

THURSDAY, MARCH 14, 1985

1431

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FORTY-SIXTH DAY

Bismarck, March 14, 1985

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

The prayer was offered by Reverend Jeff Franko, American Lutheran Church, Stanley, North Dakota.

Oh Lord, catch us off guard today. Surprise us with some moment of beauty or pain so that for at least a moment we may be startled into seeing that You are with us here in all Your splendor. Here, everywhere, barely hidden beneath, beyond and within this life we breathe.

When we meet as men and women, help us also to see beneath our differences to our common humanity--our common needs, so that we may love and serve each other fully. Open our hearts, Lord, to the knowledge that beneath our hunger for one another lies a deeper hunger yet, a deeper emptiness that only You can fill. Open our hearts to the knowledge that we can be fully each other's only when we are fully Yours. Amen.

ROLL CALL

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

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 Forty-fifth day and finds the same to be correct.

SEN. DAVID, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HCMR 3

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HCMR 3

LEO LEIDHOLM, Secretary

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:

SCR 4005, SCR 4018, SCR 4068

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1098, HB 1271, HB 1372, HB 1416, HB 1425, HCR 3067,
HCR 3092

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1233, HB 1313, HB 1432, HB 1606, HB 1635

LEO LEIDHOLM, Secretary

SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2116, SB 2153, SB 2267, and SB 2279 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2116: Sens. Olson, Stenehjem, Maixner
SB 2153: Sens. Freborg, Kelly, Heinrich
SB 2267: Sens. Peterson, Bakewell, Wogsland
SB 2279: Sens. Freborg, Peterson, Wogsland

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

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

SB 2081, SB 2200, SB 2296

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 2255

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 3015, HCR 3024

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1104, HB 1140, and HB 1247 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

MOTION

SEN. LIPS MOVED that the Senate reconsider the action by which SB 2007 was passed, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2007: A BILL for an Act making an appropriation for defraying the expenses of various departments and institutions of the state of North Dakota; providing for a transfer; and declaring 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 38 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Freborg; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Dotzenrod; Nething

SB 2007 passed, the title was agreed to, and the emergency clause carried.

CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to HB 1199 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1425 of the Senate Journal be adopted, and when so adopted, recommends that HB 1199 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1295 as recommended by the **Committee on Judiciary** as printed on page 1426 of the Senate Journal be adopted, and when so adopted, recommends that HB 1295 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1334 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1426 of the Senate Journal be adopted, and when so adopted, recommends that HB 1334 DO PASS, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1431 as recommended by the **Committee on Judiciary** as printed on page 1427 of the Senate Journal be adopted, and when so adopted, recommends that HB 1431 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1500 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1427 of the Senate Journal be adopted, and when so adopted, recommends that HB 1500 DO PASS, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1539 as recommended by the **Committee on Industry, Business and Labor** as printed on page 1428 of the Senate Journal be adopted, and when so adopted, recommends that HB 1539 DO PASS, which motion prevailed.

SEN. LODOEN MOVED that the amendments to HB 1552 as recommended by the **Committee on State and Federal Government** as printed on pages 1428-1429 of the Senate Journal be adopted, and when so adopted, recommends that HB 1552 DO PASS, which motion prevailed.

MOTION

SEN. WRIGHT MOVED that HB 1285 which is on the Fourteenth order be rereferred to the **Committee on Judiciary**, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2508: A BILL for an Act to amend and reenact section 15-03-05 of the North Dakota Century Code, relating to agricultural loans made from university and school lands permanent trust funds.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Nothing

SB 2508 passed and the title was agreed to.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4021: A concurrent resolution for the amendment of section 1 of article V of the Constitution of the State of North Dakota, or in the alternative for the amendment of the new section to the new article V of the Constitution of the State of North Dakota as created by section 4 of House Concurrent Resolution No. 3003, as approved by the forty-ninth legislative assembly, relating to the term of the governor and lieutenant governor.

Which has been read.

ROLL CALL

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

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

NAYS: Moore; Stenehjem

ABSENT AND NOT VOTING: Nothing

SCR 4021 was declared adopted.

MOTION

SEN. NELSON MOVED that SCR 4022 which is on the Eleventh order be laid over two legislative days, which motion prevailed.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith SB 2164, SB 2251, and SB 2292 which the House has amended:

HOUSE AMENDMENTS TO ENGROSSED SB 2164

On page 1 of the engrossed bill, line 12, delete the word "three" and insert in lieu thereof the word "four"

And renumber the lines accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2251

On page 1 of the engrossed bill, line 2, delete the numerals "10-19.1" and insert in lieu thereof the numerals "10-23", and delete the words "as created by Senate Bill"

On page 1 of the engrossed bill, line 3, delete the words "No. 2041, as approved by the forty-ninth legislative assembly"

On page 1 of the engrossed bill, line 6, after the numerals "10-23-04," insert the word "and", and delete the word and numerals ", and 10-23-06"

On page 1 of the engrossed bill, line 11, delete the numerals "10-19.1" and insert in lieu thereof the numerals "10-23"

On page 1 of the engrossed bill, line 12, delete the words "as created by Senate Bill No. 2041, as approved"

On page 1 of the engrossed bill, line 13, delete the words "by the forty-ninth legislative assembly,"

On page 1 of the engrossed bill, line 20, delete the numerals "10-21-13.2" and insert in lieu thereof the numeral and words "2 of this Act"

On page 1 of the engrossed bill, line 27, delete the numerals "10-19.1" and insert in lieu thereof the numerals "10-23"

On page 1 of the engrossed bill, line 28, delete the words "as created by Senate Bill No. 2041, as approved"

On page 2 of the engrossed bill, line 1, delete the words "by the forty-ninth legislative assembly,"

On page 11 of the engrossed bill, delete lines 10 through 35

On page 12 of the engrossed bill, delete lines 1 through 4

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2292

- On page 1, line 1, after the numerals "11-18-14" insert the numerals ", 35-20-16,"
- On page 1, line 3, delete the words "the release of" and insert in lieu thereof the words "unpaid earned insurance premium liens."
- On page 1, delete line 4
- On page 1, after line 20, insert the following new section:

"SECTION 2. AMENDMENT. Section 35-20-16 of the 1983 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

35-20-16. Procedure to obtain unpaid earned property or casualty insurance premium lien - Filing. Any person entitled to an unpaid earned property or casualty insurance premium lien, within ninety days after ~~cancellation of the policy~~ is effective termination of coverage, must file in the office of the register of deeds of the county or counties in which the property covered by the policy is located and with any loss payee named in the policy, a verified statement in writing stating all of the following:

1. The name of the policyholder.
2. The nature and quantity of insurance coverage provided.
3. The amount of unpaid earned premium.
4. A description of the property covered by the insurance and subject to the lien.
5. That a lien is claimed upon the property described."

And renumber the lines, sections, and pages accordingly

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following on which the House has adopted the conference committee report on HB 1128 and HB 1384.

ROY GILBREATH, Chief Clerk

MOTION

SEN. TALLACKSON MOVED that the Senate reconsider the action whereby HB 1390 was passed.

REQUEST

SEN. TODD REQUESTED a recorded roll call vote on the motion to reconsider HB 1390, which request was granted.

ROLL CALL

The question being on the motion to reconsider HB 1390, the roll was called and there were 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Kelly; Stenehjem; Todd; Tweten

ABSENT AND NOT VOTING: Hilken; Nothing

The motion to reconsider HB 1390 prevailed.

SECOND READING OF A HOUSE BILL

HB 1390: A BILL for an Act to provide authority for the creation and operation of job development authorities or for a tax levy to support industrial development organizations; and to create and enact a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to a county tax levy for operation of job development authorities or for support of industrial development organizations.

Which has been read.

MOTION

SEN. SATROM MOVED that HB 1390 be laid over one legislative day, which motion lost.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lips; Lodoen; Matchie; Meyer, W.; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Tennefos; Todd; Tweten; Waldera; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Heinrich; Hilken; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Shea; Streibel; Stromme; Tallackson; Thane; Vosper; Walsh; Wogsland

ABSENT AND NOT VOTING: Nothing

HB 1390 passed and the title was agreed to.

RECOGNITION

SEN. NELSON ANNOUNCED that a member of the Saskatchewan Legislative Assembly, Gay Caswell is in the chamber and moved that a committee of two be appointed to escort Ms. Caswell to the rostrum, which motion prevailed. The President appointed as such committee Sens. Christensen and Mutch.

Ms. Caswell was escorted to the rostrum and addressed the Assembly.

MOTION

SEN. SATROM MOVED that the Senate reconsider the action whereby HB 1218 was passed, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1218: A BILL for an Act to amend and reenact subsections 3 and 4 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of charitable organizations conducting games of chance.

Which has been read.

MOTIONS

SEN. HOLMBERG MOVED that HB 1218 be amended as follows:

On page 1 of the engrossed bill, line 21, delete the words "from each" and insert in lieu thereof the words ", computed on an annual basis"

On page 1 of the engrossed bill, line 22, delete the words "such occasion"

On page 1 of the engrossed bill, line 24, overstrike the words "from each"

On page 1 of the engrossed bill, line 25, overstrike the words "such occasion"

On page 2 of the engrossed bill, line 1, after the word "site" insert the words ", computed on an annual basis"

And renumber the lines and pages accordingly

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

SEN. HOLMBERG MOVED that the rules be suspended, that HB 1218 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1218: A BILL for an Act to amend and reenact subsections 3 and 4 of section 53-06.1-11 of the North Dakota Century Code, relating to allowable expenses of charitable organizations conducting games of chance.

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 45 YEAS, 7 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Christensen; Heinrich; Moore; Peterson; Redlin; Tweten; Walsh

ABSENT AND NOT VOTING: Nothing

HB 1218 passed and the title was agreed to.

SECOND READING OF A HOUSE BILL

HB 1645: A BILL for an Act to create a national statuary hall commission for the purpose of placing a statue of the honorable Milton R. Young in the national statuary hall in Washington, D.C., and to provide for the placement of a statue of the honorable Brynhild Haugland on the state capitol grounds; and to provide an appropriation.

Which has been read.

MOTIONS

SEN. LASHKOWITZ MOVED that HB 1645 be amended as follows:

On page 1, line 3, delete the word "and"

On page 1, line 5, after the word "grounds" insert the words ", and to direct the capitol grounds planning commission, the state historical board, and the capitol arts and historic preservation committee to develop and recommend plans for

the permanent, public recognition of the Honorable William Langer and Carl Ben Eielson"

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

"SECTION 3. Recognition of Langer and Eielson. The capitol grounds planning commission, the state historical board, and the capitol arts and historic preservation advisory committee shall, independently, develop plans for the permanent, public recognition of the Honorable William Langer and Carl Ben Eielson, to be prominently located on the capitol grounds, or in the heritage center building or the state capitol. The capitol grounds planning commission, the state historical board, and the capitol arts and historic preservation advisory committee shall report their findings and recommendations, together with any legislation required to implement the recommendations, to the fiftieth legislative assembly."

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ MOVED that the proposed amendments be adopted.

REQUEST

SEN. LASHKOWITZ REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1645, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1645, the roll was called and there were 31 YEAS, 18 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berube; Christensen; Dotzenrod; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Kusler; Langley; Lashkowitz; Maixner; Matchie; Meyer, J.; Meyer, W.; Mushik; Mutch; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjelm; Stromme; Thane; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: Adams; Bakewell; Ereborg; Heinrich; Kilander; Lips; Lodoen; Meyer, D.; Moore; Naaden; Nelson; Olson; Parker; Streibel; Tennefos; Todd; Tweten; Wenstrom

ABSENT AND NOT VOTING: David; Heigaard; Nething; Tallackson

The proposed amendments to HB 1645 were adopted.

MOTIONS

SEN. LIPS MOVED that the rules be suspended, that HB 1645 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. HEINRICH MOVED that HB 1645 be further amended as follows:

In lieu of the amendments to House Bill No. 1645 adopted by the Senate as found on page 1337 of the Senate Journal, House Bill No. 1645 is amended as follows:

On page 2, line 1, delete the word "out"

On page 2, delete line 2

On page 2, line 3, delete the words "otherwise appropriated," after the numerals "\$100,000" insert the words "of private funds", and delete the words "so much thereof" and insert in lieu thereof the words "such greater amounts of moneys from private sources"

On page 2, line 4, delete the word "necessary" and insert in lieu thereof the word "available"

On page 2, line 8, delete the word "out" and insert in lieu thereof the word "the"

On page 2, delete lines 9 and 10

On page 2, line 11, after the numerals "\$60,000" insert the words "of private funds", and delete the words "so much thereof as may be necessary" and insert in lieu thereof the words "such greater amounts of moneys from private sources as may be available"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The general fund and Capitol building fund amounts are deleted. Any moneys from private sources that become available are appropriated for the Milton R. Young and Brynhild Haugland statues.

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

SEN. LIPS MOVED that the rules be suspended that HB 1645 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. MOORE MOVED that the question be divided on the passage of HB 1645, that sections 1 and 4 and half of the title through "Washington, D.C.", sections 2 and 5 and the last half of the title ending in the word "grounds", and the last part of the title "and to provide an appropriation" be voted upon separately, which motion prevailed.

SEN. MATCHIE MOVED that HB 1645 be laid over one legislative day, which motion lost.

ROLL CALL

The question being on the passage of HB 1645, sections 1 and 4 and half of the title through "Washington, D.C.", the roll was called and there were 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Langley; Lashkowitz; Lips; Lodoen; Meyer, W.; Moore; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Dotzenrod; Heinrich; Hilken; Kelsh; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Mushik; Mutch; Redlin; Satrom; Shea; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Heigaard; Nething

Sections 1 and 4, and the first half of the title of HB 1645 through "Washington, D.C." passed.

ROLL CALL

The question being on the passage of HB 1645, sections 2 and 5 and the last half of the title, ending after "grounds", the roll was called and there were 32 YEAS, 19 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Freborg; Holmberg; Ingstad; Kilander; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, W.; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Vosper; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Dotzenrod; Heinrich; Hilken; Kelly; Kelsh; Krauter; Kusler; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Redlin; Satrom; Thane; Tweten; Waldera

ABSENT AND NOT VOTING: Heigaard; Nething

Sections 2 and 4 and the last half of the title of HB 1645 ending with the word "grounds" passed.

ROLL CALL

The question being on the passage of HB 1645, the last part of the title "and to provide an appropriation", the roll was called and there were 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Holmberg; Ingstad; Kilander; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Meyer, J.; Meyer, W.; Moore; Mutch;

Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wogsland; Wright

NAYS: Dotzenrod; Freborg; Heinrich; Hilken; Kelly; Kelsh; Krauter; Langley; Matchie; Meyer, D.; Mushik; Redlin; Tallackson; Waldera; Wenstrom

ABSENT AND NOT VOTING: Heigaard; Nething

The section of the title "and to provide an appropriation" of HB 1645 passed.

HB 1645: A BILL for an Act to create a national statuary hall commission for the purpose of placing a statue of the honorable Milton R. Young in the national statuary hall in Washington, D.C., to provide for the placement of a statue of the honorable Brynhild Haugland on the state capitol grounds, and to direct the capitol grounds planning commission, the state historical board, and the capitol arts and historic preservation committee to develop and recommend plans for the permanent, public recognition of the Honorable William Langer and Carl Ben Eielson; and to provide an appropriation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 38 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, J.; Meyer, W.; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

NAYS: Dotzenrod; Heinrich; Hilken; Kusler; Matchie; Meyer, D.; Moore; Mushik; Mutch; Redlin; Satrom; Waldera; Wogsland

ABSENT AND NOT VOTING: Heigaard; Nething

HB 1645 passed and the title was agreed to.

EXPLANATION OF VOTE - HB 1645

SEN. WALDERA: Madam President, I rise to explain my vote. Madam President, members of the Assembly, I had misgivings about voting red on the questions and on the final passage

of this bill because I understand, as we all understand, the tremendous contributions these individuals have made to the history of our State.

I would have voted differently, I'm sure, if the selection of these individuals had been made by a bipartisan people's committee in conjunction with the State Historical Board. I would have voted differently. But I can see in the Fiftieth General Assembly where we are going to have a great many bills probably for statuary on the Capitol grounds. I was just sitting here reminiscing about North Dakota history in my mind and I can think of at least ten individuals, I think, who merit consideration for statuary placement on the Capitol grounds. So, I wanted to express my feelings, Madam President. I didn't vote against these people because I didn't think they merited consideration. They most certainly did. Their contributions have been extensive; commendatory. I objected, though, to the process by which they were selected. I wish there had been more citizens' input into the selection. And I hope in the future that we will have such a bipartisan people's commission working in conjunction with the State Historical Society. Thank you.

SECOND READING OF HOUSE BILLS

HB 1648: A BILL for an Act to amend and reenact subdivision b of subsection 6 of section 57-38-04 and section 57-38-10 of the North Dakota Century Code, relating to applicability of the Uniform Division of Income Tax Act to and reporting of income derived for carrying on a trade or business by residents of this state; 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 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Nething; Vosper

HB 1648 passed and the title was agreed to.

HB 1649: A BILL for an Act to amend and reenact subsection 2 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal development trust fund; and to provide an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Hilken; Holmberg; Ingstad; Kelsh; Kilander; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Tennefos; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Freborg; Heinrich; Kelly; Kusler; Langley; Meyer, W.; Parker; Streibel; Thane; Tweten; Vosper

ABSENT AND NOT VOTING: Heigaard; Nothing

HB 1649 passed and the title was agreed to.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3074: A concurrent resolution calling for a Legislative Council study of the confidentiality statutes governing the office of the tax commissioner.

Which has been read.

MOTION

SEN. D. MEYER MOVED the previous question, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the adoption of HCR 3074, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 29 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Freborg; Holmberg; Ingstad; Kelly; Kilander; Lashkowitz; Lips;

Lodoen; Moore; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: Heigaard; Nething

HCR 3074 was declared adopted.

**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 1652

ROY GILBREATH, Chief Clerk

REPORTS OF CONFERENCE COMMITTEES

MADAM PRESIDENT: Your Conference Committee to which was referred HB 1128 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 948 of the Senate Journal.

For the Senate: Sens. Lodoen, Vosper, D. Meyer

For the House: Reps. Payne, R. Berg, DeMers

HB 1128 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Conference Committee to which was referred HB 1384 has had the same under consideration and recommends that the SENATE RECEDE from its amendments as found on page 1054 of the Senate Journal.

For the Senate: Sens. Ingstad, David, Matchie

For the House: Reps. Martinson, Melby, L. Hanson

HB 1384 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

**MESSAGES TO THE HOUSE
SENATE CHAMBER**

MR. SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2007, SB 2059, SB 2143, SB 2161, SB 2209, SB 2232, SB 2286, SB 2357, and SB 2427 and subsequently passed the same.

LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HCMR 3

LEO LEIDHOLM, Secretary

FIRST READING OF A HOUSE BILL

HB 1652: A BILL for an Act to amend and reenact subsection 3 of section 25-01.2-01, and sections 25-01.2-02 and 25-01.2-17 of the North Dakota Century Code, relating to rights of the developmentally disabled.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3015: A concurrent resolution for the amendment of section 2 of article III of the Constitution of the State of North Dakota, relating to the contents of initiated measures.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

HCR 3024: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of the State of North Dakota, relating to the exchange of state coal mineral interests with federal coal mineral interests.

Was read the first time and referred to the Committee on Joint Constitutional Revision.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Agriculture to which was referred SCR 4071 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SCR 4071 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 HB 1072 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, line 27, overstrike the words "If full payment of the instrument and collection fees is"

On page 1 of the engrossed bill, overstrike line 28

On page 2 of the engrossed bill, line 1, overstrike the words "dishonor, a" and insert immediately thereafter the word "A", and after the word "is" insert the word "also"

On page 3 of the engrossed bill, overstrike lines 6 through 10

On page 4 of the engrossed bill, line 23, overstrike the words
"If full"

On page 4 of the engrossed bill, overstrike line 24

On page 4 of the engrossed bill, line 25, overstrike the words
"within ten days from receipt of the notice of dishonor, a"
and insert immediately thereafter the word "A"

On page 4 of the engrossed bill, line 26, after the word "is"
insert the word "also"

On page 6 of the engrossed bill, overstrike lines 6 through 10

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

HB 1072 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 HB 1287 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, line 1, delete the words "to
provide for issuance by insurers of evidence of"

On page 1 of the engrossed bill, line 2, delete the words "motor
vehicle liability insurance coverage;"

On page 1 of the engrossed bill, delete lines 16 through 20

On page 2 of the engrossed bill, line 13, delete the words "The
card required to be issued under section 1 of this Act"

On page 2 of the engrossed bill, delete lines 14 through 23

On page 2 of the engrossed bill, line 24, delete the words
"effect at the time of citation."

And renumber the lines, sections, and pages accordingly

SEN. REITEN, Chairman

HB 1287 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 HB 1290 has had the same under consideration
and recommends that the same BE AMENDED AS FOLLOWS and when so
amended, recommends the same DO PASS:

On page 1, line 4, after the word "contracts" insert the words
"; and to declare an emergency"

On page 2, after line 9, insert the following new section:

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

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

HB 1290 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1314 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1314 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred HB 1347 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, line 16, delete the comma and insert in lieu thereof the words "which is not conducted in a private residence and which is"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

HB 1347 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 HB 1378 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, line 1, after the word "enact" insert the words "a new section to chapter 39-04,"

On page 1 of the engrossed bill, line 2, after the numerals "51-07" insert a comma, delete the words and numerals "subsection to section 57-40.3-04" and insert in lieu thereof the words and numerals "section to chapter 57-40.4"

On page 1 of the engrossed bill, after line 8, insert the following new section:

"SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of registration fees. Any owner of a motor vehicle, if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund in the amount equal to the unused portion of the fee upon the vehicle, computed pro rata by the month, one-twelfth of the annual fee paid for each month of the registration period remaining after the month in which the vehicle was returned, provided the number plates and validation tabs issued for the vehicle are returned to the department."

On page 1 of the engrossed bill, line 22, delete the comma and insert in lieu thereof the words "or a truck with registered gross weight of ten thousand pounds or less"

On page 4 of the engrossed bill, delete lines 27 through 31 and insert the following:

"SECTION 9. A new section to chapter 57-40.4 of the North Dakota Century Code is hereby created and enacted to read as follows:

Refund of tax on returned vehicles. Any owner of a motor vehicle if such motor vehicle is returned to the manufacturer under the provisions of chapter 51-07, may claim a refund of motor vehicle excise tax on the amount paid to the owner by the manufacturer."

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

HB 1378 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 1418 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1418 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 1441 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1441 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 1471 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

HB 1471 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 1516 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

HB 1516 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 1521 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 22, after the word "future" insert the words "or that a market for the gas is not available"

And renumber the lines accordingly

SEN. MOORE, Chairman

HB 1521 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 1560 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

HB 1560 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HB 1571 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the words "to create and enact section 12.1-10-04.1 of the"

On page 1, delete line 2

On page 1, line 3, delete the words "judicial process;"

On page 1, line 6, delete the words "; and to provide a"

On page 1, line 7, delete the word "penalty"

On page 1, delete lines 10 through 15

On page 1, line 24, after the word "trial" insert the words "or upon dismissal of the action"

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

HB 1571 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 1580 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HB 1580 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3015 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WENSTROM, Cochairman

HCR 3015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Joint Constitutional Revision to which was referred HCR 3024 has had the same under consideration and recommends that the same DO PASS.

SEN. WENSTROM, Cochairman

HCR 3024 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred HCR 3037 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 19, after the word "appeals" insert the words "or other methods of alleviating the workload of the Supreme Court"

And renumber the lines and pages accordingly
SEN. CHRISTENSEN, Chairman

HCR 3037 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 HCR 3065 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 6, after the word "thereto" insert the following words: "including the economic and other impacts of our drainage permit laws"

And renumber the lines and pages accordingly

SEN. MOORE, Chairman

HCR 3065 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 HCR 3070 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. MOORE, Chairman

HCR 3070 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred HCR 3086 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

HCR 3086 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 3089 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HCR 3089 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 HCR 3090 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. MOORE, Chairman

HCR 3090 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MOTIONS

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

THURSDAY, MARCH 14, 1985

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SEN. NELSON MOVED that at the conclusion of the Fifth order of business, the Seventh order of business, and the Thirteenth order of business, and after the reading of SCR 4071, HB 1199, HB 1295, HB 1314, HB 1334, HB 1418, HB 1431, HB 1441, HB 1471, HB 1500, HB 1516, HB 1539, HB 1552, HB 1560, HB 1580, HCR 3015, HCR 3024, HCR 3070, HCR 3086, HCR 3089, and HCR 3090, the Senate adjourn and convene at 12:30 p.m., Friday, March 15, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary