

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

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## TWENTY-SECOND DAY

Bismarck, February 2, 1983

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

The prayer was offered by Rev. John Nicolai, Trinity Lutheran Church, Bismarck.

Let us pray. As we bow before You this day, O Lord, we acknowledge that before each of us is a myriad of concerns. In the midst of these concerns of everyday life and all its implications is now laid before these legislators the privilege and responsibility of state government. Grant them insight into each situation, direction in every action, and the courage of their convictions. May Your Almighty hand undergird them and point them to those things that are right and good for the welfare of all people.

Be with them now as they begin a new day and guide them through the particular matters of business before them.

In Jesus' name. Amen.

## ROLL CALL

The roll was called and all Senators were present.

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

SEN. TWETEN, Chairman

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

## MESSAGES 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 2044, SB 2070, SB 2229, SB 2310, SB 2330, SB 2353,  
SB 2377, SB 2396

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

SB 2127

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:18 a.m., February 2, 1983:

SB 2089, SB 2090

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 bills and find the same correctly engrossed:

SB 2088, SB 2212, SB 2245, SB 2247, SB 2251, SB 2267,  
SB 2295, SB 2306, SB 2325, SB 2359, SB 2390, SB 2391,  
SB 2399, SB 2422, SB 2427, SB 2458

SEN. FRITZELL, Chairman

SEN. MOORE 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 bills and find the same correctly enrolled:

SB 2017, SB 2103, SCMR 1

SEN. FRITZELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2017, SB 2103, SCMR 1

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1171 and subsequently passed the same.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2063

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2361

Very respectfully,  
CHARLES FLEMING, Chief Clerk

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 1159, HB 1198, HB 1281, HB 1282, HB 1295, HB 1363,  
HB 1375, HB 1398, HB 1403, HB 1497, HB 1521, HCR 3014,  
HCR 3015, HCR 3016

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE TO THE SENATE  
HOUSE CHAMBER

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

SB 2086, SB 2096, SB 2130

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MOTION

SEN. NOTHING MOVED that the remarks of the Governor given during the Joint Session in the House today concerning revenue adjustments and budget changes be printed in the Journal, which motion prevailed.

MESSAGE TO THE LEGISLATURE  
BY  
ALLEN I. OLSON  
Governor of North Dakota

Ladies and gentlemen of the 48th Legislative Assembly, I have asked for the opportunity to address you in this Joint Assembly in order to present you with new select revenue projections for the next biennium and their effect on my Executive Budget recommendations. I have identified recent differentials in oil production estimates and price variances which prompt me, indeed compel me, to address you at this time.

At the December 13th presentation of my budget I indicated there existed a plus or minus \$40 million risk factor in the revenue forecast. Since then the projected stable market condition has been effected by unforeseen economic pressures. Present oil production estimates indicate North Dakota oil production will decline 6 to 11 percent during the next two to three years. The possible fiscal ramifications of the production and price variance in anticipated revenue represents a \$30-\$70 million decrease in projected revenue for the next biennium.

My basic budget recommendation called for an ending balance in the general fund of not less than \$50 million. The facts as we know them mandate this reserve. This reserve is more important now that we have targeted the decline of oil prices and production. For that reason, I have taken the best current estimates we have of revenue adjustments and made a series of decisions based on my desire to provide you with specific recommendations for your consideration. I do this now so that you may move forward with the important business of making appropriations under which state and local governments will operate for the next two years.

First, I am intensifying my cost containment measures initiated in 1981 by directing agencies to continue and expand their cutback on travel - both in-state and out-of-state. They will combine and pool travel whenever possible to save the state dollars for other programs. I am continuing the freeze on employment for new positions and restating my position that no replacement personnel will enter government employment above the midpoint of salary range. Also, I am continuing the requirement that compensation adjustments in the current biennium be deferred. State agency administrators will be expected to save more dollars during the five months remaining in this biennium and return a larger share of authorized appropriations than previously directed.

I have directed the Office of Management and Budget to review with each agency the anticipated turnback to be certain that each agency has sufficiently disciplined itself to ensure the turnback will provide the expected minimum of \$10 million in the general fund at the close of this biennium.

State government must set the fiscal example for all levels of government in North Dakota and that fiscal self-discipline must become the rule rather than the exception.

I have written mayors, school board leaders, and county commissioners throughout North Dakota asking them to join me in implementing cost containment measures. I know they will recognize that reduced revenues will affect all levels of government.

My budget reflects a hold-the-line, no increase position in direct aid to political subdivisions. And while I recognize this will require sacrifice and strong fiscal discipline at the political subdivision level, it is the necessary and proper approach under the circumstances.

Mayors, school board members, county commissioners, township officers, water resource managers, park district representatives, and all others charged with fiscal responsibility in government in North Dakota must find ways to hold down spending, rethink positions, redefine objectives and proceed with the confidence that our prudence in fiscal restraint and sound management will pay dividends as a healthy economy returns to North Dakota and elsewhere.

Best estimates now suggest that oil production will not reach the 95 million barrel mark on which 1983-85 oil revenues were projected. The new forecast, and it may be optimistic, anticipates production closer to 87 million barrels for the next biennium. The reason for the rapid deterioration in this production forecast is simple enough to understand but nearly impossible to predict.

Surpluses of natural gas, lack of storage, cancellation of major contracts for natural gas, the mild winter and other factors have necessitated the cutback in production of existing wells whose oil flow is determined by the gas production level. New exploration has fallen off with approximately 39 rigs drilling in North Dakota as I speak to you compared to 115 a year ago. You can readily see that the anticipated production from new finds is dramatically effected.

On the matter of price, who can say what that will be? But I believe we can say with certainty that it will not reach the \$32 to \$34 per barrel projection which was agreed upon at the time of the budget preparation. Thirty dollars per barrel is a more accurate estimate through the next biennium.

And finally, the effect that crude oil revenue adjustments will have on income, sales, and use tax, particularly in Western North Dakota, is a tough call to make. There will be a negative impact in these critical revenue areas as well and therefore I am taking a conservative position in presenting this new information to you.

The causes and effects I have outlined require spending reductions of approximately \$50 million in the budget I presented to you in December. I will distribute a compilation which shows the specific recommendations that I am making. I will not go into great detail now but I want to discuss a few of my concerns.

Clearly our concern for taxpayers and the people of North Dakota must come first. That's why I recommend cutbacks rather than additional tax increases and that's why I based my cutback decision on bricks and mortar first, with people and programs last. My first recommendations for budget cuts are in the area of capital expenditure. You've heard me speak of the need for continuing capital construction at the penitentiary. While I feel strongly that the program does need to go forward, I recognize that the economic restraints and constraints placed upon us compel deferral of that program until the next biennium.

I am continuing my recommendation of \$1,400 per student per year in the elementary and secondary education foundation aid program. No reductions should be made in that critical area of school finance. I believe that \$1,400 will be sufficient when supported by continuing local efforts to achieve a sustained level of service in elementary and secondary education for the next two years.

I am recommending a reduction in my higher education proposals but in doing so I am recommending a significant departure from the customary appropriation process: it is my recommendation that all funding for higher education be consolidated into a single budget and appropriated to the Board of Higher Education for allocation among the institutions under the Board's jurisdiction. This will give the Board members the flexibility and responsibility to make institutional allocations on an "as needed" basis.

The \$5.5 million cutback I propose for higher education may seem harsh. But the concurrent opportunity for flexible management control by the Board of Higher Education should lessen the consequences.

I will not ask the dedicated and faithful state employees of North Dakota to go two years without a compensation increase. But I believe that the increase should be limited to 3 percent per year. We must either reduce salary increases or be forced to eliminate an additional 300 jobs. Frankly, I - and I believe you - prefer the former response.

You now have the difficult task of evaluating and passing on these proposed cutbacks. Since we share the responsibility of putting together an acceptable combination of tax increases to fund even this more stringent level of spending, now is the appropriate time to strip ourselves of political identification. Let us put aside partisanship and rise to the statesman-like

level that will be required for the two-thirds approval of most of the major issues that are before this Assembly.

Ladies and gentlemen of the 48th Legislative Assembly, not since the difficult days of the 1930's has the need for courageous self-discipline, nonpartisan, unselfish action been more critical. This is the time for all of us in government at every level--county commissioners, mayors, school boards, state employees, legislators, and agency executives--to join together in a dedicated commitment to fiscal accountability and responsibility.

Most of those who offer political advice continue to suggest that I leave to the Legislature the unpopular business of budget cuts and tax proposals. Responsibility in government is far more important than elective political careers. The current situation, difficult as it may be, presents us with both a challenge and an opportunity to use our best talents and abilities.

If I might digress for just a moment from my formal remarks to remind you, as I believe you can remind yourselves, that it was just about ten years ago that a significant upsurge in the cost of crude oil around the world caused the first difficulties for this most important nation, and the western democracies. We struggled through the seventies with a continuing upward trend in the cost of crude oil and energy of all kinds in all places. This was the basic cause of the problems which we now contend with and confront. While we talk in very serious terms about the consequences of the decline of crude oil prices to North Dakota, we are in a transition period in that sense while we struggle with getting our fiscal policy in the state back in order and back in a more proper context. But we should keep in mind that farmers will pay less for fuel to plant their crops this year, the petro chemicals that are necessary for this state's basic industry, agriculture, will be cheaper, tourism should be enhanced because people will be encouraged to travel because it won't cost as much as it used to. We need to keep that in mind as we struggle together for a couple of months with the very difficult situation we find ourselves in, but we can, I think, see better days ahead for us as we work together.

I will work with you, to surmount the fiscal difficulties we face. Our responsibilities go far beyond this Capitol City. Across the width and breadth of this great state there are 650 thousand citizens relying on us to get on with the serious business at hand. I know we can work together to serve them by effective and fair action.

Thank you very much.

## CONSIDERATION OF AMENDMENTS

SEN. LEE MOVED that the amendments to SB 2154 as recommended by the Committee on Natural Resources as printed on page 433 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2224 as recommended by the Committee on Industry, Business, and Labor as printed on page 434 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2268 as recommended by the Committee on Judiciary as printed on page 435 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2282 as recommended by the Committee on Political Subdivisions as printed on pages 435 and 436 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2285 as recommended by the Committee on Political Subdivisions as printed on page 436 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2287 as recommended by the Committee on Transportation as printed on pages 436 and 437 of the Senate Journal be adopted, which motion prevailed. SB 2287 has committee recommendation of DO NOT PASS.

SEN. MUTCH MOVED that the amendments to SB 2294 as recommended by the Committee on Transportation as printed on page 437 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2296 as recommended by the Committee on Political Subdivisions as printed on page 437 of the Senate Journal be adopted, and that SB 2296 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2320 as recommended by the Committee on Political Subdivisions as printed on page 438 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2326 as recommended by the Committee on Political Subdivisions as printed on pages 438 and 439 of the Senate Journal be adopted, which motion prevailed. SB 2326 has committee recommendation of DO NOT PASS.

SEN. VOSPER MOVED that the amendments to SB 2349 as recommended by the Committee on Agriculture as printed on pages 439 and 440 of the Senate Journal be adopted, which motion prevailed.



SEN. VOSPER MOVED that the amendments to SB 2351 as recommended by the Committee on Agriculture as printed on page 440 of the Senate Journal be adopted, and that SB 2351 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to SB 2352 as recommended by the Committee on Political Subdivisions as printed on pages 440 and 441 of the Senate Journal be adopted, which motion prevailed. SB 2352 has committee recommendation of DO NOT PASS.

SEN. HOLMBERG MOVED that the amendments to SB 2364 as recommended by the Committee on Political Subdivisions as printed on page 441 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2445 as recommended by the Committee on Judiciary as printed on page 442 of the Senate Journal be adopted, which motion prevailed.

#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Goodman, Thane, Peterson and Reps. Kloubec, Hughes, Moore introduced:

SCR 4035: A concurrent resolution directing the Legislative Council to study natural gas pipelines in this state.

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

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2046 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 2, line 4, after the word "employee" insert the following words: "who shall be selected from a list of three candidates submitted by the North Dakota public employees association. One of the members shall be appointed from a list of three given to the governor by the board of higher education, and two of the appointed members shall be from the public at large"

On page 3, line 7, delete the words "and must meet other"

On page 3, line 8, delete the words "criteria as established by the governor"

On page 3, line 13, remove the overstrike over the words "foster and assure a system of personnel"

On page 3, line 14, remove the overstrike over the word "administration" and insert immediately thereafter the words "and to"

- On page 3, line 17, remove the overstrike over the words "~~Promulgate such~~"
- On page 3, line 17, delete the words "Adopt any necessary procedural"
- On page 3, line 18, remove the overstrike over the word "~~such~~"
- On page 3, line 18, remove the overstrike over the words "~~as are necessary to properly perform~~"
- On page 3, line 19, remove the overstrike over the words "~~the duties, functions, and powers imposed on or vested in~~"
- On page 3, line 20, remove the overstrike over the words "~~it by law. The promulgation of rules~~" and insert immediately thereafter the words "and policies adopted by the state personnel board" and remove the overstrike over the words "~~shall be~~"
- On page 3, line 21, remove the overstrike over the word "~~accomplished~~"
- On page 3, remove the overstrikes over the words in lines 23 through 25
- On page 3, line 26, remove the overstrike over the word "~~division.~~"
- On page 3, line 33, insert the numeral "3." before the word "Hold" to designate a subsection
- On page 4, line 18, delete the words "There shall be no reappeal to the state"
- On page 4, line 19, delete the words "personnel board."
- On page 4, line 20, overstrike the numeral "3."
- On page 4, line 22, remove the overstrike over the numeral "~~4.~~"
- On page 4, line 25, remove the overstrike over the numeral "~~5.~~" and delete the numeral "4."
- On page 4, after line 27, insert the following new subsection:

"6. Adopt rules providing for a uniform grievance procedure for all agencies, departments, and institutions."

On page 5, line 2, remove the overstrikes over the words  
"subject to the approval of the board,"

On page 5, line 2, after the word "board," insert the words  
"but not subject to chapter 28-32,"

On page 5, line 3, remove the overstrike over the words  
"agencies affected" and delete the words "classified service"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2046 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 2146 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 19, delete the words "attorney general" and insert in lieu thereof the word "governor"

On page 2, line 22, delete the words "attorney general" and insert in lieu thereof the word "governor"

On page 2, line 23, delete the words "The attorney general shall approve an agreement submitted"

On page 2, delete lines 24 through 26

On page 2, line 27, delete the words "North Dakota." and delete the words "attorney general" and insert in lieu thereof the word "governor"

On page 2, line 28, delete the words "attorney general" and insert in lieu thereof the word "governor"

On page 2, delete lines 32 through 35 and insert in lieu thereof the following:

"3. The agency or agencies seeking to enter into the agreements shall submit the agreements to the governor. In deciding whether to approve the agreement, the governor shall use the following criteria:

- a. The purpose of the agreement furthers the goals of the agency.
- b. The agreement is in the best interest of the state as a whole.

c. The agency or agencies have authority to fulfill the agreement.

If the governor does not disapprove the agreement within thirty days after submission, it shall be considered approved."

On page 3, delete lines 1 through 6

On page 3, line 8, delete the words "attorney general" and insert in lieu thereof the word "governor"

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

SB 2146 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 2216 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "gas" insert the following language: "; to amend and reenact section 49-19-19 of the North Dakota Century Code, relating to discrimination between shippers in transportation of oil and gas by common pipeline carriers; and to repeal section 49-19-21 of the North Dakota Century Code, relating to the preventing of waste of oil and gas; and to declare an emergency"

On page 1, underscore lines 8 through 15

On page 1, after line 15, insert the following new sections:

"SECTION 2. AMENDMENT. Section 49-19-19 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

49-19-19. Discrimination between shippers in facilities furnished, service rendered, and rates prohibited. No common pipeline carrier shall discriminate between or against shippers in regard to facilities furnished, services rendered, or rates charged under the same or similar circumstances in the transportation of crude petroleum, coal, or gas, nor shall there be any discrimination in the transportation of crude petroleum, coal, or gas produced or purchased by itself directly or indirectly. In this connection the pipeline shall be considered as a shipper of the crude petroleum, coal, or gas produced or purchased

by itself directly or indirectly and handled through its facilities. No such carrier in such operation, directly or indirectly, shall charge, demand, collect, or receive from anyone a greater or less compensation for any service rendered than from another for a like contemporaneous service. This shall not limit the right of the commission to prescribe rates and regulations from or to some places different from other rates or regulations for transportation from or to other places as it may determine, nor shall any carrier be guilty of discrimination when obeying any order of the commission. Where there shall be offered for transportation more crude petroleum or coal than can be transported immediately, the same shall be apportioned equitably. Gas shall be taken pro rata on the basis of open flow production of the wells connected to the pipeline or lines and the delivery of each well shall be regulated accordingly. The commission may make and enforce general or specific regulations in this regard on a pro rata basis or on such basis as may be established by the industrial commission pursuant to section 38-08-06.

SECTION 3. REPEAL. Section 49-19-21 of the North Dakota Century Code is hereby repealed.

SECTION 4. EMERGENCY. This Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2216 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2220 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2220 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 2226 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 6, after the period insert the following sentence: "In the event that funds appropriated for distribution to school districts for per pupil and transportation aid become available after May first,

the superintendent shall distribute such payments no later than June thirtieth."

And renumber the lines accordingly

SEN. PETERSON, Chairman

SB 2226 was placed on the Sixth 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 2232 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 3, delete the words "and central control" and delete the word "-related" and delete the semicolon and insert in lieu thereof a period

On page 1, delete lines 4 and 5

On page 1, line 11, delete the words "- Central control"

On page 1, line 12, delete the word "-related"

On page 1, line 13, delete the words ", excluding the institutions and" and insert in lieu thereof the word "may"

On page 1, delete line 14

On page 1, line 15, delete the words "order of" and insert in lieu thereof the words "mutual agreement of the department and"

On page 1, line 20, delete the words "approval of" and insert in lieu thereof the words "mutual agreement of the department and"

On page 1, delete lines 27 and 28

And renumber the lines accordingly

SEN. LODOEN, Chairman

SB 2232 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2250 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 9, after the word "appropriation;" insert the words "to authorize the state board of higher education to issue and sell

self-liquidating, tax-exempt bonds to construct a revenue-producing, coal-fired generating boiler at the university of North Dakota and to provide an appropriation;"

On page 1 of the engrossed bill, line 11, after the word "construction" insert the words "or purchase and relocation"

On page 2 of the engrossed bill, after line 27, insert the following new sections:

"SECTION 5. Board of higher education - Bond issuance - Purposes. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding three million five hundred thousand dollars for the purpose of constructing a revenue-producing, coal-fired generating boiler at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 6. Use of proceeds - Appropriation. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction or purchase and relocation and equipment of the facility authorized in section 5. Any unexpended balances from the sale of bonds shall be placed in sinking funds for the retirement of the authorized bonds."

On page 2 of the engrossed bill, line 33, after the word "constructing" insert the words "or purchasing and relocating"

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

SB 2250 was placed on the Sixth 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 2270 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 15, delete the words "under the same terms"

On page 1, line 16, delete the words "and conditions"

On page 1, line 25, delete the words "under the same terms"

On page 1, line 26, delete the words "and conditions"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2270 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2276 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

SB 2276 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2338 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2338 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 2354 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Appropriations.

SEN. CHRISTENSEN, Chairman

SB 2354 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2362 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2362 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 2386 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to modification of the traditional public school calendar following approval by the superintendent of public instruction."



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

SECTION 1. A new section to chapter 15-47 of the North Dakota Century Code is hereby created and enacted to read as follows:

Modification of public school calendar and schedule with approval of the superintendent of public instruction. The school board of a public school district may apply to the superintendent of public instruction for approval of a pilot program in which the school calendar of the district is modified so that less than one hundred eighty days of classroom instruction would be provided by the district during the course of a school term. The superintendent may approve pilot programs which are designed to evaluate the advantages and disadvantages of modifications in the traditional school calendar through increased use of school facilities and which the superintendent finds to offer educational opportunities equivalent to those offered in a one hundred eighty-day school program. Any district which proposes to operate a pilot program under this section shall specify in its application the minimum number of days of school and the comparable instructional time for which its pupils would be enrolled during any school year. Upon approval by the superintendent of a pilot program for a school district, the district is eligible to receive full state educational aid as provided for under chapter 15-40.1. Any district which has operated an approved pilot program under this section for a period of three years may apply to the superintendent to have the program permanently established. The superintendent shall prescribe rules governing the submission of applications, the evaluation of proposals, and any other matters necessary for the administration of pilot programs provided for by this section.

Approval by the superintendent of public instruction of pilot programs permitting modifications in the traditional school calendar satisfies the minimum requirements for school operation and instructional time provided in sections 15-41-06, 15-47-04, and 15-47-33. Approval by the superintendent of a pilot program pursuant to this section does not affect accrual of teachers' benefits provided by statute."

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2386 was placed on the Sixth 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 2438 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 8, line 3, after the numerals "40-57-19" insert the words "and chapter 6-09.2"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2438 was placed on the Sixth 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 2456 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 12, remove the overstrike over the words "~~B misdemeanor~~"

On page 1, line 13, delete the words "C felony"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2456 was placed on the Sixth 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 2474 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 "institution" insert the words "or the Bank of North Dakota"

And renumber the lines accordingly

SEN. LODOEN, Chairman

SB 2474 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1074 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1074 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1076 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1076 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1123 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1123 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1099

Very respectfully,  
CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1099

LEO LEIDHOLM, Secretary

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:40 p.m., February 2, 1983:

SB 2086, SB 2096, SB 2130

SEN. FRITZELL, Chairman

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

MOTION

SEN. NOTHING MOVED that the following bills be placed at the head of the calendar on the Eleventh order of business in this order: SB 2251, SB 2032, SB 2342, and SB 2348, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2251: A BILL for an Act to confirm and approve the preliminary designs for the southwest pipeline project and

to authorize the construction of the southwest pipeline project; to empower the state water commission to operate and maintain the southwest pipeline project and distribute water through the southwest pipeline project to water user entities, including municipalities, rural water associations, and other water user entities; to provide for the deposit of revenues from the sale of water from the southwest pipeline project; to create funds for operation and maintenance of the southwest pipeline project and replacement of the southwest pipeline project; 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 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; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Parker

SB 2251 passed and the title was agreed to.

\*\*\*\*\*

SB 2032: A BILL for an Act making an appropriation for defraying the expenses of the southwest water pipeline project of the state of North Dakota.

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; Nething; Olson; Peterson;

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

NAYS: None

ABSENT AND NOT VOTING: Parker

SB 2032 passed and the title was agreed to.

\*\*\*\*\*

SB 2342: A BILL for an Act to provide for the issuance, sale, and delivery of water development bonds, southwest pipeline series; to create a sinking fund and other funds; to provide for the servicing and retirement of the bonds; to provide a continuing appropriation for the payment of the bonds; and to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to the allocation of oil extraction tax revenues; and to provide an effective date.

Which has been read.

#### ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Parker

SB 2342 passed and the title was agreed to.

\*\*\*\*\*

SB 2348: A BILL for an Act to create and enact a new section to chapter 61-04 of the North Dakota Century Code, relating to the establishment of an industrial use fee for use of water from the Missouri River.

Which has been read and is placed on the calendar without recommendation.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 21 YEAS, 30 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; David; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Satrom; Thane; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; Dykshoorn; Erickson; Goodman; Hilken; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Peterson; Reiten; Stenehjelm; Streibel; Stromme; Tennefos; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Parker; Tallackson

SB 2348 was declared lost.

\*\*\*\*\*

SB 2068: A BILL for an Act to amend and reenact sections 27-05-03.1, 54-52-06.1, and subsection 4 of section 54-52-17 of the North Dakota Century Code, relating to retirement benefits for supreme and district court judges; and to repeal section 27-17-01.1 of the North Dakota Century Code, relating to supplemental retirement benefits for judges under the public employees retirement system.

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, 3 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: David; Hilken; Meyer, D.

ABSENT AND NOT VOTING: Parker; Redlin; Wenstrom

SB 2068 passed and the title was agreed to.

\*\*\*\*\*

SB 2088: A BILL for an Act to amend and reenact subsections 4 and 6 of section 15-39.1-04, and sections 15-39.1-18, 15-39.1-19.1, 15-39.1-22, and 15-39.1-27 of the North Dakota Century Code, relating to the definitions of "interest" and "teacher", disability retirement, discontinuance of annuities on resumption of teaching, the annual report of the board of trustees, and computing service credit for members.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; 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; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Parker

SB 2088 passed and the title was agreed to.

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#### MOTION

SEN. REITEN MOVED that SB 2169 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2185: A BILL for an Act to amend and reenact sections 52-01-02 and 52-01-03 of the North Dakota Century Code, relating to records and reports of employing units, and disclosure of information.

Which has been read.

#### ROLL CALL

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

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

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

NAYS: Krauter; Maixner

ABSENT AND NOT VOTING: Goodman; Parker; Vosper

SB 2185 passed and the title was agreed to.

\*\*\*\*\*

SB 2206: A BILL for an Act to amend and reenact subsection 18 of section 52-01-01 and subsection 13 of section 52-06-02 of the North Dakota Century Code, relating to unemployment compensation definitions and disqualification for unemployment compensation benefits.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz; Tennefos

ABSENT AND NOT VOTING: Goodman; Parker

SB 2206 passed and the title was agreed to.

\*\*\*\*\*

SB 2212: A BILL for an Act to amend and reenact sections 53-02-01 and 53-02-08 of the North Dakota Century Code, relating to definitions of dances, dancing places, and musical performances and requirements for an officer of law to be in attendance at a public dance; and to repeal sections 53-02-02, 53-02-03, 53-02-04, 53-02-05, 53-02-06, 53-02-07, and 53-02-09 of the North Dakota Century Code, relating to permits and restrictions on public dances.



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

NAYS: None

ABSENT AND NOT VOTING: Parker

SB 2212 passed and the title was agreed to.

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#### MOTION

SEN. NETHING MOVED that SB 2212 be reprinted, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2213: A BILL for an Act to create and enact a new subsection to section 43-15-15 of the North Dakota Century Code, relating to applicants for registration as pharmacists who are graduates of a school or college of pharmacy located outside the United States.

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

NAYS: None

ABSENT AND NOT VOTING: Parker

SB 2213 passed and the title was agreed to.

\*\*\*\*\*

SB 2222: A BILL for an Act to amend and reenact subsection 9 of section 52-09-20 of the North Dakota Century Code, relating to the determination of the primary insurance benefit under the North Dakota old age and survivor insurance system.

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, 1 NAY, 1 ABSENT AND NOT VOTING.

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

NAYS: David

ABSENT AND NOT VOTING: Parker

SB 2222 passed and the title was agreed to.

\*\*\*\*\*

SB 2245: A BILL for an Act to create and enact a new subsection to section 5-01-01, section 5-02-09.1, and three new sections to chapter 5-02 of the North Dakota Century Code, relating to the definition of licensed premises, the attorney general adopting rules for retail alcoholic beverage licensing pursuant to the Administrative Agencies Practices Act, the registration of the sale of beer in kegs, and prohibiting the sale of alcoholic beverages at a drive-in window, gas stations, and grocery stores; and to amend and reenact sections 5-02-04 and 5-02-06 of the North Dakota Century Code, relating to the licensure of alcoholic beverage retailers and prohibitions as to persons under twenty-one years of age; and to provide a penalty.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 3 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; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Leibhan; Stromme; Wogsland

ABSENT AND NOT VOTING: Parker

SB 2245 passed and the title was agreed to.

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SB 2247: A BILL for an Act to amend and reenact section 47-04.1-07 of the North Dakota Century Code, relating to bylaws of condominiums.

Which has been read.

## ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Krauter; Maixner; Parker

SB 2247 passed and the title was agreed to.

\*\*\*\*\*

SB 2266: A BILL for an Act to amend and reenact subsections 1 and 2 of section 16.1-01-01, sections 16.1-06-03,

16.1-06-04, subsection 5 of section 16.1-06-07.1, sections 16.1-06-08, 16.1-06-09, 16.1-06-09.1, 16.1-07-13, subsection 2 of section 16.1-11-27, sections 16.1-13-22, 16.1-13-29, 16.1-13-32, 16.1-13-33, 16.1-15-06, 16.1-15-08, 16.1-15-09, subsection 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code, relating to electronic voting systems; and to repeal sections 16.1-06-11, 16.1-06-12, 16.1-06-14, 16.1-06-15, 16.1-06-17, 16.1-06-20, 16.1-06-25, 16.1-13-24, and 16.1-15-10 of the North Dakota Century Code, relating to electronic voting systems.

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 5 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Bakewell; Hilken; Holmberg; Lashkowitz; Stenehjem

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

ABSENT AND NOT VOTING: Maixner; Parker

SB 2266 was declared lost.

\*\*\*\*\*

SB 2267: A BILL for an Act to amend and reenact sections 62-01-04 and 62-01-20 of the North Dakota Century Code, relating to persons prohibited from possessing pistols; and to provide a penalty.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grothberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson;

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Parker

SB 2267 passed and the title was agreed to.

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MESSAGE 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:

HCR 3024

Very respectfully,  
CHARLES FLEMING, Chief Clerk

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, providing an exemption from property taxes for new single family residential property which meets certain qualifications; and to provide an effective date and an expiration date.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 2 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.; Moore;  
Mutch; Naaden; Nelson; Nothing; Olson; Peterson;  
Redlin; Reiten; Satrom; Stenehjelm; Streibel;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Meyer, J.; Stromme

ABSENT AND NOT VOTING: Parker

SB 2295 passed and the title was agreed to.

\*\*\*\*\*

## MOTION

SEN. NETHING MOVED that SB 2295 be reprinted, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2306: A BILL for an Act to create and enact two new sections to chapter 14-09 of the North Dakota Century Code, relating to child support.

Which has been read.

## ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; 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; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: David; Parker; Wenstrom

SB 2306 passed and the title was agreed to.

\*\*\*\*\*

SB 2325: A BILL for an Act to amend and reenact section 34-07-15 of the North Dakota Century Code, relating to the maximum hours of labor of minors under sixteen years of age.

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

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 17 YEAS, 34 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Grotberg; Heigaard; Miller Heinrich; Kilander; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Redlin; Reiten; Satrom; Tallackson; Waldera; Walsh

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Hilken;

Holmberg; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Parker

SB 2325 was declared lost.

\*\*\*\*\*

SB 2331: A BILL for an Act to provide for discretionary tuition waivers to be granted by the presidents of specified institutions of higher education under the direction of the state board of higher education.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grothberg; 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; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Parker

SB 2331 passed and the title was agreed to.

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#### MOTION

SEN. LODOEN MOVED that SB 2459 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. LODOEN REQUESTED the unanimous consent of the Senate to withdraw SB 2459. There being no objection, it was so ordered by the President.

#### SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to require the director of the institute for regional studies of North Dakota state university to compile, publish, and distribute four general volumes of history in the series "The Centennial Heritage Series"; an agricultural history, a social history, a

literary history, and a history of North Dakota native Americans; and to provide an appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 47 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: David; Nelson; Stenehjem; Tennefos

ABSENT AND NOT VOTING: Goodman; Parker

SB 2339 passed and the title was agreed to.

\*\*\*\*\*

#### REPORT OF PROCEDURAL COMMITTEE

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

SB 2361

SEN. FRITZELL, Chairman

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

#### SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2361

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:

SB 2361, SCMR 1

Very respectfully,  
LEO LEIDHOLM, Secretary



MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2361

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 for his approval at the hour of 4:53 p.m., February 2, 1983.

SB 2361

SEN. FRITZELL, Chairman

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

FIRST READING OF HOUSE BILLS

HB 1021: A BILL for an Act making an appropriation for defraying the expenses of the milk stabilization board of the state of North Dakota.

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

HB 1027: A BILL for an Act making an appropriation for defraying the expenses of the state seed department and various divisions thereof of the state of North Dakota.

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

HB 1059: A BILL for an Act to amend and reenact section 38-14.1-39 of the North Dakota Century Code, relating to deposits to the surface mining and reclamation fund; and to provide for a transfer from the surface mining and reclamation fund to the general fund.

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

HB 1095: A BILL for an Act to amend and reenact sections 15-39.1-09, 39-03.1-09, 39-03.1-10, 54-52-05, 54-52-06, and 54-52-06.1 of the North Dakota Century Code, relating to the employer payment of required employee contributions to the teachers', highway patrolmen's, and public employees retirement systems.

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

HB 1103: A BILL for an Act to amend and reenact section 47-16-37 of the North Dakota Century Code, relating to actions to obtain release of mineral lease.

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

**HB 1203:** A BILL for an Act to amend and reenact subsection 1 of section 38-08-08 of the North Dakota Century Code, relating to pooling of unleased mineral interest owners.

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

**HB 1296:** A BILL for an Act to amend and reenact subsection 11 of section 57-02-01 of the North Dakota Century Code, relating to the definition of agricultural property for assessment purposes; and to provide an effective date.

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

**HB 1301:** A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the establishment of milk as the official state beverage.

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

**HB 1340:** A BILL for an Act to amend and reenact section 27-07.1-07 of the North Dakota Century Code, relating to magistrates in county courts; and to declare an emergency.

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

**HB 1392:** A BILL for an Act to create and enact a new section to chapter 43-19.1 and a new subsection to section 43-19.1-02 of the North Dakota Century Code, relating to the qualifications of land surveyors-in-training and the definition of a land surveyor-in-training; and to amend and reenact sections 43-19.1-12, 43-19.1-17, 43-19.1-18, and 43-19.1-20 of the North Dakota Century Code, relating to the registration of land surveyors-in-training, application for registration, registration fees, and certification.

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

**HB 1393:** A BILL for an Act to amend and reenact subsection 1 of section 43-19.1-29 of the North Dakota Century Code, relating to the practices not subject to the registration requirements for engineers and land surveyors.

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

**HB 1412:** A BILL for an Act to amend and reenact section 18-01-05.1 of the North Dakota Century Code, relating to immunity for disclosing information to law enforcement agencies with respect to a fire loss by other than accidental cause.

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

HB 1439: A BILL for an Act to provide an appropriation to the superintendent of public instruction for the purpose of defraying the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in the state of North Dakota.

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

HB 1485: A BILL for an Act to create and enact sections 4-30-36.2 and 4-30-36.3 of the North Dakota Century Code, relating to the rating and sampling milk and dairy products and certification of laboratories; to amend and reenact sections 4-29-02 and 4-30-18 of the North Dakota Century Code, relating to the appointment of assistants and officers to the state dairy commissioner and the procedures, equipment, and supplies used to sample and test milk or dairy products.

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

HB 1515: A BILL for an Act to amend and reenact section 31-09-03 of the North Dakota Century Code, relating to use of a transcript from an electronic court reporting system as evidence; and to declare an emergency.

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

HB 1524: A BILL for an Act to amend and reenact sections 39-08-13 and 39-16-03 of the North Dakota Century Code, relating to accessibility to motor vehicle accident report forms and abstracts of driving records.

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

HB 1561: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the power of the commissioner to issue duplicate licenses and permits; and to repeal section 20.1-03-28 of the North Dakota Century Code, relating to the issuance of duplicate licenses and permits.

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

#### MOTION

SEN. NETHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2154, SB 2169, SB 2220, SB 2224, SB 2268, SB 2282, SB 2285, SB 2287, SB 2294, SB 2320, SB 2326, SB 2338, SB 2341, SB 2349, SB 2352, SB 2359, SB 2362, SB 2364, SB 2381, SB 2390, SB 2393, SB 2399, SB 2405, SB 2419, SB 2422, SB 2445, SB 2446, SB 2466, SB 2468, SB 2482, SB 2488, HB 1074, HB 1076, and HB 1123, the Senate adjourn and convene at 1:00 p.m., Thursday, February 3, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary