

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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ELEVENTH DAY

Bismarck, January 18, 1983
The Senate convened at 1:00 p.m., with President Sands presiding.

The prayer was offered by Rev. Thomas Kramer, Cathedral of the Holy Spirit, Bismarck.

Lord God, I come before You today to pray for these Senators, for all who work with them or for them in these days of legislative session, and for all the people of our state.

I ask You to make these men and women people of deep faith and confident hope as they struggle with the problems they face.

Help them to realize that political problems most often have no solutions, only compromises. Help them to listen to each other with respect, to speak to one another with charity and to work together in peace for the common good of all.

By their efforts may they bring some measure of hope to the desolate, confidence to the fearful, peace to the troubled and justice and equity to all.

May Your spirit enlighten, encourage, strengthen and guide them. Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

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

SEN. TWETEN, Chairman

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

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully reports that they have examined the following bills and find the same correctly engrossed:

SB 2109, SB 2159, SB 2211

SEN. FRITZELL, Chairman

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

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

SCR 4012

SEN. FRITZELL, Chairman

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

MESSAGE TO THE HOUSE
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2055, SB 2115, SB 2118, SB 2120, SB 2132, SB 2141,
SB 2143, SB 2184, SB 2254

Very respectfully,
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SCR 4012

LEO LEIDHOLM, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

SCR 4012

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1114, HB 1140, HB 1175, HB 1205, HB 1206, HB 1222

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2204

Very respectfully,
CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. MUTCH MOVED that the amendments to SB 2166 as recommended by the Committee on Transportation as printed on page 209 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2198 as recommended by the Committee on Political Subdivisions as printed on page 209 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2219 as recommended by the Committee on Political Subdivisions as printed on pages 209 and 210 of the Senate Journal be adopted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2041 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2041 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2079 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 2, line 9, delete the word "The" and insert in lieu thereof "A" and delete the word "designating"

On page 2, line 10, delete the words "handicapped parking spaces"

On page 2, line 11, delete the words "relating to the handicapped"

On page 2, line 12, delete the words "parking spaces"

On page 2, line 13, delete the words "by blue paint along the zone's"

On page 2, delete lines 14 and 15

On page 2, line 16, delete "or other suitable means" and insert in lieu thereof "in accordance with rules adopted by the highway commissioner"

And renumber the lines accordingly

SEN. HOLMBERG, Chairman

SB 2079 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2101 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 "to" insert the words "create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident husband and wife fishing license; and to"

On page 1, line 3, after the word "and" insert the words "declaring an emergency or, in the alternative,"

On page 1, immediately after line 13 insert the following new section:

"SECTION 1. A new subsection to section 20.1-03-12 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

For a nonresident husband and wife fishing license, forty dollars."

On page 1, line 14, after the word "Act", insert the words "is hereby declared to be an emergency measure and is in effect from and after its passage and approval. If this Act fails to receive approval by the legislative assembly by a vote of two-thirds of the members present and voting, this Act"

And renumber the lines, pages, and sections accordingly

SEN. LEE, Chairman

SB 2101 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2128 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2128 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2134 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2134 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2176 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2176 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2231 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2231 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2240 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2240 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2262 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2262 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2275 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2275 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2281 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

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

FIRST READING OF SENATE BILLS

Sen. Lodoen introduced:

SB 2426: A BILL for an Act to amend and reenact section 40-16-04 of the North Dakota Century Code, relating to reports prepared by city auditors.

Was read the first time and referred to the Committee on Political Subdivisions.

Sens. Holmberg, Leibhan and Reps. G. Martin, Swiontek introduced:

SB 2427: A BILL for an Act to amend and reenact sections 15-40.1-06 and 15-44-03 of the North Dakota Century Code, relating to the inclusion of payments to school districts from the state tuition fund as a portion of per-pupil educational support from the state; to provide an appropriation for foundation aid payments to school districts; and to declare an emergency.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Parker, Redlin introduced:

SCR 4016: A concurrent resolution urging Congress to repeal the withholding at the source provision of the Tax Equity and Fiscal Responsibility Tax Act of 1982.

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

FIRST READING OF HOUSE BILLS

HB 1071: A BILL for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to coordinating state and federal estate tax provisions; providing an effective date; and declaring an emergency.

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

HB 1119: A BILL for an Act to amend and reenact section 15-39.1-24 of the North Dakota Century Code, relating to additional retirement credit for teachers.

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

HB 1136: A BILL for an Act to amend and reenact section 54-05.1-03 of the North Dakota Century Code, relating to registration and fees of lobbyists.

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

HB 1148: A BILL for an Act to amend and reenact sections 16.1-11-01 and 16.1-11-05 of the North Dakota Century Code, relating to the primary election; and to repeal sections 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-07, 16.1-11-23, and 16.1-11-34 of the North Dakota Century Code, relating to the presidential preference primary.

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

HB 1154: A BILL for an Act to amend and reenact section 24-15-03 of the North Dakota Century Code, relating to minimum requirements for temporary roadblocks.

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

HB 1164: A BILL for an Act to amend and reenact section 62-04-04 of the North Dakota Century Code, relating to the disposition of weapons taken or found on persons arrested.

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

HB 1192: A BILL for an Act to amend and reenact sections 40-40-05, 40-40-08, 40-40-09, and 40-40-21 of the North Dakota Century Code, relating to budget requirements of municipalities; and to repeal section 40-40-19 of the North Dakota Century Code, relating to municipal liabilities that occur before the final appropriation is approved.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1194: A BILL for an Act to amend and reenact subsection 1 of section 26-41-19 of the North Dakota Century Code, relating to the assigned claims plan.

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

HB 1195: A BILL for an Act to create and enact a new section to chapter 26-41 of the North Dakota Century Code, relating to the Automobile Reparations Act, and to amend and reenact section 26-02-42 of the North Dakota Century Code, relating to uninsured motorist coverage.

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

HB 1200: A BILL for an Act to amend and reenact subsection 3 of section 57-51.1-01 of the North Dakota Century Code, relating to the definition of property for extraction tax purposes.

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

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Council to create a special Legislative Council interim committee to conduct a study of the impacts on North Dakota from the proposed Tenneco coal gasification plant at Wibaux, Montana.

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

MOTION

SEN. LEE MOVED that SB 2099 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

SEN. LEE REQUESTED the unanimous consent of the Senate to withdraw SB 2099. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILLS

SB 2092: A BILL for an Act to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to authorizing the director of institutions with the governor's approval to sell or exchange penitentiary land, permitting the mining or extraction of gravel or other mineral or oil resources, and establishing a designated fund in the Bank of North Dakota to be used for the acquisition of additional farmland and ranchland for the state penitentiary.

Which has been read.

MOTIONS

SEN. LODOEN MOVED that SB 2092 be amended as follows:

On page 1, line 24, of the engrossed bill, after the word "value" insert the words", and the state reserves the right to reject any and all bids"

And renumber the lines accordingly

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

SEN. LODOEN MOVED that the rules be suspended, that SB 2092 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2092: A BILL for an Act to create and enact a new section to chapter 54-21 of the North Dakota Century Code, relating to authorizing the director of institutions with the governor's approval to sell or exchange penitentiary land, permitting the mining or extraction of gravel or other mineral or oil resources, and establishing a designated fund in the Bank of North Dakota to be used for the

acquisition of additional farmland and ranchland for the state penitentiary.

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, 15 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Lee; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Berube; Dotzenrod; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Maixner; Matchie; Redlin; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: None

SB 2092 passed and the title was agreed to.

SB 2109: A BILL for an Act to amend and reenact section 20.1-01-05 of the North Dakota Century Code, relating to the hunting of fur-bearers while carrying a firearm in a motor vehicle.

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 42 YEAS, 11 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Streibel; Tallackson; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Barth; Berube; Dotzenrod; Grotberg; Lashkowitz; Meyer, D.; Meyer, J.; Stenehjem; Stromme; Thane

ABSENT AND NOT VOTING: None

SB 2109 passed and the title was agreed to.

SB 2123: A BILL for an Act to amend and reenact section 31-01-09 of the North Dakota Century Code, relating to the grant of immunity from criminal prosecution.

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, 52 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Bakewell

SB 2123 was declared lost.

SB 2131: A BILL for an Act to amend and reenact section 44-08-13 of the North Dakota Century Code, relating to facsimile signatures.

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; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell

SB 2131 passed and the title was agreed to.

SB 2136: A BILL for an Act to amend and reenact section 54-17-03 of the North Dakota Century Code, relating to the secretary and other employees and agents of the industrial commission.

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; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell

SB 2136 passed and the title was agreed to.

SB 2145: A BILL for an Act to amend and reenact subsection 4 of section 39-04-19 and section 39-18-03 of the North Dakota Century Code, relating to registration fees for certain trailers and mobile homes, travel trailers and house trailers; and to repeal section 39-04-21.1 of the North Dakota Century Code, relating to prorated registration fees for certain trailers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 36 YEAS, 17 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker;

Peterson; Redlin; Reiten; Satrom; Stenehjøm; Streibel;
Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

NAYS: Barth; Berube; Grotberg; Heigaard; Miller Heinrich;
Hilken; Krauter; Kusler; Maixner; Matchie; Meyer, D.;
Meyer, J.; Stromme; Tallackson; Waldera; Walsh;
Wogsland

ABSENT AND NOT VOTING: None

SB 2145 passed and the title was agreed to.

MOTION

SEN. CHRISTENSEN MOVED that SB 2147 be placed at the foot of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2159: A BILL for an Act to create and enact a new section to chapter 49-04 of the North Dakota Century Code, relating to interest on customer deposits required by public utilities; and to repeal section 49-20-14 of the North Dakota Century Code, relating to meter deposits to electric power companies.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David;
Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;
Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg;
Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan;
Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.;
Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker;
Peterson; Redlin; Reiten; Satrom; Stenehjøm; Streibel;
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Waldera

SB 2159 passed and the title was agreed to.

SB 2164: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 54-17-07.3 of the North Dakota Century Code, relating to the power of the industrial commission,

acting as the state housing finance agency, to enter into loan agreements with housing lenders in furtherance of the agency's housing finance programs; 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 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Fritzell; Maixner

ABSENT AND NOT VOTING: None

SB 2164 passed, the title was agreed to, and the emergency clause carried.

SB 2168: A BILL for an Act to repeal chapter 6-09.7 of the North Dakota Century Code, relating to a fuel production facility guarantee program.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 2 YEAS, 48 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Fritzell; Lips

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Dotzenrod; Leibhan; Moore

SB 2168 was declared lost.

SB 2211: A BILL for an Act to amend and reenact sections 11-25-05 and 15-29-14 of the North Dakota Century Code, relating to the cancellation of county and school warrants.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Dotzenrod

SB 2211 passed and the title was agreed to.

SB 2235: A BILL for an Act to provide for the admission of evidence seized by a peace officer as a result of a good faith mistake or a technical violation.

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, 52 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: None

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;

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

ABSENT AND NOT VOTING: Dotzenrod

SB 2235 was declared lost.

SB 2263: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds and other evidences of indebtedness issued by public bodies of the state prior to July 1, 1983.

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; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Groberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod

SB 2263 passed and the title was agreed to.

SB 2147: A BILL for an Act to create and enact a new subsection to section 37-17.1-05 of the North Dakota Century Code, relating to penalties for violations of emergency or disaster executive orders, proclamations, or regulations issued by the governor.

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, 6 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter;

Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen;
 Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch;
 Nelson; Nething; Olson; Parker; Peterson; Redlin;
 Reiten; Satrom; Stenehjem; Streibel; Tallackson;
 Tennefos; Thane; Todd; Vosper; Waldera; Walsh;
 Wenstrom; Wright

NAYS: Fritzell; Grotberg; Naaden; Stromme; Tweten;
 Wogsland

ABSENT AND NOT VOTING: None

SB 2147 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4010: A concurrent resolution providing and designating
 Senate and House employees and fixing their compensation.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the
 roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT
 VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David;
 Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;
 Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg;
 Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan;
 Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.;
 Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker;
 Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;
 Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
 Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SCR 4010 was declared adopted.

POINT OF PERSONAL PRIVILEGE

SEN. NOTHING: Mr. President: I rise on a point of personal
 privilege and request that my remarks be printed in the Journal.

Mr. President, ladies and gentlemen of the Senate:

The Senate has just unanimously passed Senate Concurrent
 Resolution 4010. While it seems like a rather routine
 resolution, I think it is a resolution of particular

significance. Not only does it set out who our employees are by description and indicate the amount of salary that they are paid, but these are the same salaries that were paid in the last biennium. I would hope, Mr. President, ladies and gentlemen of the Senate, that every state agency, every state institution, every board of every political subdivision would note what we in the Senate have done because we're asking our employees to bite the bullet and to work for us at the same salaries that they have received two years ago, and they are willing to do that. I sincerely hope that the method by which we have passed this bill will send a message to other government employed agencies as indicative of what we think the times and the people of North Dakota are demanding.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to transfer a portion of the motor vehicle fuel tax revenues to the general fund for the cost of administering the motor vehicle fuel tax laws.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1012 passed and the title was agreed to.

MESSAGE FROM THE HOUSE HOUSE CHAMBER

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

SB 2225

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor at the hour of 3:17 p.m., January 18, 1983.

SB 2204

SEN. FRITZELL, Chairman

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

MOTIONS

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

SEN. NETHING MOVED that after the reading of SB 2041, SB 2128, SB 2134, SB 2166, SB 2176, SB 2198, SB 2219, SB 2231, SB 2240, SB 2262, SB 2275, and SB 2281, the Senate adjourn and convene at 1:00 p.m., Wednesday, January 19, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary