

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

\* \* \* \* \*

FORTY-SEVENTH DAY

Bismarck, March 11, 1983

The Senate convened at 12:30 p.m., with President Sands presiding.

The prayer was offered by Rev. Art Wesley, Calvary United Methodist Church, Bismarck.

Almighty God, our Father, we give Thee grateful praise for the privilege of life that You give us. May we put each day that is ours to good use.

We ask Thy divine blessings upon these men and women whose responsibility it is to make the laws that govern the fine people of North Dakota. Give wisdom and skill, understanding and compassion to each member of this legislative body, so that they may not only seek, but find Thy will in the matters that face them. You, O God, and the people of North Dakota have put them in this place of responsibility and leadership with a great sense of honest expectancy. We believe that some of the greatest minds and the finest people of our state are in this group, but the problems they face must often demand more than just human ability and skill, so we pray that Thy Spirit will guide them and show them the best possible solutions to our hardest problems.

Give them the courage and the wisdom they need to meet the demands of each day, so that after this session is over and each person returns to his or her home and their people, they may be able to face God and the world with the feeling that they have done their best. We give this prayer in the name of the Father and the Son, and the Holy Spirit. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Christensen, Goodman, Moore, Nething, Redlin, Thane, and Todd.

Senators Todd and Moore are attending a low-level waste seminar in Minneapolis sponsored by the Council of State Governments and National Conference of State Legislatures.

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

SEN. TWETEN, Chairman

SEN. DAVID 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:

SCR 4055

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1039, HB 1153, HB 1222, HB 1378, HB 1383, HB 1413,  
HB 1419, HB 1522, HB 1584, HB 1606, HB 1632, HB 1650,  
HB 1686, HCR 3009, HCR 3023, HCR 3041, HCR 3042

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1315, HB 1374, HB 1466, HB 1533, HB 1534, HB 1559

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1327, HB 1372, HB 1397, HB 1399, HB 1588, HB 1707

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1237, HB 1264, HB 1402, HB 1455

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,  
SB 2301, SB 2449, SCR 4014, SCR 4015, SCR 4019

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:

SCR 4009

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2073, SB 2295, SB 2316, and SB 2350 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2073

On page 1 of the engrossed bill, line 1, after the word "enact" insert the words "two new sections to title 15 and"

On page 1 of the engrossed bill, line 3, after the word "education" insert the words "or in the alternative the board of postsecondary education"

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

"SECTION 2. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

State board of postsecondary education - Administration and control over junior colleges and off-campus educational center. The state board of postsecondary education shall have the control and administration over the following junior colleges and off-campus educational center: Bismarck junior college, Lake Region community college, and the university of North Dakota-Williston center."

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

"SECTION 4. If Senate Concurrent Resolution No. 4002 is approved by the electors of this state at the primary election in 1984, a new section to title 15 of the North Dakota Century Code is hereby created and enacted to read as follows:

Board of postsecondary education to assume jurisdiction over junior colleges and off-campus educational centers. The state board of postsecondary education shall assume jurisdiction over each junior college that was established under chapter 15-18 and in existence on January 1, 1983, and over each off-campus educational center that was established under section 15-18-04.1 and in existence on January 1, 1983. Prior to assuming jurisdiction over junior colleges and educational centers, however, the board shall conduct negotiations with the governing bodies of these institutions to arrive at terms for the transfer of the institutions' real property and other assets to the state. The board shall not assume any operational debts of an institution described in this section until there has been a transfer to the state of the institution's real property and other assets."

- On page 3 of the engrossed bill, line 13, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 4 of the engrossed bill, line 19, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 5 of the engrossed bill, line 23, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 6 of the engrossed bill, line 28, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 9 of the engrossed bill, line 8, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 9 of the engrossed bill, line 26, delete the words "December 31" and insert in lieu thereof the words "June 30"
- On page 10 of the engrossed bill, line 19, delete the words "December 31" and insert in lieu thereof the words "June 30"

On page 10 of the engrossed bill, line 22, delete the words "December 31" and insert in lieu thereof the words "June 30"

On page 10 of the engrossed bill, after line 22, insert the following new section:

"SECTION 14. If Senate Concurrent Resolution No. 4002 is not approved by the electors of this state at the primary election in 1984, the following section is hereby created and enacted to read as follows:

LEGISLATIVE INTENT. It is the intent of the legislative assembly that the state board for vocational education continue to provide state supervision for vocational and technical course offerings approved and funded by the board for vocational education and offered at junior colleges and off-campus educational centers."

And renumber the lines, sections, and pages accordingly

#### HOUSE AMENDMENTS TO SB 2295

On page 1 of the engrossed bill, line 1, delete the word "a" and insert in lieu thereof the word "two", and delete the word "subsection" and insert in lieu thereof the word "subsections"

On page 1 of the engrossed bill, line 2, delete the words "an exemption" and insert in lieu thereof the word "exemptions"

On page 1 of the engrossed bill, line 3, after the second word "property" insert the words "and condominiums and townhouses"

On page 1 of the engrossed bill, line 4, delete the word "meets" and insert in lieu thereof the word "meet"

On page 1 of the engrossed bill, line 23, after the word "property" insert the words ", provided that person resides in the property"

On page 1 of the engrossed bill, after line 23, insert the following:

"For purposes of this subsection "single family residential property" does not include condominium or townhouse property.

SECTION 2. A new subsection to section 57-02-08 of the 1981 Supplement to the North Dakota

Century Code is hereby created and enacted to read as follows:

All new condominium and townhouse residential property, exclusive of the land on which it is situated, shall be exempt from taxation for the two taxable years subsequent to the taxable year in which construction is begun if all of the following conditions are met:

- a. The governing body of the city, for property within city limits, or the governing body of the county, for property outside city limits has approved the exemption of the property by resolution.
- b. Special assessments on the property upon which the condominium or townhouse is situated are not delinquent.
- c. The first owner, after the builder, who resides in the condominium or townhouse unit still owns the property."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SB 2316

On page 1, line 14, after the word "interest" insert the words "or if he makes false statements at the time of sale as to the existence of security interests or as to the ownership or location of such property in the certificate provided for under section 41-09-28"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2350

On page 1 of the engrossed bill, line 3, after the word "benefits" and before the period insert the words "; and to declare an emergency"

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

On page 1 of the engrossed bill, line 17, delete the word "thirty" and insert in lieu thereof the word "fifty"

On page 1 of the engrossed bill, after line 21, insert the following new section:

"SECTION 2. 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 accordingly

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### MOTIONS

SEN. REITEN MOVED that SB 2493 and SB 2494 be returned to the Senate floor from the Committee on Industry, Business, and Labor, which motion prevailed.

SEN. REITEN MOVED that SB 2493 and SB 2494 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

SEN. HOLMBERG MOVED that HB 1696 be returned to the Senate floor from the Committee on Political Subdivisions, which motion prevailed.

SEN. HOLMBERG MOVED that HB 1696 be rereferred to the Committee on Judiciary, which motion prevailed.

#### MOTIONS

SEN. HOLMBERG MOVED that the Senate reconsider the action whereby a conference committee was appointed on SB 2432, which motion prevailed.

SEN. HOLMBERG MOVED that the Conference Committee on SB 2432 be dissolved, which motion prevailed.

#### CONSIDERATION OF MESSAGE FROM HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2432 as printed on page 1276 of the Senate Journal, which motion prevailed.

#### MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2432 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2432: A BILL for an Act to amend and reenact section 43-19.1-28 of the North Dakota Century Code, relating to when the state and its political subdivisions must employ a professional engineer for construction of public works.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 45 YEAS, 0 NAYS, 8 ABSENT AND NOT VOTING.

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

Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen; Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd

SB 2432 passed and the title was agreed to.

\*\*\*\*\*

#### POINT OF PERSONAL PRIVILEGE

SEN. LASHKOWITZ: Mr. President: I rise on a point of personal privilege and request my remarks be printed in the Journal.

Mr. President, members of the Senate: One week has passed since I reported to this assembly that we must address the concerns raised by the flood of calls and letters from frightened and worried citizens across North Dakota in response to the now famous Blue Cross letter of March 2, 1983. These concerns were that the people of North Dakota were going to pay additional medical costs or insurance premiums arising out of proposed tax measure known as Senate Bill No. 2494, which was introduced in response to a recent court decision.

In the last week, I have proposed a series of four amendments to Senate Bill No. 2494 designed to prevent alleged regressive aspects of the tax measure. These amendments provide:

1. A rate restriction process requiring public hearings in every county in the state in which Blue Cross subscribers reside. This amendment would prevent automatic or interim rate increases and prevent any rate increase unless the Insurance Commissioner so orders after the public hearing process that may be based only that an "extreme economic emergency exists directly affecting the solvency of the filer."

The Insurance Commissioner's ruling on the rate increase request could be appealed to the district court.

2. The power of subpoena of relevant Blue Cross records in such hearings.
3. The right of examination of the financial status of Blue Cross and its classification of surplus reserves and the allocation of resources thereto.

4. An amendment providing for an escalation or deescalation clause that could adjust the proposed tax in a range from two percent to one percent--or in affecting a reduction of at least fifty percent of any proposed tax.

In the meantime, the majority leader of the Senate has been working on another set of proposed amendments and changes.

Yet--the torrent of anxious messages continue to pour in from across the state--with thousands of North Dakotans actually living in fear and making some people actually ill by the ruthless Blue Cross campaign of misrepresentation.

Permit me to share with you briefly a few significant facts and figures on file in this Capitol:

Blue Cross Grant Total Income in 1982 . . . . .	\$ 99,887,007
Total Claims Paid Same Period . . . . .	\$ 94,575,474
Blue Shield Grand Total Income . . . . .	\$ 68,414,312
Total Claims Paid Same Period . . . . .	\$ 57,523,045
TOTAL ASSETS AS OF 12-31-82 . . . . .	\$ 30,949,008
Buildings and Building Improvements, less accumulated depreciation	\$ 6,433,044
Investments	\$ 21,331,852
Reserves for contingencies . . . . .	\$ 13,925,462

These figures are on file in the Capitol, Ladies and Gentlemen.

It might also be interesting to know that Blue Cross's lobbying efforts in this session will cost their subscribers anywhere from a starting minimum of \$35,000 ranging up to an estimated \$150,000.

The assessed value on file in the office of the city assessor of the city of Fargo discloses that the appraised valuation of the property just referred to a little earlier is \$9,926,100, or over fifty percent greater than the files in the state capitol reveal concerning such valuation. In other words, the assessed valuation on file in the city assessor's office in the city of Fargo is fifty percent greater than those that are placed on file in the office upstairs.

It is also interesting to note that the president of Blue Cross had a budget item of \$401,606 for 1982.

Now, I would like to propose a bipartisan agenda for the closing weeks of this session in order to provide answers to specific concerns affecting the survival and well-being of the people of North Dakota.

1. A revenue program replacing Senate Bill No. 2494 with another bill reflecting a bipartisan consensus designed to recapture the losses sustained in the recent Metropolitan Life Insurance Company case which has a minimum price tag to the state of North Dakota of eleven million dollars. This revenue program would include such safeguards as I have already outlined.
2. A bipartisan appeal to the health care providers in North Dakota to contain, freeze, or even reduce the charges to the people of North Dakota. I suggest immediate negotiations between our governmental leaders in North Dakota and the health care providers to affect a freeze or possibly a rollback in medical and hospital costs, and I would add at this point, each one of us knows many, many people that are reluctant to go to hospitals, reluctant to visit the doctor, and postpone and defer almost to the point of fatality having necessary surgery because they are proud people, and they don't like to go into debt.
3. A bipartisan appeal to the North Dakota court system leadership and the North Dakota Bar Association to contain or roll back the costs of legal services in North Dakota, and I think everybody in this assembly has been stunned and heartbroken at the costs of legal expenses to the state. Sincere people on both sides of issues will bear to that one.
4. A bipartisan effort to fight unemployment and provide a North Dakota employment program working with local groups and entities to provide incentives for job opportunities and the creation of jobs, embracing the concept of Senate Bill No. 2428 defeated earlier in the session in the Senate.
5. That the legislative assembly be advised immediately concerning available alternatives that must be pursued to protect the state against massive and expensive court decisions.

I call upon the Attorney General of North Dakota to make a full report to this legislature as to whether or not his office is presently structured and able to handle these blockbuster lawsuits that the state has been losing in the last year.

Are there more lawsuits imminent, and can the Attorney General's office, as structured, handle these cases without the state taking repeated, costly, expensive losses?

This assembly must be advised and advised soon concerning these possible alternatives facing the state:

- a. An appeal by the state of North Dakota of its loss in the recent insurance case which involves a price tag, let's remember, of eleven million dollars.
- b. An appeal by the plaintiff, that is the insurance company, seeking to obtain up to a possible fifty million dollars of past tax payments under the challenged statute.
- c. The establishment of a mediation panel to seek a final and complete settlement of the lawsuit. Let's remember, Ladies and Gentlemen, this matter can still be appealed by both sides, and the price tag ranges from eleven million dollars up to possibly fifty million.
- d. I'm calling for a summit meeting with the insurance industry leadership and government leaders seeking to arrive at a fair revenue program that will meet the constitutional test of equal protection under the laws and avoiding another possible court challenge.

I would say, by way of conclusion, I have found, Ladies and Gentlemen of the Senate, that by and large the insurance industry wants to cooperate, is aware of our dilemma and our difficulties, and is anxious to seek with us a solution to the problems facing this state. My remarks are addressed to those who have unleashed an unparalleled campaign to make life miserable for the people back home, an experience that I can't find words to express my resentment towards those tactics. So Ladies and Gentlemen of the Senate, I propose this agenda very seriously. It involves for the most part negotiations and discussions in an effort to resolve things, hopefully without litigation, but in the event such negotiations and discussions are not possible, then I ask this assembly to work out legislation on a bipartisan basis. Thank you, Mr. President.

#### RECOGNITION

SEN. NELSON MOVED that a committee of two be appointed to escort Honorable Byron Dorgan, to the rostrum. The motion prevailed and President Sands appointed as such committee, Senators Matchie and Satrom.

Congressman Dorgan was escorted to the rostrum and addressed the Assembly.

#### MOTION

SEN. NELSON MOVED that the remarks of Congressman Dorgan be printed in the Journal, which motion prevailed.

REMARKS OF  
CONGRESSMAN BYRON DORGAN

Lieutenant Governor, Senators, Ladies and Gentlemen: It's a pleasure to be invited to spend a few minutes with you today. I know that Senator Andrews has had a chance to visit with you about what's happening in Washington, and I was asked to visit for a few minutes about the state of things in Washington, D.C.

I understand that you well know our difficulties in Washington: our deficits, taxes, very much the same kinds of things that you are dealing with here in the state legislature.

I sometimes feel, when I come to the legislature, very much like I felt in Fargo when I spoke before a service club one morning. I felt I might have difficulty speaking to this service club because of philosophical differences. And the minister confirmed my feelings when, during his prayer, he asked God to give those present the opportunity to listen to Congressman Dorgan's message with an open mind. It worked out alright. I think all of us have pretty open minds in North Dakota.

The political system that we work in and live in is a system that I am very proud of. I spent, as you know, over eleven years working in this building in state government with many of you, on the very same problems that you are now working on. It was a real honor to have done that.

Republicans and Democrats have significant philosophical differences on issues, but are all working, in most cases, toward exactly the same end. That is to do the very best job they can for the people of North Dakota. I am proud of the way both sides of the political aisle work, here in the Senate and over in the House, and in state government in general. I think it's a good government.

Your leaders, I understand, have gone to Washington, D.C., the land of opportunity. It's a land, they say, where almost anyone can get rich quick. They say there are even people in Washington who have very limited vocabulary, who make fortunes. Some of them know only three words: "stick 'em up."

Washington, D.C., has its own problems, not just on the streets but also in the U.S. Congress. What I'd like to talk about today, just for a minute, is the economy, the farm situation, the number of the bills that we have been dealing with in the House. Let me begin by mentioning that the economy now shows some signs of recovery. I think all of us hope that those are signs of a lasting recovery and a strong recovery.

The shortfall in revenue that you are dealing with here in state government, and the deficits we're dealing with at the federal level, stem not only from spending and taxing habits, but also from a deep and very long recession. In fact if you measure the economy of this country today and compare it with the economy of

the first quarter of 1979, four years ago, the gross national product of America is in exactly the same position today as it was four years ago. We've made no progress at all in four years and in a dynamic world economy, when things are changing rapidly, we cannot afford to languish for four years with an economy that doesn't grow. We desperately need economic growth.

The question of whether the economy will recover in a strong and lasting way, I think, rests largely with our ability to put together a fiscal policy and a monetary policy that works. We have to bring interest rates down, and in order to do that, we have to bring federal deficits down.

I want to tell you this. If you eliminate some things from the federal deficit, if you eliminate defense spending because that is increasing; if you eliminate Social Security spending because that is increasing, (more people are retiring and it's increasing the Social Security burden); eliminate Medicaid and Medicare because hospital and doctor costs are increasing; eliminate interest on the debt because the interest rate has driven that up; if you eliminate those components of the federal spending dollar, all other portions of federal spending have decreased from their 1981 level.

It's a pretty significant thing to understand. We have cut federal spending in many areas well below its previous level. The President has recommended it and Congress has enacted it. We're trying to get a handle on federal spending.

The estimated federal deficit for this year is 208 billion dollars. The estimated federal deficit for next year is 189 billion dollars. Prior to last year, the highest federal deficit in the history of America was 66 billion dollars in 1976.

We have to get a handle on federal deficits. That means we have to change our spending and taxing policies. I think we'll begin to do that with a moderate buildup in defense, perhaps limiting the third year of the tax cut, and a number of things combined to bring the deficit down so that interest rates will come down and stay down. That way we can have a long and lasting economic recovery.

I think you can expect there will be more spending cuts that affect moneys that state governments get from the federal government. I just think that's the pressure that's there and you can expect, as we go down the road in the 1980's, there will be less and less money from the federal government coming through the pipeline, and that state governments will have to be raising more and more of their own money.

I'd like to mention the farm situation for just a minute because all of us in this room understand that the fortunes of agriculture largely determine the economic fortunes of North Dakota.

We passed in Congress a tax provision that eliminates a substantial penalty that would have been imposed by the IRS on the PIK program. The bill eliminates a tax disincentive. The PIK program is now in place. We have pinned our hopes on the PIK program. It's the only thing here at this point to promote economic recovery in agriculture.

I want to give every possible opportunity for the payment-in-kind farm program to work. We've had a deep and long troublesome period in agriculture. In real dollars, farm income is somewhere at its 1930's levels. We're having a lot of difficulty, as you know, with farm auction sales. Good, young farmers can't stay on the farm because they don't have the resources, and there's not enough credit to go around. I hope that the PIK program will give us a chance to reduce those grain stocks and give us the opportunity to see a price increase for grain sometime within the next year.

If that happens, we will see a healthier and stronger economy, particularly in North Dakota in the coming biennium.

I would like to mention one other thing and that is the issue of natural gas pricing. The President has called for decontrol of the price of natural gas. I think we need to do some bold and dramatic things in state and federal legislatures to deal with the price problem of natural gas. We do not have a free market in natural gas pricing. It just doesn't exist. All of you know, particularly at the retail level, if you don't like the price your natural gas supplier charges, you're not going to be able to call somebody else and get another hookup. It's just an unusual distribution system, and at the same time the demand is falling because of a United States recession, the demand for natural gas is falling, supplies are increasing, and prices are increasing as well. So, things are out of kilter. That's not the way economics works. It's not the way it works in theory. It's not the way it should work in practice. What we need to do is make some changes in the pricing of natural gas.

I agree with the President that we ought to avoid take-or-pay contracts. I don't agree that we ought to decontrol the price immediately of all old gas. That will result somewhere in a 40 to 60 billion dollars increase in the price of natural gas to consumers. I believe we should roll back natural gas prices to January 1, 1982 levels, provide for a gradual decontrol, void the take-or-pay contracts, make the market sensitive in a way that we decontrol the price of natural gas, and at the same time make the market sensitive and the price sensitive to changes in market demand. I think it's critical that we make some changes for people in this state who use natural gas to heat homes.

We've been fortunate to have a very mild winter. But even so, this is a time in which cheaper gas is available, but our utility companies are still forced to buy more expensive gas and pass

that cost on to consumers, who then see a 25 percent increase in their gas bills.

It's time for us to take some bold and dramatic action to change that. We're trying to do some of that in Congress, working with some of the President's suggestions, probably rejecting other parts of his suggestions. I hope that you do the same here in the state legislature to see if we can't turn this thing around.

I think that the nature of politics in this country is that we tend to talk about what doesn't work and about how we ought to be fixing things. That's probably just the way we are, very self critical at times. But I think it's important for all of us to understand that there are very few states in this country that have the desirability that this state has for people to live in, and there are no countries in the world that are as desirable to live in as this country is.

Everybody says, and it's true, "There ain't nobody that wants to leave and everybody wants to come to this country", for one good reason. People risk their lives coming to this country for a good reason. It's the best place in the world to be and we preserve that goodness in our governmental process. We do it at the city level, we do it at the county level, we do it in state legislatures all across the country and we do it in the U.S. Congress. We make a lot of mistakes, and you are all subject to a lot of criticism. But I'm extraordinarily proud of the progress this country has made in a couple of hundred years and I'm proud of the progress we've made in the last ten, and even the last two, despite the mistakes and despite the troubles.

The other day I was reading something by Abraham Lincoln. He wrote something that is useful for all of you and for those of us who serve in the United States Congress as well. I know that you've got enormous pressures on you to do what's right and to do some very tough things in this legislative session. You have to increase taxes and in some areas you have to cut spending, and, boy, that's not a very popular thing for politicians to have to do. But you do the right thing, and here's what Abraham Lincoln said about the criticism that you sometimes get for making tough decisions. He said, "If I were to try to read, much less answer all of the attacks on me, this shop might as well be closed for other business. I do the very best I know how, the very best I can, and I mean to keep doing so until the end. And, if the end brings me out all right, what's said against me won't amount to a thing. And, if the end brings me out wrong, ten angels swearing I was right wouldn't make a bit of difference."

I think that's something important to remember as you face some extraordinarily tough times, having to cast some tough votes. We're doing exactly the same thing in Congress.

The Social Security bill passed on Wednesday night, a 165 billion dollar tax increase. It has something in it that almost

everybody doesn't like, but it was the right thing to do, it was the necessary thing to do to make sure that America's elderly understand Social Security is a promise this country intends to keep.

So, we're trying to do some tough things and do them the right way. I think that you're trying to do that in the state legislature. As much as many of us have disagreed over the years on issues, we at other times have agreed and I've been enormously proud of this process, especially proud of being a North Dakotan.

Earl Strinden and I, particularly, as many of you remember, in committee hearings and various places used to have verbal combat on the severance tax issue. Many people said both of us were unarmed in that combat. I disagreed with that. I think that we had many interesting and stimulating debates on energy policy and you're doing exactly the same thing today, and we're trying to do the same thing in the United States Congress. I think that represents the very best of democracy.

I want, as Senator Andrews invited you to do, to ask you to call on us, Senator Burdick, Senator Andrews, and me any time that you need help with any agency in Washington. I receive the resolutions you pass and I pass them on to the appropriate people, and am mindful of the kind things that you are doing.

Thank you very much for the good job you're doing on behalf of all the citizens of North Dakota.

#### CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to HB 1432 as recommended by the Committee on Judiciary as printed on page 1392 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1479 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1392 and 1393 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1656 as recommended by the Committee on Industry, Business, and Labor as printed on page 1394 of the Senate Journal be adopted, which motion prevailed. HB 1656 has committee recommendation of DO NOT PASS.

SEN. CHRISTENSEN MOVED that the amendments to HB 1688 as recommended by the Committee on Judiciary as printed on page 1395 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1693 as recommended by the Committee on Industry, Business, and Labor as printed on page 1395 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to HB 1706 as recommended by the Committee on Natural Resources as printed on pages 1395 and 1396 of the Senate Journal be adopted, which motion prevailed. HB 1706 has committee recommendation of DO NOT PASS.

SEN. REITEN MOVED that the amendments to HCR 3084 as recommended by the Committee on Industry, Business, and Labor as printed on page 1368 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SCR 4053 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SCR 4053 was placed on the Eleventh 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 1057 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HB 1057 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 1060 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1060 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 1133 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1133 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 1425 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1425 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 1474 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, insert a period after the word "subdivision" and delete the words ", or a person chosen by the elected officer to"

On page 1, delete lines 21 and 22

On page 2, line 4, delete the word "nor" and insert in lieu thereof the word "or"

On page 2, line 9, delete the word "may" and insert in lieu thereof the word "shall" and delete the words "any person, agency," and insert in lieu thereof the words "their respective agency head, a state's attorney, the attorney general's office"

On page 2, line 10, after the word "or" insert the words "an employee"

On page 2, line 26, delete the word "knowingly" and insert in lieu thereof the word "intentionally" and delete the word "may" and insert in lieu thereof the word "shall"

On page 2, line 32, after the numerals "28-32" insert the words ", or to other appropriate offices and the district court if the employee is not under the jurisdiction of the state personnel board"

On page 2, line 33, after the second comma insert the word "organization,"

On page 2, line 34, delete the word "may" and insert in lieu thereof the word "shall"

On page 3, line 9, delete the word "Coerce" and insert in lieu thereof the word "Require"

On page 3, line 10, after the word "purpose" insert the following words ", except for participation in the employees retirement plan"

On page 3, line 23, delete the second "A" and insert in lieu thereof "B"

And renumber the lines and pages accordingly

SEN. DYKSHOORN, Vice Chairman

HB 1474 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1585 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

On page 3, delete lines 5 through 9

And renumber the lines accordingly

SEN. GOODMAN, Chairman

HB 1585 was placed on the Sixth 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 1601 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1601 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 1641 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. VOSPER, Chairman

HB 1641 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 1657 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. HOLMBERG, Chairman

HB 1657 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 1683 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1683 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 HCR 3027 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3027 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 HCR 3035 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3035 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 HCR 3043 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3043 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 HCR 3045 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HCR 3045 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 HCR 3046 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HCR 3046 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 HCR 3049 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HCR 3049 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 HCR 3051 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HCR 3051 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 HCR 3058 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

HCR 3058 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 HCR 3059 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HCR 3059 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 HCR 3060 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HCR 3060 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 HCR 3061 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HCR 3061 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 HCR 3064 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HCR 3064 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 HCR 3074 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

HCR 3074 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 HCR 3081 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

HCR 3081 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

## MOTION

SEN. LEE MOVED that HB 1103 be laid over one legislative day, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1198: A BILL for an Act to create and enact two new sections to chapter 38-08 of the North Dakota Century Code, relating to the authority of the industrial commission to make contracts for the plugging or replugging of oil and gas wells and the reclamation of abandoned oil and gas well sites and establish a fund from fees collected to be used for purposes of contracting for plugging or replugging oil and gas wells and the reclamation of abandoned oil and gas well sites; to amend and reenact subdivision a of subsection 2 of section 38-08-04 of the North Dakota Century Code, relating to the power of the industrial commission to require the restoration of drilling and production sites; 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, the roll was called and there were 46 YEAS, 0 NAYS, 7 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd

HB 1198 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

## MOTION

SEN. MUTCH MOVED that HB 1319 be laid over one legislative day, which motion prevailed.

## SECOND READING OF HOUSE BILLS

HB 1199: A BILL for an Act to amend and reenact section 38-08-09.5 of the North Dakota Century Code, relating to ratification of unit agreements.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 0 NAYS, 7 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd

HB 1199 passed and the title was agreed to.

\*\*\*\*\*

HB 1290: A BILL for an Act to amend and reenact sections 27-09.1-09 and 27-09.1-14 of the North Dakota Century Code, relating to mileage and mailing of summons for jurors.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 42 YEAS, 1 NAY, 10 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; Maixner; Matchie; Meyer, D.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Stenehjem

ABSENT AND NOT VOTING: Goodman; Krauter; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh; Wogsland

HB 1290 passed and the title was agreed to.

\*\*\*\*\*

**HB 1343:** A BILL for an Act to amend and reenact sections 38-11.1-05, 38-11.1-08, and 38-11.1-09 of the North Dakota Century Code, relating to notice of oil and gas drilling operations to surface owners, offers of settlement for damages resulting from drilling operations, and legal actions in regard to damages resulting from drilling operations.

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, 45 NAYS, 8 ABSENT AND NOT VOTING.

**YEAS:** None

**NAYS:** 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

**ABSENT AND NOT VOTING:** Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh

HB 1343 was declared lost.

\*\*\*\*\*

**HB 1386:** A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, to permit the award of cash prizes not exceeding three hundred dollars in raffles.

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, 4 NAYS, 9 ABSENT AND NOT VOTING.

**YEAS:** Adams; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Mutch; Naaden; Nelson; Olson; Parker; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Bakewell; David; Meyer, D.; Peterson

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore;  
Nething; Redlin; Satrom; Thane; Todd; Walsh

HB 1386 passed and the title was agreed to.

\*\*\*\*\*

HB 1398: A BILL for an Act to amend and reenact section 10-15-02 of the North Dakota Century Code, relating to the purposes of cooperatives and removing the prohibition against building and operating public railroads; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 39 YEAS, 6 NAYS, 8 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Tweten; Vosper; Waldera; Wenstrom; Wogsland

NAYS: Adams; David; Lee; Streibel; Tennefos; Wright

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh

HB 1398 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

HB 1400: A BILL for an Act to create and enact a new section to chapter 47-14 of the North Dakota Century Code, relating to prepayment of loans and computation of interest due at time of repayment; to repeal section 51-13-05 of the North Dakota Century Code, relating to prepayment of retail installment contracts and computation of interest due at the time of repayment; 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 45 YEAS, 0 NAYS, 8 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh

HB 1400 passed and the title was agreed to.

\*\*\*\*\*

HB 1428: A BILL for an Act to amend and reenact section 47-10-24 of the North Dakota Century Code, relating to the definition of "minerals" in deeds, grants, or conveyances of title to real 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 45 YEAS, 0 NAYS, 8 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh

HB 1428 passed and the title was agreed to.

\*\*\*\*\*

HB 1454: A BILL for an Act to amend and reenact sections 14-06.1-02, 14-06.1-03, 14-06.1-04, 14-06.1-06, 14-06.1-08, 14-06.1-10, 14-06.1-11, 14-06.1-12, 14-06.1-13, 14-06.1-14, and 14-06.1-15 of the North Dakota Century Code, relating to the administration and supervision of the displaced homemaker program; 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 45 YEAS, 0 NAYS, 8 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Walsh

HB 1454 passed and the title was agreed to.

\*\*\*\*\*

HB 1502: A BILL for an Act to create and enact a new subsection to section 49-22-08.1 of the North Dakota Century Code, relating to energy conversion and transmission facilities siting; and to amend and reenact subsection 5 of section 49-22-08.1 of the North Dakota Century Code, relating to the designation of a route for a transmission facility by the public service commission.

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 9 YEAS, 35 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Berube; Miller Heinrich; Krauter; Lashkowitz; Maixner; Matchie; Vosper; Waldera; Wogsland

NAYS: Adams; Bakewell; Barth; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Kusler; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Thane; Todd; Tweten; Walsh

HB 1502 was declared lost.

\*\*\*\*\*

HB 1521: A BILL for an Act to amend and reenact sections 39-12-05 and 39-12-05.2 of the North Dakota Century Code, relating to vehicle weight limits on certain highways; and to repeal section 39-12-05.1 of the North Dakota Century Code, relating to gross weights of vehicles on designated highways.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 0 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Adams; 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.; Mutch; Naaden; Nelson; Olson; Parker; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Peterson; Redlin; Thane; Todd; Walsh

HB 1521 passed and the title was agreed to.

\*\*\*\*\*

HB 1544: A BILL for an Act to create and enact a new section to chapter 23-10 of the North Dakota Century Code, relating to subleasing of lots in mobile home parks.

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 11 YEAS, 33 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Miller Heinrich; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Satrom; Stenehjem; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Olson; Parker;

Peterson; Reiten; Streibel; Stromme; Tennefos; Tweten;  
Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore;  
Nething; Redlin; Tallackson; Thane; Todd; Walsh

HB 1544 was declared lost.

\*\*\*\*\*

HB 1602: A BILL for an Act to create and enact a new section to chapter 26-30 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 26.1-04 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to the use of age, sex, or marital status as a factor in setting motor vehicle insurance rates.

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 17 YEAS, 27 NAYS, 9 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Fritzell; Grotberg; Heigaard;  
Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz;  
Maixner; Matchie; Sotrom; Stenehjem; Stromme; Waldera;  
Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod;  
Dykshoorn; Erickson; Holmberg; Kilander; Lee; Leibhan;  
Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Olson;  
Parker; Peterson; Reiten; Streibel; Tennefos; Tweten;  
Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore;  
Nething; Redlin; Tallackson; Thane; Todd; Walsh

HB 1602 was declared lost.

\*\*\*\*\*

#### POINT OF PERSONAL PRIVILEGE

SEN. MILLER HEINRICH: Mr. President, I rise on a point of personal privilege.

Mr. President, members of the Senate, this is a little hard for me to say, but I guess I have to say it. I am one of those rarities, a woman, in the North Dakota Senate, the sixth in fact elected in the history of the North Dakota Senate. Since I have come here, it is very rare that any of us that I can see consider ourselves women or consider

ourselves men: we are simply senators together. Thus I resent the implication on this floor a few minutes ago that women are such poor drivers that they can't see a fifteen-foot-wide garage door. I realize it was done for humor's sake; maybe to many it was humorous. I may be accused of having no sense of humor, so be it. To me, that is insulting, it's insulting to be so categorized, it's insulting to have all women so categorized. I'd like to thank most of the Senate from refraining from such discriminatory comments. I hope that there will be fewer of them in the future.

HB 1637: A BILL for an Act to amend and reenact section 4-13.1-03 of the North Dakota Century Code, relating to the turkey promotion assessment fee.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 42 YEAS, 0 NAYS, 11 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Stromme; Tallackson; Thane; Todd; Walsh; Wogsland

HB 1637 passed and the title was agreed to.

\*\*\*\*\*

HB 1640: A BILL for an Act to amend and reenact section 20.1-03-17 of the North Dakota Century Code, relating to the compensation received by county auditors for the issuance of game and fish licenses; and to provide an effective date.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 0 NAYS, 10 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Tweten; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Stromme; Tallackson; Thane; Todd; Walsh

HB 1640 passed and the title was agreed to.

\*\*\*\*\*

HB 1648: A BILL for an Act to amend and reenact subsection 1 of section 15-59-01 and section 15-59-04 of the North Dakota Century Code, relating to the education of handicapped children three to six years of age.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 0 NAYS, 10 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.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Tweten; Vosper; Waldera; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Meyer, J.; Moore; Nething; Redlin; Tallackson; Thane; Todd; Walsh; Wenstrom

HB 1648 passed and the title was agreed to.

\*\*\*\*\*

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3037: A concurrent resolution directing the Legislative Council to study the feasibility of appropriating to the various agricultural commodities promotion agencies all or a portion of the interest earned on the commodity

assessments collected by those agencies and to identify other state agencies which perform services for the agricultural commodities agencies, the nature of those services, and to fix a reasonable charge for those services.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3037 was declared adopted on a voice vote.

\*\*\*\*\*

HCR 3062: A concurrent resolution directing the Legislative Council to study the effect of state laws and administrative rules on mobile homes and mobile home ownership, particularly with respect to laws and regulations affecting mobile home taxation, safety, and mobile home parks.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3062 was declared adopted on a voice vote.

\*\*\*\*\*

HCR 3072: A concurrent resolution directing the Legislative Council to study the functions and purposes of revolving funds.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3072 was declared adopted on a voice vote.

\*\*\*\*\*

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined two bills, one relating to the energy cost relief credit allowed to individual income tax filers and one relating to the rate of income tax on corporations and has approved their introduction by a unanimous vote.

SEN. NELSON, Chairman

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

## FIRST READING OF SENATE BILLS

Sens. Nething, Nelson, Goodman introduced:  
(Approved by the Committee on Delayed Bills)

SB 2497: A BILL for an Act to amend and reenact subsection 2 of section 57-38-30.3 of the North Dakota Century Code, relating to the rate of income tax on individuals; to repeal section 57-38-29.1 of the North Dakota Century Code, relating to the energy cost relief credit allowed to individual income tax filers; and to provide an effective date and an expiration date.

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

Sens. Nething, Nelson, Goodman introduced:  
(Approved by the Committee on Delayed Bills)

SB 2498: A BILL for an Act to amend and reenact section 57-38-30 of the North Dakota Century Code, relating to the rate of income tax on corporations; and to provide an effective date and an expiration date.

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2432, and now wishes to inform you that it does now concur in the House amendments to SB 2432, and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2432.

LEO LEIDHOLM, Secretary

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2131, SB 2133, SB 2152, SB 2181, SB 2198, SB 2241,  
SB 2243, SB 2280, SB 2285, SB 2297, SB 2305, SB 2310,  
SB 2311, SB 2353, SB 2359, SB 2387, SB 2419, SB 2424,  
SB 2426, SB 2436, SB 2454, SB 2476, SB 2489, SCR 4017,  
SCR 4041

SEN. FRITZELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2131, SB 2133, SB 2152, SB 2181, SB 2198, SB 2241,  
SB 2243, SB 2280, SB 2285, SB 2297, SB 2305, SB 2310,  
SB 2311, SB 2353, SB 2359, SB 2387, SB 2419, SB 2424,

SB 2426, SB 2436, SB 2454, SB 2476, SB 2489, SCR 4017,  
SCR 4041

LEO LEIDHOLM, Secretary

MOTIONS

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

SEN. NELSON MOVED that after the reading of SCR 4053, HB 1003, HB 1057, HB 1060, HB 1103, HB 1133, HB 1319, HB 1425, HB 1432, HB 1479, HB 1601, HB 1641, HB 1656, HB 1657, HB 1667, HB 1683, HB 1688, HB 1693, HB 1706, HCR 3027, HCR 3035, HCR 3043, HCR 3045, HCR 3046, HCR 3049, HCR 3051, HCR 3058, HCR 3059, HCR 3060, HCR 3061, HCR 3064, HCR 3074, HCR 3081, and HCR 3084, the Senate adjourn and convene at 1:00 p.m., Monday, March 14, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary