

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

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## FIFTY-SECOND DAY

Bismarck, March 18, 1983

The Senate convened at 9:00 a.m., with President Sands presiding.

The prayer was offered by Rev. Paul Long, First Church of the Nazarene, Bismarck.

Our Father, we unite our hearts in prayer this day, thanking You for the privilege each has been given to serve in his or her area of responsibility.

Bless the members of this body as they think together, whether it be in this chamber, in committee rooms, or offices. Help them to withstand the strains and tensions of problems and decisions, of meetings and conferences, and the seeming endless demands that are made of them.

Teach them to take time to turn to You for wisdom and direction. In Christ's name, we pray. Amen.

## ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

HB 1068, HB 1198, HB 1199, HB 1398, HB 1521, HB 1637,  
HB 1640, HB 1648, HCR 3037, HCR 3062, HCR 3072

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HB 1182, HB 1246, HB 1404, HB 1408, HB 1445, HB 1447,  
HB 1458, HB 1518, HB 1523

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

SB 2070, SB 2088, SB 2101, SB 2139, SB 2177, SB 2182,  
SB 2192, SB 2201, SB 2217, SB 2229, SB 2282, SB 2295,  
SB 2296, SB 2299, SB 2302, SB 2318, SB 2335, SB 2347,  
SCR 4004, SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028,  
SCR 4029, SCR 4032, SCR 4034, SCR 4035, SCR 4036, SCR 4037,  
SCR 4039, SCR 4042, SCR 4048, SCR 4050

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

SEN. NOTHING MOVED that HB 1474 be laid over three legislative days, which motion prevailed.

## SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3038: A concurrent resolution directing the Legislative Council to study the problems associated with litter.

Which has been read.

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

HCR 3038 was declared adopted on a voice vote.

## MOTION

SEN. NOTHING MOVED that the vote by which HCR 3038 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HCR 3083: A concurrent resolution directing the Legislative Council to study the feasibility of requiring the residents, spouses, or families of individuals receiving services to make financial contributions toward the support of those persons who are placed in state and community facilities; to study other sources of revenue and financing techniques which may be available for the financing of those facilities; to study the financial responsibilities of persons at all state facilities under the auspices of the Director of Institutions and the Jamestown State Hospital; and to determine what fees and costs are currently being charged by other similar institutions providing medical, educational, and other services.

Which has been read.

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

HCR 3083 was declared adopted on a voice vote.

MOTION

SEN. NETHING MOVED that the vote by which HCR 3083 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HCR 3086: A concurrent resolution urging the President of the United States and the Congress to propose and enact legislation amending the Employee Retirement Income Security Act (ERISA) to eliminate the federal preemption and to permit the respective states to regulate employee health benefit plans.

Which has been read.

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

HCR 3086 was declared adopted on a voice vote.

MOTION

SEN. NETHING MOVED that the vote by which HCR 3086 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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SECOND READING OF HOUSE BILLS

HB 1167: A BILL for an Act to amend and reenact section 2-05-11 of the North Dakota Century Code, relating to aircraft and ultralight vehicle registration fees, distribution of proceeds; 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 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Thane; Tweten

ABSENT AND NOT VOTING: None

HB 1167 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1167 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1370: A BILL for an Act to create and enact a new section to chapter 57-55 of the North Dakota Century Code, relating to full disclosure of the purchase price of mobile homes and a sales ratio study by the state tax commissioner; to amend and reenact sections 39-18-05, 57-55-01, 57-55-08, 57-55-10, 57-55-11, and 57-55-12 of the North Dakota Century Code, relating to permits for transporting mobile homes, and taxation of mobile homes; 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 50 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Barth; Grotberg; Miller Heinrich

ABSENT AND NOT VOTING: None

HB 1370 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1370 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1406: A BILL for an Act to amend and reenact sections 27-08.1-01 and 27-08.1-03 of the North Dakota Century Code, relating to jurisdictional limits of small claims courts.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; 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: Lashkowitz

ABSENT AND NOT VOTING: Heigaard

HB 1406 passed and the title was agreed to.

#### MOTION

SEN. NETHING MOVED that the vote by which HB 1406 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1473: A BILL for an Act to amend and reenact subsection 2 of section 49-22-05.1 of the North Dakota Century Code, relating to exclusion and avoidance areas in energy conversion and transmission facility siting.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Todd

ABSENT AND NOT VOTING: Heigaard; Olson

HB 1473 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1473 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1526: A BILL for an Act to amend and reenact subsections 1 and 11 of section 25-03.1-02, and sections 25-03.1-17, 25-03.1-25, and 25-03.1-26 of the North Dakota Century Code, relating to the definitions of an "alcoholic individual" and a "person requiring treatment", involuntary treatment commitment procedures and requirements, and emergency detentions or hospitalizations procedures.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; 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: Moore

HB 1526 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that the vote by which HB 1526 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1528: A BILL for an Act to provide for the licensing and regulation of persons engaged in the practice of social work and the creation of a state board of social work examiners; 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 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Mutch; Nelson; Olson; Thane

ABSENT AND NOT VOTING: Kusler; Moore

HB 1528 passed and the title was agreed to.

#### MOTION

SEN. NETHING MOVED that the vote by which HB 1528 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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.

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

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 17 YEAS, 36 NAYS, 0 ABSENT AND VOTING.

YEAS: David; Fritzell; Goodman; Heigaard; Lashkowitz; Lee; Lodoen; Matchie; Moore; Nelson; Nething; Parker; Peterson; Redlin; Stenehjem; Streibel; Tennefos

NAYS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Grotberg; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Leibhan; Lips; Maixner; Meyer, D.; Meyer, J.; Mutch; Naaden; Olson; Reiten; Satrom; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1551 was declared lost.

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HB 1589: A BILL for an Act to create and enact a new section to chapter 11-33.1 of the North Dakota Century Code, relating to levy of special assessments for rural improvements; to amend and reenact subsection 1 of section 21-03-06 and subsection 2 of section 21-03-07 of the North Dakota Century Code, relating to county authority for and financing of special improvements in rural subdivisions; and to repeal sections 11-33.1-01, 11-33.1-02, 11-33.1-03, and 11-33.1-04 of the North Dakota Century Code, relating to special assessments for rural subdivision improvements.

Which has been read.

#### MOTION

SEN. HOLMBERG MOVED that HB 1589 be amended as follows:

On page 3 of the engrossed bill, delete lines 2 through 6

And renumber the lines accordingly

#### MOTIONS

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

SEN. HOLMBERG MOVED that the rules be suspended, that HB 1589 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1589: A BILL for an Act to create and enact a new section to chapter 11-33.1 of the North Dakota Century Code, relating to levy of special assessments for rural improvements; to amend and reenact subsection 1 of section 21-03-06 and subsection 2 of section 21-03-07 of the North Dakota Century Code, relating to county authority for and financing of special improvements in rural subdivisions; and to repeal sections 11-33.1-01, 11-33.1-02, 11-33.1-03, and 11-33.1-04 of the North Dakota Century Code, relating to special assessments for rural subdivision improvements.

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;



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

NAYS: None

ABSENT AND NOT VOTING: Redlin

HB 1589 passed and the title was agreed to.

#### MOTION

SEN. NETHING MOVED that the vote by which HB 1589 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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.

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 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Meyer, D.

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, 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: None

HB 1666 was declared lost.

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HB 1674: A BILL for an Act to amend and reenact section 40-05-17 of the North Dakota Century Code, relating to a definition of preponderance; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None.

ABSENT AND NOT VOTING: None

HB 1674 passed, the title was agreed to, and the emergency clause carried.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1674 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1680: A BILL for an Act to amend and reenact section 48-02-02 of the North Dakota Century Code, relating to the requirement that a licensed architect be retained for certain public works; 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 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Peterson

HB 1680 passed, the title was agreed to, and the emergency clause carried.

MOTION

SEN. NETHING MOVED that the vote by which HB 1680 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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MOTION

SEN. KILANDER MOVED that HB 1693 be laid over two legislative days, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3080: A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of the Motor Vehicle Department, Highway Patrol, Aeronautics Commission, and Highway Department.

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

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

HCR 3080 was declared lost on a voice vote.

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MOTIONS

SEN. NETHING MOVED that the Senate stand in recess until 10:30 a.m., which motion prevailed.

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

SEN. LIPS MOVED that HB 1021, HB 1024, and HB 1027 be laid over two legislative days, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1079: A BILL for an Act for a conditional transfer of funds to a state capital construction fund; and to provide an appropriation for construction, remodeling, and equipping of, or for additions to, buildings and other projects of state agencies, departments, and institutions.

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

## MOTION

SEN. MAIXNER MOVED that the question be divided on the passage of HB 1079, that each agency, department, or institution be voted upon separately, which motion prevailed.

## ROLL CALL

The question being on the motion to pass the section of HB 1079, North Dakota State University Computer Center, \$2,358,000, the roll was called and there were 6 YEAS, 47 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Kilander; Kusler; Lashkowitz; Maixner; Matchie; Tennefos

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

ABSENT AND NOT VOTING: None

North Dakota State University Computer Center lost.

## ROLL CALL

The question being on the motion to pass the section of HB 1079, the State School of Science Agriculture mechanics and welding building, \$2,273,600, the roll was called and there were 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Krauter; Lashkowitz; Matchie

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

ABSENT AND NOT VOTING: None

The State School of Science Agriculture Mechanics and Welding building lost.

## ROLL CALL

The question being on the motion to pass the section of HB 1079, remodeling and construction projects at the State Penitentiary, \$7,500,000, the roll was called and there were 7 YEAS, 46 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Kilander; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Tennefos

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

ABSENT AND NOT VOTING: None

The remodeling and construction projects at the State Penitentiary lost.

## ROLL CALL

The question being on the motion to pass the section of HB 1079, classroom building at Minot State College, \$500,000, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; 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: None

The classroom building at Minot State College lost.

## ROLL CALL

The question being on the motion to pass the section of HB 1079, Abbott Hall addition at the University of North Dakota, \$3,000,000, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz

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

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

**ABSENT AND NOT VOTING:** None

The Abbott Hall addition at the University of North Dakota lost.

#### ROLL CALL

The question being on the motion to pass the section of HB 1079, exhibition building at the State Fair, \$1,394,730, the roll was called and there were 0 YEAS, 53 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** None

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

**ABSENT AND NOT VOTING:** None

The exhibition building at the State Fair lost.

#### ROLL CALL

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

**YEAS:** Kilander; Lashkowitz; Matchie

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

**ABSENT AND NOT VOTING:** None

HB 1079 was declared lost.

## MOTION

SEN. NETHING MOVED that the vote by which HB 1079 lost be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1417: A BILL for an Act to create and enact a new section to chapter 57-40.2 of the North Dakota Century Code, relating to the use tax upon contractors.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1417 passed and the title was agreed to.

## MOTION

SEN. NETHING MOVED that the vote by which HB 1417 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1421: A BILL for an Act to establish a North Dakota centennial commission, to set forth its powers and duties, to provide for payment of commissioners' expenses, and to provide for termination of the commission; to provide an appropriation; 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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Nelson

ABSENT AND NOT VOTING: Heigaard; Vosper

HB 1421 passed and the title was agreed to.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1421 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HB 1439: A BILL for an Act to defray the expenses of purchasing the new "History of North Dakota" textbook for eighth-grade students in 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 44 YEAS, 5 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Adams; David; Mutch; Nelson; Streibel

ABSENT AND NOT VOTING: Heigaard; Matchie; Naaden; Vosper

HB 1439 passed and the title was agreed to.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1439 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.



\*\*\*\*\*

HB 1443: A BILL for an Act to create and enact a new section to chapter 57-35.2 of the North Dakota Century Code, relating to the deduction of a credit for charitable contributions from the tax on banks, trust companies, and savings and loan associations; 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 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Miller Heinrich; Lodoen; Moore; Streibel; Wright

ABSENT AND NOT VOTING: Vosper

HB 1443 passed and the title was agreed to.

## MOTION

SEN. NOTHING MOVED that the vote by which HB 1443 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

HB 1641: A BILL for an Act to create and enact a new subsection to section 11-18-01 of the North Dakota Century Code, relating to the register of deeds furnishing information on financing statement filed when the collateral is on farm 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 49 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; 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; Streibel; Stromme; Tallackson;  
 Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh;  
 Wenstrom; Wogsland; Wright

NAYS: David; Fritzell; Holmberg; Stenehjem

ABSENT AND NOT VOTING: None

HB 1641 passed and the title was agreed to.

#### MOTION

SEN. NOTHING MOVED that the vote by which HB 1641 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

\*\*\*\*\*

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.

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

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 7 YEAS, 46 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Hilken; Lee; Maixner; Meyer, D.; Meyer, J.; Satrom; Tallackson

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

ABSENT AND NOT VOTING: None

HB 1705 was declared lost.

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## MOTIONS

SEN. NETHING MOVED that HB 1724 be laid over two legislative days, which motion prevailed.

SEN. NETHING MOVED that HCR 3038, HCR 3083, HCR 3086, HB 1167, HB 1370, HB 1406, HB 1473, HB 1526, HB 1528, HB 1589, HB 1674, HB 1680, HB 1079, HB 1417, HB 1421, HB 1439, HB 1443, and HB 1641 be messaged to the House immediately, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1003: A BILL for an Act making an appropriation for defraying legal expenses of the attorney general; and declaring an emergency.

Which has been read.

## MOTION

SEN. LIPS MOVED that HB 1003 be amended as follows:

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.

## MOTIONS

SEN. LIPS MOVED that the proposed amendments be adopted, which motion lost on a division vote.

SEN. LIPS MOVED that HB 1003 be laid over two legislative days, which motion prevailed.

\*\*\*\*\*

## MOTION

SEN. LIPS MOVED that HB 1011, HB 1014, HB 1015, HB 1019, HB 1022, HB 1023, HB 1031, HB 1032, HB 1036, and HB 1038 be laid over two legislative days, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1159: A BILL for an Act to amend and reenact section 49-09-04.3 of the North Dakota Century Code, relating to the restoration of abandoned railroad right of way.

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

## MOTION

SEN. BARTH MOVED that HB 1159 be laid over three legislative days, which motion prevailed.

\*\*\*\*\*

## MOTION

SEN. NETHING MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

## REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Fifty-first day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1613, lines 30 and 31, delete the words "and be referred to the Committee on Appropriations."

On page 1614, delete line 6 and insert "HB 1420 was placed on the Sixth order of business on the calendar for the succeeding legislative day."

We have carefully reexamined the Journal of the Forty-ninth day and recommend that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1508, line 13, after the second word "the" insert the word "second"

SEN. TWETEN, Chairman

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

## 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 2056, SB 2164, SB 2214, SR 1, SCR 4055

SEN. FRITZELL, Chairman

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

HB 1167, HB 1370, HB 1406, HB 1417, HB 1421, HB 1439,  
HB 1443, HB 1473, HB 1526, HB 1528, HB 1589, HB 1641,  
HB 1674, HB 1680, HCR 3038, HCR 3083, HCR 3086

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has adopted the conference committee report and subsequently passed:

HB 1661

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2346, SB 2384

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2122: Reps. Vig, Keller, Kent

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HCR 3011, HCR 3026, HCR 3029

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2004, SB 2339, SCR 4005, SCR 4046

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1296, HB 1386, HB 1400, HB 1647, and HCR 3050, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1296: Reps. Schneider, Koski, Hughes  
HB 1386: Reps. Nowatzki, Linderman, Kretschmar  
HB 1400: Reps. Schoenwald, S. F. Hoffner, Haugland  
HB 1647: Reps. Schoenwald, Riehl, Goetz  
HCR 3050: Reps. DuBord, Schoenwald, Retzer

Very respectfully,  
CHARLES FLEMING, Chief Clerk

#### HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2142, SB 2145, SB 2189, SB 2196, SB 2294, SB 2358, SB 2404, SB 2448, SB 2465, SB 2474, and SCR 4006 which the House has amended as follows:

#### HOUSE AMENDMENTS TO SB 2142

On page 1 of the engrossed bill, line 17, delete the words "in the following manner:" and insert in lieu thereof a period

On page 1 of the engrossed bill, delete lines 18 through 27

On page 2 of the engrossed bill, delete lines 1 and 2

And renumber the lines, sections, and pages accordingly

#### HOUSE AMENDMENTS TO SB 2145

On page 3, line 7, delete the word "fifteen" and insert in lieu thereof the word "twenty"

On page 3, line 19, delete the word "fifteen" and insert in lieu thereof the word "twenty"

And renumber the lines and pages accordingly

#### HOUSE AMENDMENTS TO SB 2189

On page 1 of the engrossed bill, line 3, delete the word "section" and insert in lieu thereof the word "sections" and after the numerals "37-04-05" insert the numerals ", 37-07.1-04, 37-07.2-02,"

On page 1 of the engrossed bill, line 4, after the word "officers," insert the words "limitations on waiver of tuition fees, limitations on grants,"

On page 2 of the engrossed bill, line 7, delete the word "Section" and insert in lieu thereof the word "Sections" and after the numerals "37-04-05" insert the numerals ", 37-07.1-04, 37-07.2-02,"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2196

On page 1 of the engrossed bill, line 14, delete the word "are"

On page 1 of the engrossed bill, line 15, delete the words "equipped with more than one passenger-bearing seat" and insert in lieu thereof the words "have a seating capacity for four or more passengers"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2294

On page 1 of the engrossed bill, line 10, delete the word "or" and insert in lieu thereof an underscored comma, and after the word "county" and before the period insert the words ", or state"

On page 1 of the engrossed bill, line 13, after the word "from" insert the words ", and shall control noxious weeds on"

On page 1 of the engrossed bill, line 17, delete the words "to remove and clear the property"

On page 1 of the engrossed bill, line 18, delete the underscored period and insert in lieu thereof the following: ", take the action required by this section. On request of any state agency having an interest in any property abutting an abandoned railway line right of way, the commission shall require the railroad corporation, as to that railway line right of way, within a reasonable time, to take the action required by this section."

On page 1 of the engrossed bill, line 18, overstrike the word "may" and insert immediately thereafter the word "shall"

On page 1 of the engrossed bill, line 21, delete the words "a city" and insert in lieu thereof the words "the requesting entity"

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

On page 1 of the engrossed bill, line 23, delete the words "city limits and a" and insert in lieu thereof the words "under that entity's jurisdiction. A"

On page 1 of the engrossed bill, line 25, delete the word "jurisdiction" and insert in lieu thereof the word "entity"

On page 1 of the engrossed bill, line 28, delete the word "jurisdiction" and insert in lieu thereof the word "entity"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2358

On page 1 of the engrossed bill, line 20, after the word "highways" insert the words "and subject to the approval of the highway commissioner"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2404

On page 1, line 9, overstrike the words "an assessed" and insert immediately thereafter the word "taxable"

On page 1, line 10, overstrike the word "forty" and insert immediately thereafter the word "twenty"

On page 1, line 18, delete the word "assessed" and insert in lieu thereof the word "taxable"

On page 1, line 19, delete the word "forty" and insert in lieu thereof the word "twenty"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2448

On page 3 of the engrossed bill, line 16, after the word "chapter" insert the words "and the term coinsurance includes reinsurance"

On page 6 of the engrossed bill, line 25, after the word "the" insert the word "respective"

On page 6 of the engrossed bill, line 31, after the word "loans" insert the words "guaranteed by each respective fund"

On page 7 of the engrossed bill, line 30, after the word "trusts" insert the numeral "(1)", and after the word "guaranteed" insert the words "or reinsured student loans", and after the word "and" insert the numeral "(2)"



- On page 7 of the engrossed bill, line 31, after the word "loans" insert an underscored comma
- On page 8 of the engrossed bill, line 3, overstrike the word "a"
- On page 8 of the engrossed bill, line 8, after the word "authorized" insert the words "- Establishment of secondary market program"
- On page 8 of the engrossed bill, line 10, after the word "guaranteed" insert the words "or reinsured"
- On page 8 of the engrossed bill, line 29, after the first word "of" insert the words "the separate" and after the word "generated" insert the word "respectively"
- On page 8 of the engrossed bill, line 30, after the word "of" insert the numeral "(1)"
- On page 8 of the engrossed bill, line 31, after the first word "guaranteed" insert the words "or reinsured", and after the word "or" insert "(2)", and after the word "shall" insert the word "respectively"
- On page 8 of the engrossed bill, line 33, after the period insert the following new language: "Without limiting the foregoing, the commission may request the organization of a nonprofit corporation meeting the requirements of section 103(e) of the Internal Revenue Code of 1954, as amended, and enter into one or more agreements with such corporation providing for the establishment of a secondary market program in the state of North Dakota for the acquisition by the corporation of such loans made pursuant to title IV, part B of the Higher Education Act of 1965, as amended, as the commission shall, in its discretion, deem advisable."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2465

- On page 1, line 14, after the word "regular" insert the word "township", and after the word "election" and before the period insert the words ", for organized townships, or at the next regular election, for unorganized townships"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2474

- On page 1 of the engrossed bill, line 1, after the comma insert the numerals "54-52.2-02, 54-52.2-03,"

- On page 1 of the engrossed bill, line 2, after the first comma insert the numerals "54-52.2-06,"
- On page 1 of the engrossed bill, line 3, after the word "to" insert the words "the administration, exemption from judicial process, assignability of benefits, and"
- On page 1 of the engrossed bill, after line 25, insert the following new sections:

"SECTION 2. AMENDMENT. Section 54-52.2-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-02. Deferred employee's compensation - Agreements. The director or the principal officer deferred compensation committee acting on behalf of each state agency, department, board, commission, or institution is hereby authorized to may enter into such contractual agreements with employees of that particular a state agency, department, board, commission, or institution on behalf of the state to defer any portion of that employee's compensation allowed under section 457 of the Internal Revenue Code [26 U.S.C. 457].

SECTION 3. AMENDMENT. Section 54-52.2-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-03. Deferred compensation program - Administration - Contract for services. The administration of the deferred compensation program within for each state agency, department, board, commission, or institution shall be under the direction of the director or principal officer of that particular agency, department, board, commission, or institution the state deferred compensation committee. The committee shall consist of three persons who cannot participate in the deferred compensation program. The governor shall appoint the initial committee and shall appoint persons to fill any vacancy occurring at the expiration of a term. Committee members shall select the person to fill any vacancy occurring prior to the expiration of a term. The initial terms of office are as follows: one member shall serve a one-year term, one member shall serve a two-year term, and one member shall serve a three-year term. The term of office thereafter is three years. Each county, city, town, or other political subdivision shall designate an officer to administer the deferred compensation program or appoint the state deferred compensation committee to administer the program in

its behalf. Payroll reductions shall be made in each instance, by the appropriate payroll officer. The administrator deferred compensation committee of the deferred compensation program may contract with a private corporation or institutions for providing consolidated billing and other administrative services.

The deferred compensation committee shall administer the deferred compensation program based on a plan in compliance with the appropriate provisions of the Internal Revenue Code and regulations adopted under those provisions."

On page 2 of the engrossed bill, after line 10, insert the following new section:

"SECTION 5. AMENDMENT. Section 54-52.2-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

54-52.2-06. Deferred compensation program - Benefits - Taxation - Exemption from judicial process - Assignment. The deferred compensation program established by this chapter shall exist and serve in addition to retirement, pension, or benefit systems established by the state, county, city, town, or other political subdivision, and no deferral of income under the deferred compensation program shall effect a reduction of any retirement, pension, or other benefit provided by law. However, any sum deferred under the deferred compensation program shall not be subject to taxation until distribution is actually made to the employee. Any unpaid benefits under the deferred compensation program established by this chapter are not subject to execution, garnishment, attachment, the operation of bankruptcy or insolvency laws, or other process of law whatsoever. Neither the employee, the employee's beneficiary, nor any designee of the employee or the employee's beneficiary has the right to commute, sell, assign, transfer, or otherwise convey the right to receive payments under this chapter."

And renumber the lines, sections, and pages accordingly

HOUSE AMENDMENTS TO SCR 4006

On page 1, delete lines 25 through 27

And renumber the lines and pages accordingly

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. WRIGHT MOVED that the amendments to SCR 4054 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1585 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1008 as recommended by the Committee on Appropriations as printed on pages 1586 and 1587 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1010 as recommended by the Committee on Appropriations as printed on pages 1587 and 1588 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendment to HB 1013 as printed on page 1589 of the Journal be amended as follows:

On page 1 of the engrossed bill, line 17, delete the numerals "300,000" and insert in lieu thereof the numerals "100,000"

On page 1 of the engrossed bill, line 19, delete the numerals "693,022" and insert in lieu thereof the numerals "493,022"

SEN. WRIGHT MOVED that the amendments be adopted, which motion lost on a division vote.

SEN. LIPS MOVED that the amendments to HB 1013 as recommended by the Committee on Appropriations as printed on page 1589 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1016 as recommended by the Committee on Appropriations be printed on pages 1589 and 1590 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1018 as recommended by the Committee on Appropriations as printed on pages 1591 and 1592 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1025 as recommended by the Committee on Appropriations as printed on pages 1592 and 1593 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1028 as recommended by the Committee on Appropriations as printed on page 1593 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1029 as recommended by the Committee on Appropriations as printed on pages 1594 and 1595 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1030 as recommended by the Committee on Appropriations as printed on pages 1595 and 1596 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1033 as recommended by the Committee on Appropriations as printed on pages 1596-1598 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1035 as recommended by the Committee on Appropriations as printed on pages 1598 and 1599 of the Senate Journal be adopted, which motion lost on a division vote.

SEN. LIPS MOVED that the amendments to HB 1037 as recommended by the Committee on Appropriations as printed on page 1599 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1052 as recommended by the Committee on Finance and Taxation as printed on pages 1600 and 1601 of the Senate Journal be laid over two legislative days, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1053 as recommended by the Committee on Finance and Taxation as printed on pages 1601-1603 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1084 as recommended by the Committee on Finance and Taxation as printed on pages 1603 and 1604 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1165 as recommended by the Committee on Transportation as printed on pages 1605-1608 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1184 as recommended by the Committee on Education as printed on pages 1608-1611 of the Senate Journal be adopted, which motion prevailed.

SEN. KILANDER MOVED that the amendments to HB 1336 as printed on page 1612 of the Senate Journal be amended as follows:

In Section 1, line 9, delete the word "driver's"

And renumber the lines accordingly

SEN. KILANDER MOVED that the amendment to the amendment be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1336 as recommended by the Committee on Transportation as printed on pages 1611 and 1612 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1369 as recommended by the Committee on Finance and Taxation as printed on pages 1551-1554 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1373 as recommended by the Committee on Finance and Taxation as printed on page 1612 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1387 as recommended by the Committee on Judiciary as printed on page 1613 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1420 as recommended by the Committee on Judiciary as printed on pages 1613 and 1614 of the Senate Journal be adopted, which motion prevailed.

SEN. THANE MOVED that the amendments to HB 1429 as recommended by the Committee on Appropriations as printed on page 1614 of the Senate Journal be referred back to the Committee on Appropriations, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1440 as recommended by the Committee on Judiciary as printed on pages 1614 and 1615 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1460 as recommended by the Committee on Finance and Taxation as printed on pages 1615 and 1616 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1516 as recommended by the Committee on Education as printed on pages 1616-1618 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1519 as recommended by the Committee on Finance and Taxation as printed on pages 1619 and 1620 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1539 as recommended by the Committee on Transportation as printed on pages 1620 and 1621 of the Senate Journal be laid over one legislative day, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1605 as recommended by the Committee on Finance and Taxation as printed on page 1622 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1670 as recommended by the Committee on Education as printed on page 1623 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1701 as recommended by the Committee on Transportation as printed on pages 1624-1627 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HB 1727 as recommended by the Committee on Finance and Taxation as printed on pages 1627-1629 of the Senate Journal be adopted, which motion prevailed.

SEN. NETHING MOVED that HB 1727 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to HCR 3036 as recommended by the Committee on Finance and Taxation as printed on page 1630 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HCR 3075 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1630-1632 of the Senate Journal be adopted, which motion prevailed. HCR 3075 has committee recommendation of DO NOT PASS.

#### MOTION

SEN. NETHING MOVED that HB 1224 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1224: A BILL for an Act to amend and reenact subsections 2 and 3 of section 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to educational support per pupil and aid for transportation.

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 20 YEAS, 31 NAYS, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Tallackson; Wenstrom

HB 1224 was declared lost.

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#### MOTION

SEN. NETHING MOVED that HB 1619 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A HOUSE BILL

HB 1619: A BILL for an Act to amend and reenact subsection 2 of section 15-38.1-13 of the North Dakota Century Code, relating to the resolution of impasses in professional negotiations in the public schools; and to provide an effective date.

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, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie; Olson; Redlin; Satrom; Stenehjem; Stromme; Thane; Waldera; Walsh

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Hilken; Kilander; Lee; Leibhan; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennesfos; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Tallackson

HB 1619 was declared lost.

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#### CONSIDERATION OF MESSAGE FROM HOUSE

SEN. LEE MOVED that the Senate do not concur in the House amendments to SB 2108 as printed on page 1493 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2108:

Sens. Parker, David, Krauter



CONSIDERATION OF MESSAGE FROM HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2125 as printed on page 1567 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2125:

Sens. Olson, Stenehjem, Lashkowitz

CONSIDERATION OF MESSAGE FROM HOUSE

SEN. GOODMAN MOVED that the Senate do not concur in the House amendments to SB 2327 as printed on page 1535 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2327:

Sens. Adams, Moore, Matchie

MESSAGES TO THE HOUSE  
SENATE CHAMBER

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

SB 2496

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1432, HB 1479, HB 1482

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 1585

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 1478

Very respectfully,  
LEO LEIDHOLM, Secretary

## PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 17, 1983

The Honorable Ernest M. Sands  
President of the Senate  
Senate Chambers  
State Capitol  
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on March 17, 1983, I signed the following Senate Bills:

SB 2131, SB 2133, SB 2149, SB 2152, SB 2162, SB 2181,  
SB 2198, SB 2216, SB 2234, SB 2241, SB 2243, SB 2246,  
SB 2259, SB 2280, SB 2285, SB 2297, SB 2300, SB 2301,  
SB 2311, SB 2353, SB 2387, SB 2419, SB 2424, SB 2426,  
SB 2432, SB 2437, SB 2449, SB 2454, SB 2464, SB 2489,  
SB 2492.

Sincerely,

ALLEN I. OLSON  
Governor

## MOTION

SEN. NETHING MOVED that after the reading of SCR 4054, HB 1008, HB 1010, HB 1013, HB 1016, HB 1018, HB 1025, HB 1028, HB 1029, HB 1030, HB 1033, HB 1035, HB 1037, HB 1053, HB 1084, HB 1165, HB 1184, HB 1336, HB 1369, HB 1373, HB 1387, HB 1420, HB 1440, HB 1460, HB 1516, HB 1519, HB 1605, HB 1670, HB 1701, HCR 3036, and HCR 3075, the Senate adjourn and convene at 10:00 a.m., Monday, March 21, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary