

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-FIRST DAY

Bismarck, March 7, 1985

The Senate convened at 1:00 p.m., with President Pro Tem Reiten presiding.

The prayer was offered by Reverend Harlan Norem, Faith Lutheran Church, Bismarck.

Our Father God, save us from the conceit which refuses to believe that You know more about government than we do, and deliver us from the stubbornness that will not seek Your help.

Today we accept Your promise that if anyone lacks wisdom, let him ask You--who gives generously and graciously. You know, Lord, how much we need it. Make us willing to ask for wisdom, and eager to have it.

And when we wish for life without frustrations, for work without difficulties, remind us that character, like oak trees, grow strong in adverse conditions. With calm spirits, may we see in every problem an opportunity and not give way to the pessimism that sees in every opportunity only the problems.

Knowing You are still in command, let us get on with the tasks at hand, doing our honest best--and leaving the rest to You.

I pray for these, our chosen leaders, in Jesus' name. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Lodoen, Mushik, Nething, Peterson, Satrom. All of these Senators are attending an Advisory Commission on Intergovernmental Relations in Washington, D.C.

A quorum was declared by the President Pro Tem.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fortieth day and finds the same to be correct.

SEN. DAVID, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1017, HB 1023, HB 1062, HB 1289, HB 1374, HB 1375,
HB 1381, HB 1424, HB 1428, HB 1600, HCR 3011, HCR 3026,
HCR 3039, HCR 3049, HCR 3060, HCR 3061, HCR 3063, HCR 3064,
HCR 3073

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1438

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1488, HCR 3021, HCR 3057

LEO LEIDHOLM, Secretary

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 engrossed:

SB 2502

SEN. BAKEWELL, Chairman

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

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SB 2094, SB 2112, SB 2132, SB 2185, SB 2192, SB 2195,
SB 2199, SB 2206, SB 2208, SB 2213, SB 2219, SB 2220,
SB 2224, SB 2230, SB 2233, SB 2236, SB 2237, SB 2239,
SB 2241, SB 2252, SB 2254, SB 2258, SB 2264, SB 2268,
SB 2270, SB 2272, SB 2276, SB 2280, SB 2297, SB 2298,
SB 2310

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has failed to pass:

SB 2047

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed but the emergency clause failed to pass:

SB 2215

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2209 and SB 2223 which the House has amended:

HOUSE AMENDMENTS TO SB 2209

On page 1, line 11, overstrike the words ", eight, ten, twelve, fifteen,"

On page 1, line 12, overstrike the words "sixteen, twenty, twenty-four," delete the word "twenty-five," and overstrike the words "forty, fifty,"

On page 1, line 13, overstrike the words "eighty, or one hundred" and insert immediately thereafter the words "or more"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2223

On page 1 of the engrossed bill, line 1, delete the words "to create and enact a new subsection to section"

On page 1 of the engrossed bill, delete line 2

On page 1 of the engrossed bill, line 3, delete the words "protective headgear for certain operators of snowmobiles;"

On page 2 of the engrossed bill, delete lines 21 through 28

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1128, HB 1204, HB 1384 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1128: Reprs. Payne, R. Berg, DeMers

HB 1204: Reprs. Moore, Hughes, Schneider

HB 1384: Reprs. Martinson, Melby, L. Hanson

ROY GILBREATH, Chief Clerk

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 1044, HB 1058, HB 1059, HB 1066, HB 1068, HB 1073,
 HB 1075, HB 1093, HB 1095, HB 1101, HB 1107, HB 1111,
 HB 1113, HB 1117, HB 1118, HB 1121, HB 1122, HB 1124,
 HB 1125, HB 1132, HB 1136, HB 1137, HB 1150, HB 1160,
 HB 1162, HB 1164, HB 1181, HB 1184, HB 1238, HB 1346,
 HB 1529, HCR 3006, HCR 3007, HCR 3008, HCR 3009, HCR 3010

ROY GILBREATH, Chief Clerk

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:

HCR 3069

ROY GILBREATH, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. WENSTROM MOVED that the amendments to SCR 4023 as recommended by the Committee on Joint Constitutional Revision as printed on page 1292 of the Senate Journal be adopted, and when so adopted, recommends that SCR 4023 DO PASS, which motion prevailed.

MOTIONS

SEN. HOLMBERG MOVED that SCR 4023 be further amended as follows:

On page 1, line 5, delete the words "; and to provide an effective date"

On page 1, line 8, delete the word "and" and insert in lieu thereof a period

On page 1, delete line 9

On page 5, delete lines 18 and 19

And renumber the lines and pages accordingly

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

SEN. CHRISTENSEN MOVED that the amendments to HB 1207 as recommended by the Committee on Judiciary as printed on page 1275 of the Senate Journal be adopted, and when so adopted, recommends

that HB 1207 DO PASS, which motion prevailed on a verification vote.

SEN. CHRISTENSEN MOVED that the amendments to HB 1246 as recommended by the Committee on Judiciary as printed on page 1293 of the Senate Journal be adopted, and when so adopted, recommends that HB 1246 DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1246 was rereferred to the Committee on Appropriations.

SEN. CHRISTENSEN MOVED that the amendments to HB 1296 as recommended by the Committee on Judiciary as printed on page 1293 of the Senate Journal be adopted, and when so adopted, recommends that HB 1296 DO PASS, which motion prevailed.

SEN. PARKER MOVED that the amendments to HB 1448 as recommended by the Committee on Industry, Business and Labor as printed on pages 1293-1294 of the Senate Journal be adopted, and when so adopted, recommends that HB 1448 DO PASS, which motion prevailed.

MOTION

SEN. CHRISTENSEN MOVED that HB 1485 which is on the Sixth order be rereferred to the Committee on Judiciary, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. WRIGHT MOVED that the amendments to HB 1646 as recommended by the Committee on Finance and Taxation as printed on page 1295 of the Senate Journal be adopted, and when so adopted, recommends that HB 1646 DO PASS, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the Senate reconsider the action by which SB 2502 failed to pass.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the motion to reconsider SB 2502, which request was granted.

ROLL CALL

The question being on the motion to reconsider SB 2502, the roll was called and there were 22 YEAS, 26 NAYS, 5 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom

The motion to reconsider SB 2502 lost.

MOTION

SEN. CHRISTENSEN MOVED that HB 1098 which is on the Fourteenth order be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1420: A BILL for an Act to amend and reenact section 51-07-15 of the North Dakota Century Code, relating to item pricing of certain retail goods.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 27 YEAS, 21 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Kelly; Kilander; Langley; Lashkowitz; Lips; Meyer, W.; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Wenstrom; Wright

NAYS: Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Stenehjerm; Thane; Tweten; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom

HB 1420 passed and the title was agreed to.

HB 1496: A BILL for an Act to create and enact a new section to chapter 57-28 of the North Dakota Century Code, relating to marketable title of real estate acquired by a city.

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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjerm;

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

NAYS: David

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom

HB 1496 passed and the title was agreed to.

HB 1503: A BILL for an Act to create and enact a new subsection to section 25-01-05 of the North Dakota Century Code, relating to general powers and duties of institution superintendents; 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 47 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lodoen; Mushik;
Nething; Peterson; Satrom

HB 1503 passed and the title was agreed to.

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.

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, 4 NAYS, 5 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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Naaden; Nelson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Mutch; Olson; Tweten; Walsh

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1535 passed and the title was agreed to.

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.

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, 3 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Dotzenrod; Meyer, J.

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom; Wenstrom

HB 1551 passed and the title was agreed to.

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.

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

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1590 passed and the title was agreed to.

HB 1242: A BILL for an Act to amend and reenact section 54-52.1-03 of the North Dakota Century Code, relating to membership in the state employees' uniform group insurance program by former members of the legislative assembly and

to the extension of state uniform group life insurance coverage to retired public employees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 0 NAYS, 5 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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1242 passed and the title was agreed to.

HB 1266: A BILL for an Act to provide disciplinary procedures for students enrolled in approved alternative education programs; to amend and reenact subsection 13 of section 15-29-08 and section 15-40.1-07.2 of the North Dakota Century Code, relating to the discipline of students; 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 47 YEAS, 0 NAYS, 6 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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom; Tallackson

HB 1266 passed, the title was agreed to, and the emergency clause carried.

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.

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, 0 NAYS, 6 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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Naaden; Nething; Peterson; Satrom

HB 1475 passed and the title was agreed to.

HB 1484: A BILL for an Act to amend and reenact section 21-06-10 of the North Dakota Century Code, relating to the allocation of moneys received through leasing of land acquired by the United States for flood control.

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; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem;

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

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom

HB 1484 passed and the title was agreed to.

HB 1510: A BILL for an Act to amend and reenact section 28-01.1-02 of the North Dakota Century Code, relating to the statute of limitations for the recovery of damages for injury to property caused by products containing asbestos; 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 48 YEAS, 0 NAYS, 5 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; Maixner; Matchie;
Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden;
Nelson; Olson; Parker; Redlin; Reiten; Shea; Stenehjem;
Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;
Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland;
Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething;
Peterson; Satrom

HB 1510 passed, the title was agreed to, and the emergency clause carried.

HB 1564: A BILL for an Act to amend and reenact section 29-10.2-01 of the North Dakota Century Code, relating to expansion of the statewide grand jury jurisdiction to investigate civil fraud or deception.

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, 0 NAYS, 6 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Berube; Lodoen; Mushik; Nething; Peterson; Satrom

HB 1564 passed and the title was agreed to.

HB 1595: A BILL for an Act to amend and reenact subsection 3 of section 41-09-39 of the North Dakota Century Code, relating to the notice of an assignment which must be given an account debtor.

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, 0 NAYS, 6 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; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Redlin; Satrom

HB 1595 passed and the title was agreed to.

HB 1610: A BILL for an Act to create and enact a new section to chapter 11-18 of the North Dakota Century Code, relating to requiring the filing of a plat depicting any change in the existing boundaries of real property resulting from a court action or arbitration proceeding.

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; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Reagin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Lodoen; Mushik; Nething; Peterson; Satrom

HB 1610 passed and the title was agreed to.

MOTION

SEN. NELSON MOVED that HCR 3058 which is on the Fourteenth order be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3085: A concurrent resolution directing the Legislative Council to study the maximum usage and accessibility of computers for all state agencies and institutions.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3085 was declared adopted on a voice vote.

SECOND READING OF HOUSE BILL ON CONSENT CALENDAR

HB 1468: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to rent payment limitations for the privilege of conducting games of chance.

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, 0 NAYS, 9 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Lodoen; Moore; Mushik; Mutch; Nething; Peterson; Satrom; Wright

HB 1468 passed and the title was agreed to.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. CHRISTENSEN MOVED that the President Pro Tem appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1057, which motion prevailed.

THE PRESIDENT PRO TEM APPOINTED as a Conference Committee on HB 1057:

Sens. Holmberg, Stenehjem, Maixner

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1054 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 9 of the engrossed bill, line 3, after the word "pay" insert the words "at least"

On page 9 of the engrossed bill, line 7, after the word "paid" insert the words "at least"

On page 9 of the engrossed bill, line 11, after the word "dollars" insert the words "or any greater amount as determined by the board of county commissioners"

On page 9 of the engrossed bill, line 18, remove the overstrike over the words "Members of election boards who attend the training"

On page 9 of the engrossed bill, remove the overstrike over lines 19 and 20

On page 9 of the engrossed bill, line 21, remove the overstrike over the words "~~during the time spent in the performance of their election duties~~"

On page 9 of the engrossed bill, line 23, remove the overstrike over the period

And renumber the lines and pages accordingly

SEN. OLSON, Vice Chairman

HB 1054 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HB 1077 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 of the reengrossed bill, line 2, delete the word "and"

On page 1 of the reengrossed bill, line 4, after the word "compact" insert the words "; and to provide an appropriation"

On page 2 of the reengrossed bill, line 6, delete the word "encourage" and insert in lieu thereof the word "require"

On page 2 of the reengrossed bill, line 19, after the word "amended" insert the words "and in effect on January 1, 1985"

On page 3 of the reengrossed bill, after line 13, insert the following new subsection:

"9. "Institutional control period" means that period of time in which the facility license is transferred to the site owner for long-term observation and maintenance following the post closure period in compliance with appropriate regulations."

On page 3 of the reengrossed bill, line 18, after the word "amended" insert the words "and in effect on January 1, 1985"

On page 4 of the reengrossed bill, line 14, delete the word "may" and insert in lieu thereof the word "must"

On page 4 of the reengrossed bill, line 15, delete the word "or" and insert in lieu thereof the word "and"

- On page 4 of the reengrossed bill, line 24, delete the word "in"
- On page 4 of the reengrossed bill, line 25, delete the words "substantially similar form" and insert in lieu thereof the words "and federal ratification"
- On page 4 of the reengrossed bill, line 28, after the period insert the following new sentence: "Ratification of this compact by an eligible state in substantially the same language contained herein and in full agreement with the provisions contained herein is a complete and legally effective ratification."
- On page 5 of the reengrossed bill, line 30, delete the word "revocations" and insert in lieu thereof the word "revocation"
- On page 6 of the reengrossed bill, after line 2, insert the following new subsection:
- "6. If a party state withdraws from this compact or if its membership is revoked pursuant to this article, that state's representatives to the commission cease to be members when the withdrawal or revocation takes effect."
- On page 6 of the reengrossed bill, line 22, delete the word "commission" and insert in lieu thereof the words "governor of any other party state"
- On page 6 of the reengrossed bill, line 23, after the word "state's" insert the word "initial"
- On page 6 of the reengrossed bill, line 25, after the period insert the following new sentence: "If a commissioner or alternate is replaced after the commission is formed, the governor shall notify the commission of the replacement."
- On page 7 of the reengrossed bill, line 34, after the word "accountant" insert the word "annually", and delete the word "annually"
- On page 8 of the reengrossed bill, line 21, delete the word "a" and insert in lieu thereof the word "the"
- On page 9 of the reengrossed bill, line 4, after the period insert the following: "These liabilities continue through the institutional control period of the regional facility. However, such liability is secondary to any fund set aside by the commission or the host state for use during the institutional control period."
- On page 10 of the reengrossed bill, after line 19, insert the following two new subsections:

- "18. The commission may authorize siting and establishment of a monitorable depository for exclusive disposal of low-level radioactive waste generated within the member states. This authority may be exercised only under the provisions outlined in this compact.
19. The commission may develop a multistate or multicomact low-level radioactive waste disposal site that must remain under the ownership and control of the host state and under the continuing authority of the commission. This authority may be exercised only under the provisions outlined in this compact."

On page 10 of the reengrossed bill, delete lines 32 through 35

On page 11 of the reengrossed bill, delete lines 1 through 9

On page 11 of the reengrossed bill, line 10, delete the words "all records of operators of" and insert in lieu thereof the words "any necessary financial records of an operator of a regional facility pertaining to any assessment or collection of any charge or surcharge by an operator on behalf of the commission or a host state"

On page 11 of the reengrossed bill, delete lines 11 and 12

On page 11 of the reengrossed bill, line 13, delete the words "or surcharge"

On page 12 of the reengrossed bill, line 3, after the period insert the following new sentence: "Neither the commission nor the host states may approve or license a second facility as long as any approved licensed facility is operating within the region."

On page 12 of the reengrossed bill, after line 15, insert the following new subdivision:

- "d. An environmental impact report on the selected site to be prepared by the United States geological survey pursuant to a contract with that agency or, if no such contract agreement is forthcoming, pursuant to a contract with any other appropriate, equivalent public or private entity having sufficient expertise. The report must meet the requirements of the nuclear regulatory commission's health and safety standards, procedural requirements, and environmental reviews."

On page 12 of the reengrossed bill, after line 21, insert the following new subsection:

- "3. A host state may not abdicate its proprietary role, but may transfer its operational functions to a separate commercial enterprise."

On page 13 of the reengrossed bill, after line 11, insert the following new subsections:

- "7. The host state shall approve or disapprove any fees, charges, or surcharges to be levied by a facility operator or the political subdivision where the facility is located against generators or transporters using the facility.
8. The host state may examine all records of operators of regional facilities pertaining to operating costs, profits, or assessment or collection of any fee, charge, or surcharge."

On page 14 of the reengrossed bill, line 1, delete the words "All fees, charges, and surcharges imposed by a host state" and insert in lieu thereof the words "Fees, charges, and surcharges must be imposed equitably by a host state upon all users of a regional facility"

On page 14 of the reengrossed bill, delete line 2

On page 14 of the reengrossed bill, line 3, delete the word "commission"

On page 14 of the reengrossed bill, line 16, delete the words "A host state shall approve fee schedules to be charged by"

On page 14 of the reengrossed bill, delete lines 17 and 18

On page 14 of the reengrossed bill, line 19, delete the words "in this subsection, fee schedules" and insert in lieu thereof the word "Fees"

On page 14 of the reengrossed bill, line 25, delete the words "These fee"

On page 14 of the reengrossed bill, delete lines 26 and 27

On page 14 of the reengrossed bill, line 34, delete the words "The surcharge may not be established unless the"

On page 15 of the reengrossed bill, delete lines 1 and 2

On page 15 of the reengrossed bill, line 7, after the comma insert the words "host state and", and after the word "and" insert the words "host state and"

- On page 15 of the reengrossed bill, line 9, delete the words "and must not be imposed unless the commission"
- On page 15 of the reengrossed bill, line 10, delete the words "has reviewed and approved the proposed surcharge"
- On page 15 of the reengrossed bill, line 15, after the period insert the following new sentence: "The host state may transfer its responsibility for long-term care of a closed site to the United States department of energy pursuant to subtitle D, section 151 of the Nuclear Waste Policy Act of 1982."
- On page 16 of the reengrossed bill, line 10, delete the words "After January 1, 1986, if no" and insert in lieu thereof the words "Until a"
- On page 16 of the reengrossed bill, line 11, after the word "state" insert the words "and the commission and the host state have developed a low-level radioactive waste disposal facility that accepts low-level radioactive waste from outside the region pursuant to article IV"
- On page 16 of the reengrossed bill, line 20, after the word "unless" insert the word "so", and delete the words "by the host state" and insert in lieu thereof the words "pursuant to article IV"
- On page 16 of the reengrossed bill, line 31, after the period insert the following new sentence: "However, the provisions of chapter 240 of the 1984 Session Laws of South Dakota may not be construed to be in conflict with any provisions of this compact and may not be superseded by it."
- On page 17 of the reengrossed bill, line 14, after the word "licensing" insert the words "agency in the designation, siting, or licensing"
- On page 19 of the reengrossed bill, line 11, before the word "Nothing" insert the numeral "2."
- On page 19 of the reengrossed bill, line 15, before the word "Nothing" insert the numeral "3."
- On page 19 of the reengrossed bill, line 19, after the word "amended" insert the words "and in effect on January 1, 1985"
- On page 19 of the reengrossed bill, after line 26, insert the following new section:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the

state treasury, not otherwise appropriated, the sum of \$50,000, or so much thereof as may be necessary, to the state department of health for the purpose of paying the state's share of the administrative expenses of the Dakota interstate low-level radioactive waste management commission for the biennium beginning July 1, 1985, and ending June 30, 1987."

And renumber the lines, subsections, subdivisions, and pages accordingly

SEN. MOORE, Chairman

HB 1077 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 HB 1370 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1370 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Industry, Business and Labor to which was referred HB 1406 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 of the engrossed bill, delete lines 8 through 12 and insert in lieu thereof the following:

"Retail sale of alcohol-blended gasoline - Notice required. No dealer may sell at retail alcohol-blended gasoline unless the dispensing unit bears the word "contains" and the name of the alcohol blended with the gasoline if the alcohol-blended gasoline consists of one percent or more by volume of any alcohol."

And renumber the lines and pages accordingly

SEN. PARKER, Vice Chairman

HB 1406 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 1483 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. VOSPER, Chairman

HB 1483 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1555 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1555 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 1561 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1561 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 1569 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1569 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 1570 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

HB 1570 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 1623 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1623 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 HCR 3047 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

HCR 3047 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 HCR 3053 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. VOSPER, Chairman

HCR 3053 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF A HOUSE BILL

HB 1653: A BILL for an Act to provide an appropriation for additional compensation to North Dakota state employees for the period beginning February 1, 1985, and ending June 30, 1985; and providing for revisions to the North Dakota central personnel compensation plan.

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

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 1648, HB 1649, HB 1654

ROY GILBREATH, Chief Clerk

MOTIONS

SEN. ADAMS MOVED that the absent Senators be excused, which motion prevailed.

SEN. NELSON MOVED that at the conclusion of the Fifth order of business, the Thirteenth order of business and after the reading of SCR 4023, HB 1207, HB 1296, HB 1370, HB 1448, HB 1555, HB 1561, HB 1569, HB 1570, HB 1623, HB 1646, HCR 3047 and HCR 3053, the Senate adjourn and convene at 12:30 p.m., Friday, March 8, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary