

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

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## THIRTY-THIRD DAY

Bismarck, February 17, 1983

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

The prayer was offered by Rev. Dale Drown, Wesleyan Church, Bismarck.

The words of Holy Scripture declare that "...whatever is good and perfect comes to us from God, the Creator of all light, and He shines forever without change..." James 1:17 (The Living Bible)

Let Your unchanging wisdom be granted to those who represent and lead us. Free all from selfish prejudice so that all can know that their needs are considered.

We struggle in every arena of human life. Let us not retreat from the struggles, but participate in them with faith and confidence that our participation will be the means to develop viable structures for the common life and the good of all.

We lift our hearts and voices to You, Our God, in behalf of those who sorrow because of the recent tragedy, the law enforcement officers who were killed or wounded in the line of duty. Direct and protect all enforcement personnel in their work as they also face danger daily. In the Name of Jesus Christ, Your Son. Amen.

## ROLL CALL

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

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 Thirty-second day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On all odd-numbered pages, line 1, delete "Thursday" and insert in lieu thereof "Wednesday"

MR. PRESIDENT: Your Committee on Revision and Correction of the journal has carefully reexamined the Journal of the Thirty-first

day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 823, delete lines 30 through 41

On page 824, delete lines 1 through 6 and insert in lieu thereof the following:

On page 10, line 19, after the word "by" insert the words "his or", and remove the overstrike over the word "~~her~~"

On page 10, line 20, delete the word "~~their~~"

On page 12, line 6, remove the overstrike over the word "~~his~~"

On page 12, line 7, delete the word "~~their~~" and insert in lieu thereof the words "or her", after the word "abandon" insert the words "him or", remove the overstrike over the word "~~her~~", and delete the word "~~them~~"

On page 12, line 10, after the second word "and" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "~~their~~"

On page 13, line 25, after the word "against" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "~~their~~"

On page 14, line 1, remove the overstrike over the word "~~his~~", and delete the word "~~their~~" and insert in lieu thereof the words "or her"

On page 14, line 4, remove the overstrike over the word "~~his~~", and delete the word "~~their~~" and insert in lieu thereof the words "or her"

On page 14, line 9, remove the overstrike over the word "~~his~~", and delete the word "~~their~~" and insert in lieu thereof the words "or her"

On page 15, line 24, after the word "of" insert the words "his or", remove the overstrike over the word "~~her~~", and delete the word "~~their~~"

On page 824, delete lines 18 and 19 and insert in lieu thereof the following:

On page 30, line 13, overstrike the word "title"

On page 30, line 23, after the word "~~marriage~~" insert the word "chapter"

SEN. TWETEN, Chairman

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

REPORTS OF PROCEDURAL COMMITTEES

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 1:17 p.m., February 16, 1983:

SCR 4013

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 9:56 a.m., February 17, 1983:

SMR 1

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 reengrossed:

SB 2062, SB 2239, SB 2418

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 engrossed:

SB 2001, SB 2002, SB 2006, SB 2016, SB 2019, SB 2020,  
SB 2023, SB 2024, SB 2031, SB 2038, SB 2039, SB 2047,  
SB 2073, SB 2197, SB 2227, SB 2249, SB 2276, SB 2309,  
SB 2313, SB 2314, SB 2317, SB 2321, SB 2344, SB 2346,  
SB 2354, SB 2355, SB 2373, SB 2394, SB 2431, SB 2436,  
SB 2447, SB 2451, SB 2452, SB 2469

SEN. FRITZELL, Chairman

SEN. MOORE 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 2003, SB 2021, SB 2027, SB 2033, SB 2037, SB 2040,  
SB 2067, SB 2299, SB 2333, SB 2350, SB 2464

Very respectfully,  
LEO LEIDHOLM, Secretary

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:

HB 1018, HB 1034, HB 1057, HB 1143, HB 1246, HB 1250,  
HB 1366, HB 1389, HB 1447, HB 1473, HB 1478, HB 1555,  
HB 1575, HB 1616, HB 1643, HCR 3012, HCR 3018, HCR 3021,  
HCR 3022, HCR 3025, HCR 3033, HCR 3034, HCR 3037

Very respectfully,  
CHARLES FLEMING, Chief Clerk

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SCR 4038 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. OLSON, Vice Chairman

SCR 4038 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1003 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 13, delete the numerals "183,198" and insert in lieu thereof the numerals "561,373"

On page 1 of the engrossed bill, line 16, delete the numerals "214,825" and insert in lieu thereof the numerals "593,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment increases the appropriation for legal expenses for the Association for Retarded Citizens lawsuit by \$378,175. This reinstates the funds originally

requested as a deficiency appropriation to pay the legal fees which have been assessed.

SEN. LIPS, Chairman

Engrossed HB 1003 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 HB 1040 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1040 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1065 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3 of the engrossed bill, line 1, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 2, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 5, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 9, delete the words "information and"

On page 3 of the engrossed bill, line 12, delete the word "information" and insert in lieu thereof the word "forms" and delete the word "and"

On page 3 of the engrossed bill, line 13, delete the first word "forms"

On page 3 of the engrossed bill, line 28, delete the word "information" and insert in lieu thereof the word "forms"

On page 3 of the engrossed bill, line 31, delete the word "information" and insert in lieu thereof the word "forms"

On page 4 of the engrossed bill, line 10, delete the words "information and"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

HB 1065 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 HB 1090 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. LEE, Chairman

HB 1090 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1115 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1115 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1139 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. LEE, Chairman

HB 1139 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1140 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HB 1140 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1141 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. LEE, Chairman

HB 1141 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1213 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1213 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1215 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1215 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1216 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1216 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1220 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 of the engrossed bill, line 33, after the underscored period insert the new sentence "Nonprofit corporations formed under chapters 10-24 through 10-28 are exempt from this filing fee."

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

HB 1220 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1223 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HB 1223 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1261 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. OLSON, Vice Chairman

HB 1261 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1268 has had the same under consideration and

recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. OLSON, Vice Chairman

HB 1268 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1281 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. OLSON, Vice Chairman

HB 1281 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1290 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, delete the word "section" and insert in lieu thereof the words "sections 27-09.1-09 and"

On page 1, line 2, after the word "mileage", insert the words "and mailing of summons"

On page 1, after line 4, insert the following new section:

"SECTION 1. AMENDMENT. Subsection 3 of section 27-09.1-09 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

3. If a grand, petit, or other jury is ordered to be drawn, the clerk thereafter shall cause each person drawn for jury service to be served with a summons either personally or by ~~registered or certified mail, return receipt requested~~ first class mail, addressed to ~~him~~ the person at his or her usual residence, business, or post-office address, requiring ~~him~~ the person to report for jury service at a specified time and place."

And renumber the lines, sections, and pages accordingly

SEN. LODOEN, Chairman

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

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1298 has had the same under consideration and



recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. OLSON, Vice Chairman

HB 1298 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1309 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1309 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1314 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

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

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1392 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

HB 1392 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1444 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1444 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1452 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1452 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1472 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. LEE, Chairman

HB 1472 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1530 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1530 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1581 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, after line 13, add the following new subsection:

"6. This Act does not apply to a resident or an inmate of a state institution who is injured by another resident or inmate of a state institution."

And renumber the lines accordingly

SEN. LODOEN, Chairman

HB 1581 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 HB 1595 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, remove the overstrikes from the words "~~shall be employed in any one barber~~"

On page 1, line 21, remove the overstrikes from the word "~~shop~~" and delete the words "~~barbers may be under the supervision of a registered barber~~"

On page 2, line 26, delete the word "~~twelve~~" and insert in lieu thereof the word "fifteen"

And renumber the lines accordingly

SEN. LODOEN, Chairman

HB 1595 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

## SECOND READING OF SENATE BILLS

SB 2005: A BILL for an Act making an appropriation for the distribution of funds for the replacement of personal property taxes.

Which has been read.

#### MOTION

SEN. REDLIN MOVED that the question be divided on the passage of SB 2005, that section 3 be voted upon separately, which motion prevailed.

SEN. REDLIN REQUESTED a recorded roll call vote on the passage of section 3 of SB 2005, which request was granted.

#### ROLL CALL

The question being on the passage of section 3 of SB 2005, the roll was called and there were 30 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom

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

ABSENT AND NOT VOTING: Holmberg

Section 3 of SB 2005 passed.

#### 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; 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: Holmberg

SB 2005 passed and the title was agreed to.

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SB 2009: A BILL for an Act making an appropriation for defraying the expenses of the Grafton state school, Grafton -

deinstitutionalization, and San Haven of the state of North Dakota; and providing for a transfer of oil extraction tax funds; and declaring an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 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; 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: Holmberg

SB 2009 passed, the title was agreed to, and the emergency clause carried.

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SB 2022: A BILL for an Act to create and enact a new section to chapter 54-12 of the North Dakota Century Code, relating to a gaming division in the attorney general's office; and to provide an appropriation.

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; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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

ABSENT AND NOT VOTING: Holmberg

SB 2022 was declared lost.

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SB 2026: A BILL for an Act making an appropriation for the payment of insurance premium taxes to fire departments; and to amend and reenact section 18-04-05 of the North Dakota Century Code, relating to the distribution of such premium taxes.

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

#### MOTION

SEN. LIPS MOVED that SB 2026 be amended as follows:

On page 2 of the engrossed bill, delete the overstrike on lines 18, 19, 20, 21 and after the word "section" on line 21, insert a period.

#### MOTIONS

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

SEN. LIPS MOVED that the rules be suspended, that SB 2026 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### 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; 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: Holmberg

SB 2026 passed and the title was agreed to.

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SB 2030: A BILL for an Act making an appropriation for defraying the expenses of the geological survey 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; 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; Barth; Holmberg; Maixner

SB 2030 passed and the title was agreed to.

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SB 2041: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01, subsection 1 of section 54-44.3-07, subsection 1 of section 54-44.3-12, and section 54-44.3-12.1 of the North Dakota Century Code, relating to agencies not subject to the Administrative Agencies Practice Act, the duties of the director of the central personnel division, and the functions of the state personnel board.

Which has been read and is being reconsidered.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 26 YEAS, 26 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Kilander; Lee; Leibhan; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Wright

NAYS: Barth; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;

Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson;  
 Redlin; Satrom; Stenehjelm; Stromme; Tallackson; Thane;  
 Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Holmberg

SB 2041 lost for want of a Constitutional majority.

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#### MOTION

SEN. NETHING MOVED that SB 2373 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2373: A BILL for an Act to create and enact two new subsections to section 39-01-01, a new subsection to section 39-06-31, a new subsection to section 39-06.1-10, a new section to chapter 39-08, and two new sections to chapter 39-20 of the North Dakota Century Code, relating to penalty and punishment for operating a motor vehicle while under the influence of intoxicating liquor or controlled substances and to law enforcement procedures; to amend and reenact section 27-20-51, subsection 5 of section 27-20-54, subsection 5 of section 39-06-17, subsection 2 of section 39-06-23, section 39-06-33.1, subsections 1 and 2 of section 39-06-35, sections 39-06-36, 39-06-42, 39-06-43, subsection 1 of section 39-06.1-05, section 39-06.1-07, subdivision b of subsection 3 and subsection 4 of section 39-06.1-10, sections 39-06.1-11, 39-07-07, 39-07-10, 39-07-11, 39-08-01, 39-20-01, 39-20-04, 39-20-05, 39-20-06, 39-20-07, 39-20-09, 40-05-06, 40-18-12, and 40-18-13 of the North Dakota Century Code, relating to reporting juvenile offenses, penalty and punishment for operating a motor vehicle while under the influence or for driving in violation of license suspension, revocation, or restriction, testing for blood alcohol concentration, interpretation of tests, issuing of notification forms to arrested drivers, and law enforcement, judicial, and administrative procedures; and to repeal section 39-06-29.1 of the North Dakota Century Code, relating to the authority to suspend operator's licenses of juveniles.

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; Barth; Berube; Christensen; David;  
 Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;  
 Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander;  
 Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;

Lodoen; Maixner; Matchie; 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: Bakewell; Meyer, D.

ABSENT AND NOT VOTING: Holmberg

SB 2373 passed and the title was agreed to.

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SB 2046: A BILL for an Act to create and enact section 54-44.3-12.3 of the North Dakota Century Code, providing a location for the listing of state classified job vacancies; to amend and reenact sections 54-44.3-03, 54-44.3-07, 54-44.3-12, and 54-44.3-12.2 of the North Dakota Century Code, relating to the structure of the state personnel board and the duties of the state personnel board and the director of the central personnel division; to provide for the expiration of the terms of the current board members; and to repeal section 54-44.3-05 of the North Dakota Century Code, relating to the election of state personnel board members.

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

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 25 YEAS, 27 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dykshoorn; Erickson;  
 Goodman; Kilander; Lee; Leibhan; Lodoen; Moore; Mutch;  
 Naaden; Nelson; Nething; Parker; Peterson; Reiten;  
 Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

NAYS: Barth; Berube; Christensen; Dotzenrod; Fritzell;  
 Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter;  
 Kusler; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.;  
 Meyer, J.; Olson; Redlin; Satrom; Stenehjem; Stromme;  
 Tallackson; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Holmberg

SB 2046 was declared lost.

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MOTION

SEN. ERICKSON MOVED that SB 2144 be placed directly below SB 2197 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2173: A BILL for an Act to amend and reenact sections 65-05-12, 65-05-13, 65-05-17, and 65-05-26 of the North Dakota Century Code, relating to permanent impairment benefits, death benefits, and burial expenses.

Which has been read.

MOTION

SEN. REITEN MOVED that SB 2173 be amended as follows:

On page 4 of the engrossed bill, line 25 after the word "exceed" insert the word "one hundred"

And renumber the lines accordingly

MOTIONS

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

SEN. REITEN MOVED that the rules be suspended, that SB 2173 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2173: A BILL for an Act to amend and reenact sections 65-05-12, 65-05-13, 65-05-17, and 65-05-26 of the North Dakota Century Code, relating to permanent impairment benefits, death benefits, and burial expenses.

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg

SB 2173 passed and the title was agreed to.

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#### MOTION

SEN. NOTHING MOVED that SB 2073 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2073: A BILL for an Act to create and enact a new section to chapter 15-10 of the North Dakota Century Code, relating to jurisdiction of the board of higher education over junior colleges and off-campus educational centers; to amend and reenact sections 15-10-01, 15-18-03, 15-18-04.2, 15-18-05, 15-18-06, and 15-55-18 of the North Dakota Century Code, relating to the assumption by the state of jurisdiction by the board of higher education or in the alternative the board of postsecondary education over junior colleges and off-campus educational centers; to repeal sections 15-18-01, 15-18-02, 15-18-04, 15-18-04.1, 15-18-07, 15-18-08, 15-18-09, and 15-18-10 of the North Dakota Century Code, relating to the operation of junior colleges and off-campus educational centers; 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 36 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Leibhan; Lips; Maixner; Meyer, D.; Meyer, J.; Naaden; Nelson; Olson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Todd; Walsh; Wenstrom; Wogsland; Wright

NAYS: Goodman; Kilander; Lashkowitz; Lee; Lodoen; Matchie; Moore; Mutch; Nething; Parker; Peterson; Teneffos; Thane; Tweten; Vosper; Waldera

ABSENT AND NOT VOTING: Holmberg

SB 2073 passed and the title was agreed to.

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#### MOTION

SEN. NOTHING MOVED that SB 2477 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2477: A BILL for an Act to repeal subsections 2, 4, 5, 7, 8, 9, 11, 12, 15, 16, 17, 20, 21, 22, 23, 24, 25, 26, 27, 29, 30, 31, 32, 33, 34, and 36 of section 57-39.2-04, section 57-39.2-04.1, subsections 2, 6, 8, 9, 10, 11, 12, 13, 16, 17, and 18 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to exemptions from sales and use taxes.

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 9 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Lee; Meyer, D.; Meyer, J.; Parker; Stromme; Tallackson; Tennefos; Tweten; Vosper

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Kilander

SB 2477 was declared lost.

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## MOTION

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

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

## SECOND READING OF SENATE BILLS

SB 2178: A BILL for an Act to amend and reenact section 15-40.1-02 of the North Dakota Century Code, relating to state school aid appropriation.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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;  
 Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
 Waldera; Walsh; Wenstrom; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen; David; Holmberg;  
 Stromme; Wogsland

SB 2178 passed and the title was agreed to.

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SB 2179: A BILL for an Act to create and enact a new subsection to section 57-02-01, three new sections to chapter 57-32, a new subsection to section 57-39.2-04, and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to valuation, assessment, and taxation of air carrier transportation property and an exemption from aircraft registration fees and from sales and use taxes for aircraft assessed pursuant to the provisions of chapters 57-06 and 57-32; and to amend and reenact subsection 13 of section 57-02-01 and subsections 3 and 4 of section 57-02-27 of the North Dakota Century Code, relating to definition of air carrier transportation property and assessment and taxation of air carrier transportation property.

Which has been read.

#### ROLL CALL

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

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

NAYS: Fritzell; Maixner

ABSENT AND NOT VOTING: Heigaard; Holmberg; Nelson; Stromme

SB 2179 passed and the title was agreed to.

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SB 2238: A BILL for an Act to amend and reenact sections 49-22-03, 49-22-04, 49-22-05.1, 49-22-06, 49-22-07.1, 49-22-07.2, 49-22-08, 49-22-08.1, 49-22-09, 49-22-10, 49-22-13, 49-22-14, 49-22-18, 49-22-22 of the North Dakota Century Code, relating to definitions, ten-year plans, inventory of exclusion and avoidance areas, letter of intent, study area, waiver of procedures, application requirements, public hearings, advisory committee, effect of issuance of certificate, rules and application fees of the Energy Conversion and Transmission Facility Siting Act; and to repeal section 49-22-01, relating to the title of the Energy Conversion and Transmission Facility Siting Act.

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 10 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Berube; Dykshoorn; Heigaard; Lashkowitz; Meyer, D.; Meyer, J.; Nelson; Redlin; Tallackson; Thane

NAYS: Adams; Barth; Christensen; David; Dotzenrod; Erickson; Fritzell; Goodman; Groberg; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Moore; Mutch; Naaden; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjelm; Streibel; Tennefos; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Bakewell; Holmberg; Stromme

SB 2238 was declared lost.

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## MOTION

SEN. GOODMAN MOVED that SB 2264 be moved to the foot of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2269: A BILL for an Act to amend and reenact subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to impoundment of number plates of persons convicted of driving while intoxicated, and issuance of DWI number plates.

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 6 YEAS, 44 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Erickson; Leibhan; Mutch; Naaden; Tennefos; Thane

NAYS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Bakewell; Holmberg; Stromme

SB 2269 was declared lost.

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SB 2312: A BILL for an Act to provide an appropriation to the North Dakota state university main experiment station for defraying the expenses of a full-time program in breeding of dry edible beans.

Which has been read.

## MOTION

SEN. LIPS MOVED that SB 2312 be laid on the table, which motion prevailed.

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SB 2366: A BILL for an Act to provide state funding for community alternatives to institutional care on behalf of elderly and disabled persons; and to provide an appropriation.

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 21 YEAS, 29 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Heigaard; Hilken; Kusler; Lashkowitz; Lee; Matchie; Meyer, D.; Satrom; Tallackson; Tennefos; Thane; Tweten; Waldera; Walsh; Wogsland

NAYS: Adams; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Kilander; Krauter; Leibhan; Lips; Lodoen; Maixner; Meyer, J.; Moore; Mutch; Naaden;

Nelson; Nething; Olson; Parker; Peterson; Redlin;  
Reiten; Stenehjelm; Streibel; Todd; Vosper; Wenstrom;  
Wright

ABSENT AND NOT VOTING: Bakewell; Holmberg; Stromme

SB 2366 was declared lost.

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SB 2388: A BILL for an Act to amend and reenact sections 28-32-19 and 65-10-01 of the North Dakota Century Code, relating to scope of and procedure on appeal from decisions of the workmen's compensation bureau.

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 23 YEAS, 26 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard;  
Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;  
Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson;  
Redlin; Satrom; Stenehjelm; Waldera; Walsh; Wenstrom;  
Wogsland

NAYS: Adams; Christensen; David; Dykshoorn; Erickson;  
Fritzell; Goodman; Kilander; Lee; Leibhan; Lips; Moore;  
Mutch; Naaden; Nelson; Nething; Parker; Peterson;  
Reiten; Streibel; Tennefos; Thane; Todd; Tweten;  
Vosper; Wright

ABSENT AND NOT VOTING: Bakewell; Holmberg; Stromme;  
Tallackson

SB 2388 was declared lost.

\*\*\*\*\*

SB 2427: A BILL for an Act to provide an appropriation for foundation aid payments to school districts; and to declare an emergency.

Which has been read.

#### MOTION

SEN. NETHING MOVED that SB 2427 be laid on the table, which motion prevailed.

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SB 2428: A BILL for an Act to create the community resources conservation agency which is responsible for the statewide administration of work experience programs; to provide an appropriation; and to declare an emergency.

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

#### MOTION

SEN. HEIGAARD MOVED that SB 2428 be amended as follows:

On page 2, line 18, delete the words "the issuance of", and after the word "rules" insert the words "adopted pursuant to chapter 28-32"

On page 6, delete lines 1 through 7 and insert in lieu thereof the following new section:

"SECTION 9. APPROPRIATION. The community resources conservation agency is authorized to receive any federal funds which may be available. The federal funds are to be administered under the provisions of this Act and are for the benefits and purposes as set forth in this Act. Any funds received by the community resources conservation agency are hereby appropriated to the community resources conservation agency for the period beginning with the effective date of this Act and ending June 30, 1985."

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. LIPS MOVED that the rules be suspended, that SB 2428 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2428: A BILL for an Act to create the community resources conservation agency which is responsible for the statewide administration of work experience programs; to provide an appropriation; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 23 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Lips; Lodoen;



Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Reiten; Satrom; Tallackson; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Leibhan; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT NOTING: Dotzenrod; Holmberg; Stromme

SB 2428 was declared lost.

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# MOTION

SEN. MAIXNER MOVED that SB 2441 be placed at the foot of the calendar, which motion prevailed.

## SECOND READING OF SENATE BILLS

SB 2470: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the designation of a portion of the Sheyenne River as scenic, recreational, and free-flowing.

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

# MOTION

SEN. WOGSLAND MOVED that SB 2470 be amended as follows:

On page 1, line 13, delete the words ", including airspace above such"

On page 1, line 14, delete the word "land,"

On page 1, line 24, delete the words "two hundred (200) in section twenty-six (26)" and insert in lieu thereof the words "forty-five located on the boundary of the northeast one-quarter of section twenty-one and the boundary of the southeast one-quarter of section sixteen"

On page 1, line 25, delete the words "one hundred forty-six (146)" and insert in lieu thereof the words "fifty-eight west", and delete the word "fifty-eight" and insert in lieu thereof the words "one hundred forty-seven"

On page 1, line 26, delete the numeral "(58)" and insert in lieu thereof the word "north"

On page 3, line 5, delete the words "one member" and insert in lieu thereof the words "two members"

On page 3, line 6, after the period insert the following sentence: "The director of the state parks and recreation department is a nonvoting member."

On page 3, line 16, delete the words "one-year" and insert in lieu thereof the words "two-year", and delete the words "two-year" and insert in lieu thereof the words "three-year"

On page 3, line 17, delete the words "one member" and insert in lieu thereof the words "two members", and delete the words "three-year" and insert in lieu thereof the words "four-year"

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. WOGSLAND MOVED that the rules be suspended, that SB 2470 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2470: A BILL for an Act to create and enact a new chapter to title 61 of the North Dakota Century Code, relating to the designation of a portion of the Sheyenne River as scenic, recreational, and free-flowing.

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 12 YEAS, 39 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Fritzell; Miller Heinrich; Hilken; Krauter; Kusler; Maixner; Meyer, D.; Meyer, J.; Tallackson; Waldera; Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Holmberg; Stromme

SB 2470 was declared lost.

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SB 2472: A BILL for an Act to provide requirements for regional planning councils to obtain state funds; and to provide an appropriation.

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 9 YEAS, 42 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Grotberg; Heigaard; Hilken; Kusler; Maixner; Redlin; Tallackson; Waldera

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Miller Heinrich; Kilander; Krauter; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Holmberg; Stromme

SB 2472 was declared lost.

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SB 2473: A BILL for an Act to create two new sections to chapter 47-16 of the North Dakota Century Code, relating to the disposal of property abandoned by a lessee and the termination of a lease agreement induced by fraudulent misrepresentations; to amend and reenact section 12.1-23-03, subsection 9 of section 12.1-23-10, and sections 32-03-28 and 47-16-13.4 of the North Dakota Century Code, relating to the criminal offense of theft of services, damages for a tenant's willful holding over, and damages for breach of a rental agreement; 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 33 YEAS, 17 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Kilander; Leibhan; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom;

Stenehjøm; Streibel; Tallackson; Tennefos; Thane; Todd;  
Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: Holmberg; Lee; Stromme

SB 2473 passed and the title was agreed to.

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SB 2476: A BILL for an Act to amend and reenact subsection 1 of section 20.1-03-05 of the North Dakota Century Code, relating to the residency requirements for obtaining fishing licenses.

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, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goodman; Holmberg; Lodoen;  
Stromme

SB 2476 passed and the title was agreed to.

\*\*\*\*\*

SB 2487: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to the registration and titling of motorboats; to amend and reenact section 20.1-13-04 and subsection 78 of section 39-01-01 relating to the definition of vehicle and the licensing of watercraft for hire; to repeal sections 20.1-13-02, 20.1-13-03, 20.1-13-06, and subsections 22 and 23 of section 20.1-03-12 of the North Dakota Century Code, relating to the operation of unlicensed motorcraft, the

licensing of motorcraft, exemptions from licensing of motorcraft, and license fees for motorcrafts and motorcrafts for hire; to provide a penalty; 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 38 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Miller Heinrich; Hilken; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Barth; Grotberg; Heigaard; Krauter; Kusler; Lashkowitz; Maixner; Meyer, D.; Meyer, J.; Peterson; Tennefos; Walsh

ABSENT AND NOT VOTING: Holmberg; Matchie; Stromme

SB 2487 passed and the title was agreed to.

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#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4029: A concurrent resolution citing the existence of certain conditions of mutual concern confronting the reservation and nonreservation residents of North Dakota, and memorializing the Congress of the United States and the President of the United States to exercise responsibility and authority in resolving them.

Which has been read.

The question being on the final passage of the resolution as amended.

SCR 4029 was declared adopted on a voice vote.

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#### MOTION

SEN. NOTHING MOVED that SB 2321 be moved to the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2321: A BILL for an Act to create and enact new subsections to section 41-09-28 of the North Dakota Century Code,

relating to protection and responsibility given buyers of goods and commission merchants selling livestock or agricultural products.

Which has been read.

MOTION

SEN. BAKEWELL MOVED that SB 2321 be amended as follows:

On page 2 of the engrossed bill, delete lines 4 through 35 and insert in lieu thereof the following:

- "4. Before a merchant who purchases or a commission merchant who sells livestock or agricultural products for another for a fee or commission, issues a check to the owner in payment for that livestock or agricultural products, the merchant shall require the seller to execute a certificate of ownership, on a form as prescribed by the commissioner of agriculture, disclosing the names of the parties to whom security interests have been given against the livestock or agricultural products or representing that no such security interests exist. The merchant shall enter the names of the security interest holders disclosed in the certificate, or otherwise known to the merchant, as payees with the seller. The certificate must include a warning to the seller that an untrue statement as to the identification of security interest holders is a class C felony if the value of the property exceeds five hundred dollars or a class A misdemeanor if the property does not exceed five hundred dollars in value.
5. A lender who relies on a security interest on livestock or agricultural products shall disclose to the borrower at the time the loan is made that the law requires the borrower to disclose to the purchasers or merchants of the encumbered property the names of the security interest holders, and that the purchasers or commission merchants are required to enter the name of the security interest holders on the check issued in payment for the livestock or agricultural products, and that failure to make that disclosure is a crime.
6. Before a lender pursues collection from the merchant, the lender shall make a good

faith effort against the borrower of funds, where livestock or agricultural products are used as collateral, for collection of any loss sustained by the lender through the transaction.

7. Any merchant who purchases, or any merchant who sells for a fee or commission for another, livestock or agricultural products from a person engaged in farming operations, and who has followed the procedures prescribed in this section, and has made inquiry of the register of deeds of the home county of the seller and the county where the property was located as to the existence of liens against the property sold when no liens are disclosed in the certificate provided for in subsection 4, and with the secretary of state, if the law provides for filing in that office, and who has obtained written verification of the disclosures obtained by such inquiry, and who does not have actual knowledge of the existence of liens against the property sold, and who maintains records of such actions to support a criminal proceeding against sellers who violate section 12.1-23-08, is relieved of liability to the lienholder for the loss sustained by the lienholder from the sale of the encumbered property, if payment is made to the seller. If the law provides for filing in the office of the secretary of state, inquiry need not be made of the register of deeds' offices after July 1, 1984, to be in compliance with this section. Certified copies of security documents filed with the register of deeds may be filed with the secretary of state. The priority of filing of a document is based on the original filing date with the register of deeds."

On page 3 of the engrossed bill, delete lines 1 through 3

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. ADAMS MOVED that the rules be suspended, that SB 2321 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2321: A BILL for an Act to create and enact new subsections to section 41-09-28 of the North Dakota Century Code, relating to protection and responsibility given buyers of goods and commission merchants selling livestock or agricultural products.

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 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Earth; Berube; Christensen; David; Dotzenrod; Erickson; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Satrom; Streibel; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Dykshoorn; Fritzell; Goodman; Lashkowitz; Matchie; Olson; Parker; Redlin; Stenehjem; Tweten; Wright

ABSENT AND NOT VOTING: Holmberg; Stromme

SB 2321 passed and the title was agreed to.

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#### MOTIONS

SEN. NOTHING MOVED that Joint Rule No. 203 be amended to read that Crossover day will be the Thirty-fourth Legislative Day instead of the Thirty-third Legislative Day, which motion prevailed.

SEN. NOTHING MOVED that SB 2173, SB 2179, SB 2321, and SB 2373 be reprinted, which motion prevailed.

#### REQUEST

SEN. MOORE REQUESTED the unanimous consent of the Senate to withdraw SB 2451. There being no objection, it was so ordered by the President.

#### 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: Monday, February 21, is an official state holiday in recognition of George Washington's birthday, and legislative assembly employees will be paid for that day, the same as any other state employee. The Legislative Assembly will also be in



recess on Tuesday, February 22. In recognition of the uncompensated overtime which all of our employees have put in since the beginning of this session, legislative employees will also be paid for that date.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Krauter and Rep. O'Shea introduced:

SCR 4044: A concurrent resolution directing the Legislative Council to study the feasibility of constructing apartment facilities on or near the Capitol grounds to be occupied and rented by legislators during Legislative Assembly sessions and to determine alternative uses for those facilities during those periods when the Legislative Assembly is not in session.

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

Sen. J. Meyer introduced:

SCR 4045: A concurrent resolution directing the Legislative Council to study whether wheel flaps should be required on certain vehicles.

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

Sens. Goodman, Wright, Adams and Reps. Hughes, A. Olson, Timm introduced:

SCR 4046: A concurrent resolution directing the Legislative Council to study assessment and taxation of property and levy limitations imposed on political subdivisions.

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

Sens. Maixner, Streibel introduced:

SCR 4047: A concurrent resolution directing the Legislative Council to study the legislative process with emphasis on the use of time during legislative sessions and during the interim between sessions.

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

Sens. Maixner, Vosper, Naaden and Reps. Nicholas, Mertens introduced:

SCR 4048: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of discontinuing state participation under Federal Order No. 68 for the Upper Midwest area.

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

Sens. Moore, Erickson, Nelson introduced:

SCR 4049: A concurrent resolution directing the Legislative Council to study the feasibility of replacing the current system of distributing state aid to school districts under the foundation program with a classroom unit system.

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

Sen. Satrom introduced:

SCR 4050: A concurrent resolution directing the Legislative Council to study the investment, lending, and bonding programs of the Industrial Commission of North Dakota, Bank of North Dakota, State Department of Agriculture, Economic Development Commission, Board of University and School Lands, State Investment Board, and other appropriate agencies.

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

#### FIRST READING OF HOUSE BILLS

HB 1008: A BILL for an Act making an appropriation for defraying the expenses of the division of independent study of the state of North Dakota.

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

HB 1011: A BILL for an Act making an appropriation for defraying the expenses of the council on the arts of the state of North Dakota.

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

HB 1013: A BILL for an Act creating a native American alcohol and drug abuse education program and making an appropriation for defraying the expenses of the Indian affairs commission of the state of North Dakota.

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

HB 1014: A BILL for an Act making an appropriation for defraying the expenses of the department of veterans' affairs of the state of North Dakota.

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

HB 1015: A BILL for an Act making an appropriation for defraying the expenses of the state laboratories department of the state of North Dakota.

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

HB 1020: A BILL for an Act making appropriation for defraying the expenses of the predatory animal control of the state of North Dakota.

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

HB 1032: A BILL for an Act making an appropriation for defraying the expenses of the commissioner of university and school lands of the state of North Dakota.

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

HB 1035: A BILL for an Act making an appropriation for defraying the administrative costs of the teachers' fund for retirement of the state of North Dakota.

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

HB 1063: A BILL for an Act to provide for payments by the state to counties of a per-day inmate housing cost for persons incarcerated pending trial in or upon sentence from district court; and to provide an appropriation.

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

HB 1067: A BILL for an Act to amend and reenact sections 39-03.1-09 and 39-03.1-10 of the North Dakota Century Code, relating to contributions by the state of North Dakota and members of the highway patrol to the highway patrolmen's retirement system.

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

HB 1379: A BILL for an Act to create and enact a new subsection to section 39-06-14 of the North Dakota Century Code, relating to permits to operate motorized bicycles; to amend and reenact subsections 2, 34, and 36 of section 39-01-01, subsection 3 of section 39-06-14, and sections 39-10.2-01 and 39-28-01 of the North Dakota Century Code, relating to the definitions of bicycle, motor vehicle, and motorized bicycle, to application of traffic laws to persons operating motorcycles and motorized bicycles, and to additional fees for motorized bicycle and motorcycle registration for purposes of motorcycle safety education; and to repeal section 39-10.1-07.1 of the North Dakota Century Code, relating to minimum age requirements for operators of motorized bicycles.

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

HB 1383: A BILL for an Act to create and enact a new section to chapter 16.1-06 of the North Dakota Century Code, relating to the use of electronic counting machines; and to amend and reenact sections 16.1-06-04, 16.1-13-23, 16.1-15-08, 16.1-15-09, and 16.1-15-10 of the North Dakota Century Code, relating to the form and handling of the ballot and the canvassing of votes.

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

HB 1387: A BILL for an Act to create and enact a new chapter to title 27 of the North Dakota Century Code, relating to vacancies in the office of judge of county court and to a judicial nominating committee; and to amend and reenact

sections 27-07.1-03 and 44-02-04 of the North Dakota Century Code, relating to vacancies in the office of judge of the county court.

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

HB 1413: A BILL for an Act to amend and reenact section 18-11-03 of the North Dakota Century Code, relating to the definition of "fireman".

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

HB 1426: A BILL for an Act to provide for the revocation of charters for investment trust companies formed under chapter 6-11 and the appointment of a receiver to liquidate and distribute the assets of such investment trust companies; and to repeal chapter 6-11 of the North Dakota Century Code, relating to investment trust companies; and to declare an emergency.

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

HB 1431: A BILL for an Act to create and enact a new section to chapter 24-17 of the North Dakota Century Code, relating to ratifying the agreement between the highway corridor board and the secretary of transportation; to amend and reenact sections 24-17-02, 24-17-03, 24-17-05, 24-17-09, 24-17-10, 24-17-11, 24-17-12, and 24-17-15 of the North Dakota Century Code, relating to the regulation of outdoor advertising and transferring the duties of the highway corridor board to the highway commissioner; and to repeal sections 24-17-04, 24-17-06, 24-17-07, and 24-17-08 of the North Dakota Century Code, relating to the duties and authority of the highway corridor board.

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

HB 1443: A BILL for an Act to amend and reenact section 57-35-04 of the North Dakota Century Code, relating to deduction of charitable contributions from the tax on banks and trust companies; and to provide an effective date.

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

HB 1469: A BILL for an Act to amend and reenact section 25-13-02 of the North Dakota Century Code, relating to the admittance to public places of blind and physically handicapped persons who are accompanied by a guide or service dog.

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

HB 1533: A BILL for an Act to create and enact a new section to chapter 38-08.1 of the North Dakota Century Code, relating to the plugging requirements for drill holes; and to amend

and reenact section 38-08.1-06 of the North Dakota Century Code, relating to the duty of seismic company to plug exploration seismic drill holes.

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

HB 1551: A BILL for an Act to amend and reenact subsection 1 of section 6-09.7-02 of the North Dakota Century Code, relating to the fuel production facility loan guarantee program.

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

HB 1563: A BILL for an Act to create and enact a new section to chapter 10-06 of the North Dakota Century Code, providing a surface coal mining exception.

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

HB 1571: A BILL for an Act to create and enact a new section to chapter 11-28.3 of the North Dakota Century Code, allowing townships to pay ambulance service levy revenue directly to ambulance service organizations.

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

HB 1573: A BILL for an Act to amend and reenact section 21-06-10 of the North Dakota Century Code, relating to leasing of federal lands for water control.

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

HB 1584: A BILL for an Act to provide for notice to water resource districts whenever a county or township plans to engage in construction activities involving bridges, culverts, or drains.

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

HB 1598: A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices given for public meetings and telephone conference call meetings.

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

HB 1606: A BILL for an Act to amend and reenact section 31-01-16.2 of the North Dakota Century Code, relating to compensation of municipal court witnesses.

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

HB 1608: A BILL for an Act to create and enact a new section to chapter 57-15 of the North Dakota Century Code, relating to

a city mill levy for the transportation of public school students.

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

HB 1624: A BILL for an Act to amend and reenact sections 23-17.1-01, 23-17.1-02, 23-17.1-03, 23-17.1-04, 23-17.1-05, 23-17.1-06, and 23-17.1-07 of the North Dakota Century Code, relating to licensing addiction hospitals.

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

HB 1645: A BILL for an Act to create and enact three new subsections to section 55-10-08, relating to the acquisition of state historic sites and historic easements with respect thereto; and to amend and reenact subsection 8 of section 40-58-20 and section 47-05-02 of the North Dakota Century Code, relating to the expenditure of public funds including the proceeds of municipal bonds and tax increments to finance in whole or in part the restoration, reconstruction, and improvement of such sites and buildings and structures thereon; and declaring an emergency.

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

HB 1661: A BILL for an Act to amend and reenact section 23-14-04 of the North Dakota Century Code, relating to compensation for members of a district board of health.

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

HB 1666: A BILL for an Act to amend and reenact section 39-06.1-11 of the North Dakota Century Code, relating to a temporary restricted license.

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

HB 1705: A BILL for an Act to amend and reenact sections 39-12-02, 39-12-14, and 39-12-20 of the North Dakota Century Code, relating to authority to increase weight limits on state and local highways, issuance of overweight permits, disposition of permit fees, and procedure regarding vehicles found in violation of weight limits.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3013: A concurrent resolution authorizing television and radio coverage of the activities of the Forty-eighth Legislative Assembly and future assemblies; and providing for the preparation of guidelines for television and radio coverage by the Legislative Council or its designee.

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

HCR 3017: A concurrent resolution urging the President and Congress of the United States to cease charging interest to farmers participating in the grain reserve program.

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

HCR 3019: A concurrent resolution urging Congress to adopt federal tax incentives similar to those available in North Dakota to assist beginning farmers.

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

HCR 3020: A concurrent resolution urging the United States Secretary of Agriculture to place a moratorium during 1983 on Farmers Home Administration farm foreclosure actions.

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

HCR 3027: A concurrent resolution urging Congress to remove the time limitations for veterans to use their education benefits under the G.I. bill.

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

HCR 3041: A concurrent resolution directing the Legislative Council to conduct a study to examine technological possibilities and methods for improved landfill management and the potential for agricultural and other uses for municipal wastes.

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

#### MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Ninth order of business, the Thirteenth order of business, and after the reading of HB 1040, HB 1090, HB 1115, HB 1139, HB 1140, HB 1141, HB 1213, HB 1215, HB 1216, HB 1223, HB 1261, HB 1268, HB 1281, HB 1298, HB 1309, HB 1314, HB 1392, HB 1444, HB 1452, HB 1472, HB 1530, and SCR 4038 the Senate adjourn and convene at 12:30 p.m., Friday, February 18, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary