation rights with regard to minor children.
 - d. Recommending or requiring that either or both parties undergo counseling with an adult abuse program or other agency which provides professional services which the court deems

appropriate. The court may request a report from the designated agency within a time period established by the court. The costs of the court-ordered initial counseling assessment and subsequent reports shall be borne by the parties or, if indigent, by the respondent's county of residence.

- e. Requiring a party to pay such support as may be necessary for the support of a party and any minor children of the parties and reasonable attorneys fees and costs.
5. The court may amend its order or agreement at any time upon subsequent petition filed by either party.
6. No order or agreement under this section shall affect title to any real property in any matter.

SECTION 2. AMENDMENT. Subsection 2 of section 14-07.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

2. An ex parte temporary protection order may include:
- a. Restraining any party from committing acts of abuse on ~~the other~~ another person.
 - b. Excluding ~~any party~~ the respondent or any person with whom the respondent lives from the dwelling they share, from the residence of the other another person, or from an adult abuse shelter care facility.
 - c. Awarding temporary custody or establishing temporary visitation rights with regard to minor children.

SECTION 3. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2262 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 2311 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

SB 2311 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2351 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. STENEHJEM, Chairman

SB 2351 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2362 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, after the period insert the following new sentence: "The political subdivision may require payment by a senior citizens group for any increase in the premium rate charged to the political subdivision which is attributable to the coverage provided to that senior citizens group."

On page 1, line 17, delete the word "Any" and insert in lieu thereof the words "Except as otherwise provided in this section, any"

On page 1, line 24, after the period insert the following new sentence: "The state agency negotiating the insurance policy may require payment by a senior citizens group for any increase in the premium rate charged to the state agency which is attributable to the coverage provided to that senior citizens group.", and delete the words "negotiating the insurance policy"

On page 1, line 27, after the period insert the following new sentence: "The state agency may refuse to provide coverage to a senior citizens group if the coverage would hinder the ability of or not allow the state to obtain insurance."

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2362 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 2386 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, after line 5, insert the following:

"g. The federal home loan bank board."

On page 3, after line 4, insert the following:

"7. The release by the industrial commission, in its capacity as the managing body of the Bank of North Dakota, of either of the following:

- a. The name of any person who, either directly or indirectly, has obtained financing through the Bank of North Dakota.
- b. The amount of any financing obtained either directly or indirectly through the Bank of North Dakota."

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2386 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 2389 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 word "Act" insert the words "to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to exceptions to the requirement of a transient merchant's license; and"

On page 1, after line 5, insert the following section:

"SECTION 1. A new section to chapter 51-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Exceptions to requirement of a transient merchant's license. A transient merchant selling merchandise only in flea markets, craft fairs, fairs, carnivals, circuses, or similar activities regulated by city or county governments, fair associations, convention bureaus, other political subdivisions, or local trade organizations, is exempt from the requirements of sections 51-04-02 and 51-04-03."

And renumber the lines, sections, and pages accordingly

SEN. REITEN, Chairman

SB 2389 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 2402 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2402 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 2411 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 11, overstrike the word "The" and insert immediately thereafter the words "Except for items sold at hobby shows, craft shows, fairs, or exhibits, and then only if the event is sponsored by a hobby, craft, or art organization, the"

On page 6, line 4, overstrike the word "Grocery" and insert immediately thereafter the word "Food", and delete the words ", convenience stores, and minimarkets"

On page 6, line 5, overstrike the words "the owner-manager who regularly employs" and insert immediately thereafter the words "an owner or manager in addition to"

On page 6, line 6, overstrike the words "for the operation of"

On page 6, line 7, delete the words "the establishment" and insert immediately thereafter the words "working in the store at one time on a Sunday"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2411 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 2422 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

SB 2422 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2430 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 20, after the word "board" insert the words "as funds become available within the limits of legislative appropriations"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2430 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2437 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. STENEHJEM, Chairman

SB 2437 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 2441 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, and be rereferred to the Committee on Appropriations:

On page 1, line 14, after the word "coroner" insert the words "; and to provide an appropriation"

On page 24, after line 15, insert the following new section:

"SECTION 18. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$1,058,166, or so much thereof as may be necessary, to the University of North Dakota for the purpose of this Act."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2441 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 2448 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same be placed on the calendar WITHOUT RECOMMENDATION:

On page 1, line 1, after the word "Act" insert the words "to provide for adoption of rules under state employment discrimination law and enforcement of the law by the commissioner of labor;"

On page 1, line 3, after the word "employer" insert the words "; and to provide an effective date"

On page 1, after line 26, insert the following new sections:

"SECTION 2. Employment discrimination - Enforcement - Rules. The commissioner of labor may enforce section 14-02.4-03 and shall adopt reasonable rules to establish guidelines for the administration of section 14-02.4-03. The rules must be adopted prior to July 1, 1987, and become effective July 1, 1987.

SECTION 3. EFFECTIVE DATE. Section 1 of this Act becomes effective on July 1, 1987."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2448 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 2449 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, delete the words "fifty percent if either of the"

On page 1, line 11, delete the words "following apply"

On page 1, line 12, delete the word "The" and insert in lieu thereof the words "Twenty-five percent if the"

On page 1, line 14, delete the word "The" and insert in lieu thereof the words "Fifty percent if the"

On page 1, line 15, delete the word "uses" and insert in lieu thereof the words "is designed to use"

On page 1, line 17, after the word "units" insert the words "and which actually uses renewable resources as fuel to generate ten percent or more of its energy output measured in British thermal units"

On page 1, after line 17, insert the following new subsection:

"3. Seventy-five percent if the coal is to be used in agricultural processing or sugar beet refining plants located in this state or an adjacent state."

And renumber the lines accordingly

SEN. WRIGHT, Chairman

SB 2449 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2461 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2461 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 2464 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, delete the words "ten percent of the" and insert in lieu thereof the word "fifty", and remove the overstrike over the words "of the"

On page 1, line 13, remove the overstrike over the word "county" and delete the words "voting at the preceding general election for the office of"

On page 1, line 14, delete the words "governor in the state, county, or district"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2464 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2470 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SB 2470 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 2480 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, remove the overstrike over the words "A misdemeanor", and delete the words "C felony"

On page 1, line 16, remove the overstrike over the words "A misdemeanor", and delete the words "C felony"

On page 1, line 21, remove the overstrike over the words "A misdemeanor", and delete the words "C felony"

On page 1, line 25, remove the overstrike over the words "A misdemeanor", and delete the words "C felony"

On page 2, line 31, delete the word "community"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2480 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2488 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "services" insert the words "or county social service boards"

On page 1, line 19, after the word "department" insert the words "or county social service boards"

On page 1, line 20, after the word "department" insert the words "or county social service boards"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2488 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 2493 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2493 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 2494 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 10, delete the word "thirty-five" and insert in lieu thereof the word "twenty-five"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2494 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 2498 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 14, overstrike the word "Ethylmethythiambutene" and insert immediately thereafter the word "Ethylmethythiambutene"

On page 3, line 1, delete the word "Sufentanil" and insert in lieu thereof the word "Tilidine"

On page 3, line 2, delete the word "Tilidene."

On page 3, line 3, delete the letters "tt"

On page 6, line 7, delete the word "Methqualone" and insert in lieu thereof the word "Methaqualone."

On page 8, after line 27, insert the following new subdivision "w. Sufentanil."

On page 9, line 12, overstrike the word "Methaqualone."

On page 9, line 13, overstrike the letter "c."

On page 9, line 14, overstrike the letter "d." and insert immediately thereafter the letter "c."

On page 9, line 15, overstrike the letter "e."

On page 9, line 18, after the overstruck period insert the letter "d."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2498 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 SCR 4040 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, after the comma, insert the words "and the state radio broadcasting system,"

On page 1, line 14, after the word "process" insert the following words "and a state forensic investigation system is being proposed"

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

SCR 4040 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1044 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1044 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1093 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1093 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1101 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1101 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1137 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1137 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1160 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1160 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1174 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1174 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1186 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1186 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1187 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1187 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred HB 1227 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

HB 1227 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1235 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MOORE, Chairman

HB 1235 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1260 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

HB 1260 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Agriculture to which was referred HB 1264 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1264 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1304 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1304 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1315 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1315 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1013: A BILL for an Act making an appropriation for defraying expenses of various commissions, departments, and divisions thereof of the state of North Dakota; and declaring an emergency.

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

HB 1062: A BILL for an Act to amend and reenact sections 25-04-01, 25-04-02, 25-04-03, 25-04-03.1, 25-04-04, 25-04-05, 25-04-05.1, 25-04-08, 25-04-11, 25-09-02, 50-06-01.4, and 54-23-01 of the North Dakota Century Code, relating to the transfer of control of Grafton state school and San Haven to the department of human services; and to provide an effective date.

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

HB 1085: A BILL for an Act to amend and reenact subsection 1 of section 39-03.1-09, sections 39-03.1-10, 39-03.1-12, and 39-03.1-14 of the North Dakota Century Code, relating to retirement benefits and state and employee contributions under the highway patrolmen's retirement system.

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

HB 1115: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to requirements for licensing minors as beekeepers; to amend and reenact sections 4-12.2-10 and 4-12.2-18, and subsection 4 of section 4-12.2-22 of the North Dakota Century Code, relating to establishment of pollination locations, issuance of certificates of health, and revocation of beekeepers licenses; and to repeal subsection 12 of section 4-12.2-01 of the North Dakota Century Code, relating to honey houses.

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

HB 1142: A BILL for an Act to amend and reenact section 55-10-11 of the North Dakota Century Code, relating to the federal historic preservation law and the discretionary powers of the state historical board regarding participation in the programmatic provisions of that law and supplements thereto.

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

HB 1191: A BILL for an Act to amend and reenact section 65-04-26 of the North Dakota Century Code, relating to the priority of the lien for bureau claims for premiums in default and penalties.

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

HB 1196: A BILL for an Act to amend and reenact section 2 of chapter 522 of the 1983 Session Laws of North Dakota, relating to the effective date for increased state reimbursement to counties for optional supplementation of supplemental security income benefits.

Was read the first time and referred to the **Committee on Social Services and Veterans Affairs.**

HB 1255: A BILL for an Act to create and enact a new section to chapter 29-34 of the North Dakota Century Code, relating to notices sent pursuant to the interstate agreement on detainers.

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

HB 1282: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to filing of tax returns of charitable gambling organizations; and to amend and reenact section 53-06.1-12 and 53-06.1-12.1 of the North Dakota Century Code, relating to filing of tax returns of charitable gambling organizations and allocation of the games of chance tax.

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

HB 1295: A BILL for an Act to amend and reenact section 27-09.1-02, subsection 1 of section 27-09.1-07, and subsection 2 of section 27-09.1-08 of the North Dakota Century Code, relating to disqualification from jury service by physical disability or inability to communicate and understand English given reasonable accommodations.

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

HB 1321: A BILL for an Act to amend and reenact section 54-17-07.5 of the North Dakota Century Code, relating to the reversion to the industrial commission of any unused portion of the annual state ceiling for the issuance of single family housing revenue bonds allocated to home rule cities.

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

HB 1334: A BILL for an Act to provide criminal and civil penalties for theft of cable television and an exemption for persons licensed by the federal communications commission.

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

HB 1339: A BILL for an Act to create and enact a new section to chapter 20.1-07 of the North Dakota Century Code, relating to the use of snares in taking coyotes; and to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to the use of snares for taking game animals.

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

HB 1351: A BILL for an Act to create and enact a new section to chapter 54-06 of the North Dakota Century Code, relating to making the last working day of a pay period the pay date for state officers and employees who receive checks prepared by the office of management and budget.

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

HB 1355: A BILL for an Act to allow the use of the great seal of the state for items commemorating the state centennial; and to provide an expiration date.

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

HB 1369: A BILL for an Act to amend and reenact sections 39-16-05, 39-16.1-02, subsection 3 of section 39-16.1-05, and subdivision b of subsection 2 of section 39-16.1-11 of the North Dakota Century Code, relating to required level of insurance against liability for damage to property arising from the operation of motor vehicles.

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

HB 1396: A BILL for an Act to amend and reenact section 39-10-71 of the North Dakota Century Code, relating to the penalty for fleeing or attempting to elude a police officer.

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

HB 1407: A BILL for an Act to amend and reenact section 15-55-04.1 of the North Dakota Century Code, relating to the leasing of revenue-producing buildings.

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

HB 1418: A BILL for an Act to amend and reenact sections 20.1-02-18.2 and 47-05-02.1 of the North Dakota Century Code, relating to the duration of federal waterfowl production area easements.

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

- HB 1438: A BILL for an Act to amend and reenact sections 11-15-08 and 11-15-09 of the North Dakota Century Code, relating to a sheriff's commission.
Was read the first time and referred to the Committee on Political Subdivisions.
- HB 1475: A BILL for an Act to amend and reenact section 53-04-02 of the North Dakota Century Code, relating to licenses for amusement games and devices.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1500: A BILL for an Act to create and enact section 57-38-60.1 of the North Dakota Century Code, relating to corporate officer liability for compliance with income tax laws; and to amend and reenact section 57-38-61 of the North Dakota Century Code, relating to corporate officer liability for withholding tax.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1501: A BILL for an Act to amend and reenact section 61-16.1-10 of the North Dakota Century Code, relating to duties of the water resource board; and to repeal sections 61-16.1-03 and 61-16.1-13, relating to boundaries of water resource districts and master plans.
Was read the first time and referred to the Committee on Natural Resources.
- HB 1502: A BILL for an Act to amend and reenact section 61-16-08 of the North Dakota Century Code, relating to compensation of water managers.
Was read the first time and referred to the Committee on Natural Resources.
- HB 1516: A BILL for an Act to repeal sections 23-13-03.1, 23-13-03.2, 23-13-03.3, 23-13-03.4, and 23-13-03.5 of the North Dakota Century Code, relating to the marking of containers used for liquified petroleum gas, and regulating the filling, transferring and possession of marked containers.
Was read the first time and referred to the Committee on Industry, Business and Labor.
- HB 1536: A BILL for an Act to create and enact a new section to chapter 43-20 of the North Dakota Century Code, relating to notice for address changes of dental hygienists; and to amend and reenact sections 43-20-06, 43-20-07, 43-20-10, and 43-20-12 of the North Dakota Century Code, relating to fees, reciprocity, board member compensation, and dental auxiliary supervision.
Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

- HB 1549:** A BILL for an Act to amend and reenact sections 15-40.1-07, 15-40.1-08, and 15-40.1-09 of the North Dakota Century Code, relating to the method of determining enrollment for foundation aid payments to school districts; and to declare an emergency.
Was read the first time and referred to the **Committee on Education.**
- HB 1551:** A BILL for an Act to amend and reenact section 2 of chapter 583 of the 1983 Session Laws of North Dakota, relating to the membership of the North Dakota centennial commission.
Was read the first time and referred to the **Committee on State and Federal Government.**
- HB 1554:** A BILL for an Act to amend and reenact subdivisions c, d, and e of subsection 4 of section 23-06-03 of the North Dakota Century Code, relating to payments by county social service boards for burial of persons who died without survivors and without a sufficient estate to pay for burial.
Was read the first time and referred to the **Committee on Social Services and Veterans Affairs.**
- HB 1566:** A BILL for an Act to amend and reenact sections 11-03-08, 11-08-06, 11-08-08, 11-08-13, 11-10-02, 11-10-06, 11-15-22, 11-15-28, 11-16-15, 11-19-04, 11-19-05, 11-19-13, 11-19.1-08, 11-28-10, 18-02-09, 19-01-13, 20.1-01-04, 20.1-02-14, 23-07.1-05, 23-15-04, 23-15-05, 27-07.1-16, 29-02-08, 29-05-23, 29-05-26, 32-22-29, 36-01-18, 40-20-06, 44-04-06, 44-08-09, 44-11-12, 53-03-06, 55-08-04.1, and 55-08-15 of the North Dakota Century Code, relating to the office of county constable; and to repeal sections 11-09-26 and 11-15-27 of the North Dakota Century Code, relating to county constables.
Was read the first time and referred to the **Committee on Political Subdivisions.**
- HB 1580:** A BILL for an Act to amend and reenact section 61-24.3-03 of the North Dakota Century Code, relating to authorization of the southwest pipeline project.
Was read the first time and referred to the **Committee on Natural Resources.**
- HB 1590:** A BILL for an Act to create and enact a new subsection to section 19-18-02 of the North Dakota Century Code, relating to economic poisons; to amend and reenact sections 19-01-03, 19-01-04, 19-01-05, 19-01-07, 19-01-12, 19-01-14, 19-01-18, 19-02-16, 19-02-17, 19-02-20, 19-02.1-01, 19-02.1-04, 19-02.1-05, 19-02.1-06, 19-02.1-16, 19-02.1-21, subsection 5 of section 19-03.1-09, subsection 2 of section 19-03.1-13, section 19-03.1-16, subsection 1 of section 19-03.1-18, subdivision b of subsection 1 of section 19-03.1-24, sections 19-03.1-30, 19-03.1-32, subdivision a of subsection 1 of section 19-03.1-33, subsection 3 of

section 19-03.1-35, paragraph 4 of subdivision e of subsection 1 of section 19-03.1-36, subsections 2 and 3 of section 19-03.1-37, sections 19-04-01, 19-07-01, 19-08-01, 19-08-04, 19-10-21, subsection 2 of section 19-13.1-03, sections 19-13.1-09, 19-13.1-11, 19-13.1-12, 19-14-03, 19-14-06, 19-14-08, 19-16.1-03, 19-17-02, 19-17-03, 19-17-04, subsection 8 of section 19-18-02, section 19-18-03, subsection 2 of section 19-18-04, sections 19-18-05, 19-18-06, 19-18-06.1, subsection 1 of section 19-18-07, sections 19-20.1-02, 19-20.1-03, 19-20.1-06, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, 19-20.1-13, 19-20.1-14, 19-20.1-15, 19-20.1-16, 19-20.1-17, subsection 5 of section 19-21-02, and section 19-21-04 of the North Dakota Century Code, relating to the state laboratories department; and to repeal section 19-17-06 of the North Dakota Century Code, relating to weights of containers.

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

HB 1592: A BILL for an Act to create and enact three new sections to chapter 43-35 of the North Dakota Century Code, relating to the certification of water well pump and pitless unit installers; to amend and reenact sections 43-35-11, 43-35-12, 43-35-13, 43-35-14, 43-35-16, 43-35-20, 43-35-21, and 43-35-22 of the North Dakota Century Code, relating to the certification of water well pump and pitless unit installers; and to provide a penalty.

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

HB 1603: A BILL for an Act to create and enact a new section to chapter 4-09 of the North Dakota Century Code, relating to the liability of the state seed commission, seed department, commissioner, and certified or noncertified agricultural seed producers.

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

HB 1618: A BILL for an Act to provide for county spouse abuse programs; and to declare an emergency.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1636: A BILL for an Act to amend and reenact section 10-06-13 of the North Dakota Century Code, relating to divestiture of farmland or ranchland.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3043: A concurrent resolution urging the Congress and the President to reduce interest rates, promote exports, and improve farm income.

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

HCR 3044: A concurrent resolution urging the federal government to supply surplus commodities to the starving people of the world.

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

HCR 3068: A concurrent resolution congratulating the North Dakota Highway Patrol, and the officers and employees of the North Dakota Highway Patrol, on the patrol's 50th anniversary.

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

COMMUNICATION

North Dakota Medical Association Doctor of the Day Schedule

February 18	- Irene Martin, M.D. Family Practice	- Bismarck
February 19	- Bradley Buell, M.D. Ear, Nose, and Throat	- Bismarck
February 20	- Raymond Gruby, M.D. Orthopaedic Surgery	- Bismarck
February 21	- Kenneth Helenbolt, M.D. ND Blue Shield	- Fargo
February 22	- James Houghton, M.D. Cardiologist	- Fargo
February 25-26	Recess	
February 27	- Donald McIntyre, M.D. Family Practice	- Rugby
February 28	- Ralph Kilzer, M.D. Orthopaedic Surgery	- Bismarck
March 1	- Jerome Kessler, M.D. Family Practice	- Fargo

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 2056, SB 2075, SB 2181, SB 2214, SB 2311, SB 2343, SB 2351, SB 2390, SB 2402, SB 2422, SB 2437, SB 2445, SB 2452, SB 2461, SB 2470, SB 2479, SB 2485, SB 2493, SB 2503, SB 2504, SCR 4044, HB 1044, HB 1093, HB 1101, HB 1137, HB 1160, HB 1174, HB 1186, HB 1187, HB 1227, HB 1235, HB 1260, HB 1264, HB 1304, HB 1315, the Senate adjourn and convene at 1:00 p.m., Monday, February 18, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary