

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FIFTY-FIFTH DAY

Bismarck, March 23, 1983

The Senate convened at 9:30 a.m., with President Sands presiding.

The prayer was offered by Rev. Merrill Ronning, Charity Lutheran Church, Bismarck.

Kind Father, we give You praise for Your gifts of life. We stand in awe of Your majesty and grace. We pray today for guidance in the decisions we make concerning laws that affect all of us. We also pray for those who are not among us but equally need Your grace and touch. God, help us to never raise ourselves above others, thinking we are better and deserve more of Your blessings. We come again today humbly seeking Your presence as we decide and discuss many issues. Lead us and guide us so that these leaders can make good and right decisions for us all. Thank You for Your promises and Your love, through Christ our Lord. Amen.

ROLL CALL

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

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 Fifty-fourth 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 inform you that the Senate has refused to concur in the House amendments to SB 2408, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2408: Sens. David, Vosper, Hilken

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1053, HB 1084, HB 1165, HB 1336, HB 1373, HB 1387,
HB 1420, HB 1440, HB 1460, HB 1516, HB 1519, HB 1605,
HB 1670, HB 1701, HCR 3036

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1151: Sens. Olson, Holmberg, Lashkowitz
HB 1203: Sens. David, Parker, D. Meyer
HB 1583: Sens. Todd, Krauter, Kilander

Very respectfully,
LEO LEIDHOLM, Secretary

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 4054

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1008, HB 1010, HB 1013, HB 1016, HB 1018, HB 1025,
HB 1028, HB 1029, HB 1035

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 1184, HCR 3075

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
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 2108: Reps. Gullickson, A. Meier, Kretschmar
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 2175

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 2184

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1730, HB 1731, HCR 3028, HCR 3090

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2206 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2206

- On page 1, line 1, delete the word "subsection" and insert in lieu thereof the word "subsections", and after the numeral "18" insert the word and numeral "and 30"
- On page 1, line 2, delete the word "and" and insert in lieu thereof a comma, and after the numeral "52-06-02" insert the words ", and section 52-06-06"
- On page 1, line 3, delete the word "and" and insert in lieu thereof a comma
- On page 1, line 4, after the word "benefits" and before the period insert the words ", and the weekly benefit for unemployment"
- On page 1, line 7, delete the word "Subsection" and insert in lieu thereof the word "Subsections", and after the numeral "18" insert the word and numeral "and 30"
- On page 1, line 8, delete the word "is" and insert in lieu thereof the word "are"
- On page 6, after line 23, insert the following new subsection:

"30. "Unemployed". An individual shall be deemed is "unemployed" with respect to any week during which he performs no services and with respect to which no wages are payable to him, or with respect to any week of less than full-time work if the wages payable to him with respect to such week are less than his weekly benefit amount. For the purposes of this subsection, wages are payable with respect to the weeks for which they were reasonably intended to be payable, irrespective of whether services were performed in those weeks. The bureau shall prescribe regulations applicable to unemployed individuals making such distinctions in the procedures as to total unemployment, part-total unemployment, partial unemployment of individuals attached to their regular jobs, and other forms of short-time work, as the bureau deems necessary."

On page 7, after line 19, insert the following new section:

"SECTION 3. AMENDMENT. Section 52-06-06 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

52-06-06. Weekly benefit for unemployment. Each eligible individual who is unemployed with respect to any week shall be paid with respect to such week a benefit in an amount equal to his weekly benefit amount less that part of the wages, if any, payable to him with respect to such week which is in excess of one-half of his weekly benefit amount. Such benefit, if not a multiple of one dollar, shall be computed to the next higher multiple of one dollar. For the purposes of this section, wages are payable with respect to the weeks for which they were reasonably intended to be payable, irrespective of whether services were performed in those weeks."

And renumber the lines and pages accordingly

Very respectfully,

CHARLES FLEMING, Chief Clerk

CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to SB 2499 as recommended by the Committee on Industry, Business, and Labor as printed on pages 1703 and 1704 of the Senate Journal be adopted, which motion prevailed.

SEN. NETHING 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 until this afternoon, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1429 as recommended by the Committee on Appropriations as printed on page 1704 of the Senate Journal be adopted, which motion prevailed.

SEN. WENSTROM MOVED that the amendments to HCR 3029 as recommended by the Joint Committee on Constitutional Revision as printed on page 1676 of the Senate Journal be laid over one legislative day, which motion prevailed.

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3089: A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

HCR 3089 was read the first time.

MOTION

SEN. NELSON MOVED that the rules be suspended, that HCR 3089 not be printed, not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3089: A concurrent resolution congratulating John S. Dalrymple III on being named one of the nation's four outstanding young farmers for 1982-83 by the United States Jaycees.

Was read the second time.

The question being on the final adoption of the resolution.

HCR 3089 was declared adopted on a voice vote.

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HCR 3089

Very respectfully,
LEO LEIDHOLM, Secretary

SECOND READING OF HOUSE BILLS

HB 1681: A BILL for an Act to create and enact a new section to chapter 26-41 of the North Dakota Century Code, relating to

notice by basic no-fault insurers to the motor vehicle registrar.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 10 YEAS, 40 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Miller Heinrich; Krauter; Kusler; Maixner; Matchie; Meyer, J.; Stenehjem; Wogsland

NAYS: Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Hilken; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Adams; Goodman; Heigaard

HB 1681 was declared lost.

HB 1696: A BILL for an Act to create and enact a new subsection to section 11-11-14 of the North Dakota Century Code, relating to powers of boards of county commissioners to appoint temporary replacements for elected officials.

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 3 YEAS, 49 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Lashkowitz; Waldera

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; 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; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman

HB 1696 was declared lost.

HB 1723: A BILL for an Act making an appropriation to the industrial commission to defray the expenses of the North Dakota agricultural products export subsidy marketing functions of the industrial commission.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 5 YEAS, 46 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Hilken; Krauter; Tallackson; Vosper; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; 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; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Barth; Goodman

HB 1723 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3014: A concurrent resolution urging the United States Congress to investigate the extent and value of railroad land grant assets, and the utilization of income therefrom; and urging Congress to establish policies with respect to use of land grant assets and the income therefrom.

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

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the adoption of HCR 3014, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 24 YEAS, 27 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.;

Redlin; Satrom; Stenehjelm; Stromme; Tallackson; Vosper;
Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn;
Erickson; Holmberg; Kilander; Lee; Leibhan; Lips;
Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker;
Peterson; Reiten; Streibel; Tennefos; Thane; Todd;
Tweten; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman; Lodoen

HCR 3014 was declared lost.

HCR 3015: A concurrent resolution urging Congress to direct the United States Attorney General to bring legal action against the Burlington Northern Railroad in order to prohibit that railroad from separating land grant assets from the remainder of the railroad's capital.

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

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the adoption of HCR 3015, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 21 YEAS, 31 NAYS, 1 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; Tallackson; Waldera; Walsh; Wogsland

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

ABSENT AND NOT VOTING: Goodman

HCR 3015 was declared lost.

HCR 3016: A concurrent resolution urging Congress to require any railroad abandoning a portion of its line and ceasing service along that portion to forfeit all or a portion of the land and minerals granted to the railroad.

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

REQUEST

SEN. MAIXNER REQUESTED a recorded roll call vote on the adoption of HCR 3016, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, roll was called and there were 20 YEAS, 32 NAYS, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Goodman

HCR 3016 was declared lost.

HCR 3079: A concurrent resolution directing a Legislative Council study of railroad abandonment and the possibility of the forfeiture of mineral interests on land grant holdings when rail lines are abandoned.

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

REQUEST

SEN. LASHKOWITZ REQUESTED a recorded roll call vote on the adoption of HCR 3079, which request was granted.

ROLL CALL

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

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

NAYS: Adams; Bakewell; David; Dykshoorn; Erickson; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman

HCR 3079 was declared adopted.

SECOND READING OF A HOUSE BILL

HB 1617: A BILL for an Act to create and enact a new section to chapter 15-44 and a new subsection to section 39-06.1-06 of the North Dakota Century Code, relating to a driver education fund and to an additional penalty for driving violations.

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 23 YEAS, 29 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Leibhan; Maixner; Meyer, D.; Meyer, J.; Moore; Parker; Redlin; Satrom; Stromme; Tallackson; Thane; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Holmberg; Kilander; Lee; Lips; Lodoen; Matchie; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjelm; Streibel; Tennefos; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: Goodman

HE 1617 was declared lost.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3011: A concurrent resolution for the amendment of sections 12 and 13 of article V and section 12 of article X of the Constitution of the State of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of the State of North Dakota, relating to the duties of state treasurer on issuance of legal tender by banks in the state; and to provide an effective date.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 43 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Barth; Hilken; Kusler; Lashkowitz; Leibhan; Lips; Matchie; Tweten; Vosper

ABSENT AND NOT VOTING: Lee

HCR 3011 was declared adopted.

HCR 3026: A concurrent resolution for the amendment of section 4 of article IX and section 17 of article X of the Constitution of the State of North Dakota, relating to references to the county superintendent of common schools and the county auditor.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution 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

HCR 3026 was declared adopted.

HCR 3044: A concurrent resolution to direct the Legislative Council to conduct a study of the desirability and feasibility of the construction of a pipeline to carry excess natural gas production from western North Dakota to eastern North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3044 was declared adopted on a voice vote.

HCR 3068: A concurrent resolution directing the Legislative Council to study methods and practices to provide for more efficient and prompt collection of taxes by the state with particular emphasis on a system for tax deposit by taxpayers and the transfer of tax revenues through financial institutions in this state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3068 was declared adopted on a voice vote.

HCR 3069: A concurrent resolution directing the Legislative Council to study the viability of a school district income tax as a means of either replacing or supplementing local property tax revenues.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3069 was declared adopted on a voice vote.

HCR 3071: A concurrent resolution directing the Legislative Council to study the problems of drug and alcohol abuse in public schools and the role the public schools should occupy in prevention efforts, counseling, and interagency cooperation which may be required to effectively address the problems of drug and alcohol abuse in the schools.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3071 was declared adopted on a voice vote.

HCR 3073: A concurrent resolution directing the Legislative Council to study taxation of the energy industry and to obtain consulting services to aid in the study.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3073 was declared adopted on a voice vote.

HCR 3076: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of using the existing facilities of public television to make available specialized instruction in elementary and secondary schools of the state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3076 was declared adopted on a voice vote.

HCR 3077: A concurrent resolution directing the Legislative Council to study elementary and secondary school finance; the effects on students of nonacademic extracurricular activities and absenteeism; the position of county superintendent of schools; the reorganization, annexation, and dissolution of school districts; the minimum high school curriculum and the length of school terms; the duties and responsibilities of elementary and secondary school teachers; and the future provision of special education programs in this state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3077 was declared adopted on a voice vote.

HCR 3082: A concurrent resolution directing the Legislative Council to study the entire subject of renewal and nonrenewal of employment contracts between teachers and public school districts in this state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3082 was declared adopted on a voice vote.

HCR 3087: A concurrent resolution directing the Legislative Council to study funding of regional airports.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3087 was declared adopted on a voice vote.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA EXECUTIVE OFFICE BISMARCK

March 23, 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 23, 1983, I signed the following Senate Bills:

SB 2056, SB 2070, SB 2088, SB 2101, SB 2139, SB 2164,
SB 2177, SB 2182, SB 2192, SB 2201, SB 2214, SB 2217,
SB 2229, SB 2282, SB 2296, SB 2299, SB 2302, SB 2318,
SB 2335, SB 2347.

Sincerely,

ALLEN I. OLSON
Governor

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 2004, SB 2316, SB 2351

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2004, SB 2316, SB 2351

LEO LEIDHOLM, Secretary

MOTION

SEN. LIPS MOVED that HB 1003, HB 1007, HB 1011, HB 1014, HB 1015, HB 1019, HB 1020, HB 1022, HB 1023, HB 1031, HB 1032, HB 1034, HB 1036, and HB 1038 be laid over one legislative day, 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.

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, J.; Redlin; Satrom; Stromme; Tallackson; Waldera; Walsh; Wogsland

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

ABSENT AND NOT VOTING: Goodman; Wright

HB 1159 was declared lost.

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.

MOTIONS

SEN. NOTHING MOVED that the amendments to HB 1052 be laid over one legislative day, which motion prevailed.

SEN. NOTHING MOVED that HB 1236 and HB 1249 be placed directly ahead of HB 1500 on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1254: A BILL for an Act to create and enact a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to assignment of points against motor vehicle operators for speeding violations; and to amend and reenact section 39-06.1-06 of the North Dakota Century Code, relating to the amount of statutory fees for speeding violations.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Nelson

HB 1254 passed and the title was agreed to.

HB 1269: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to the elementary school per-pupil payments under the foundation program.

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 1269 passed and the title was agreed to.

HB 1289: A BILL for an Act to amend and reenact subsection 3 of section 57-62-02 of the North Dakota Century Code, relating to allocation of revenues to counties from the coal severance tax.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; 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 1289 passed and the title was agreed to.

HB 1316: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-18 of the North Dakota Century Code, relating to sales tax penalties.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1316 passed and the title was agreed to.

MOTION

SEN. GOODMAN MOVED that HB 1333 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1338: A BILL for an Act to amend and reenact section 37-15-02 of the North Dakota Century Code, relating to the soldiers' home.

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

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND VOTING.

YEAS: Dykshoorn; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Naaden; Nelson; Redlin; Satrom; Stenehjem; Waldera; Walsh; Wogsland

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Nothing; Olson; Parker; Peterson; Reiten;

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

ABSENT AND NOT VOTING: None

HB 1338 was declared lost.

HB 1349: A BILL for an Act to repeal section 57-38-36 of the North Dakota Century Code, relating to payment of tax in quarterly installments; 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 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: David; Lips; Mutch; Naaden; Vosper

ABSENT AND NOT VOTING: None

HB 1349 passed and the title was agreed to.

HB 1369: A BILL for an Act relating to real property used for farming purposes and providing for relief in certain cases from inequitable foreclosure of mortgages, termination of contracts for the conveyance of real estate, and execution sales of real property; postponing certain sales and extending the period of redemption of real property during an emergency; providing for possession during the extended period of redemption; to create and enact a new subsection to section 35-22-02 of the North Dakota Century Code, relating to prerequisites to foreclosure by advertisement; to amend and reenact section 32-19-38 of the North Dakota Century Code, relating to the requirements for the notification of foreclosure remedies; and to provide an expiration date.

Which has been read.

ROLL CALL

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

YEAS: Barth; Berube; Hilken; Krauter; Kusler; Lashkowitz; Matchie; Stromme

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

ABSENT AND NOT VOTING: None

HB 1369 was declared lost.

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 engrossed:

SB 2499

SEN. FRITZELL, Chairman

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

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

HB 1253, HB 1278, HB 1530

Very respectfully,
CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1253, HB 1278, HB 1530

LEO LEIDHOLM, Secretary

MOTION

SEN. NETHING MOVED that the Senate recess the regular business of the session for the purpose of conducting the Memorial Service, which motion prevailed.

SENATE MEMORIAL SERVICE

Memorial Service Committee:

Senator Kilander, Chairman
Senator Christensen
Senator Berube
President Sands, Presiding Officer

PROGRAM

State of North Dakota
Forty-eighth Legislative Assembly

SENATE MEMORIAL SERVICE

Wednesday

March 23, 1983

SENATE CHAMBER

INVOCATION

Rev. Merrill Ronning, Charity Lutheran Church

MUSIC BY

Jamestown High School Choir

Joe Banister, Director

"Hallelujah"

"Lord of My Life"

READING OF

SENATE MEMORIAL RESOLUTION

Leo Leidholm, Secretary

ACKNOWLEDGING GUESTS: Lt. Governor Sands

ADDRESS: Former Senator Esky Solberg

MUSIC

Jamestown High School Choir

"A Parting Blessing"

BENEDICTION

Rev. Merrill Ronning, Charity Lutheran Church

MOTION

SEN. NETHING MOVED that the invocation, the remarks of former Senator Solberg and the benediction be printed in the Journal, which motion prevailed.

INVOCATION

The invocation was offered by Rev. Merrill Ronning, Charity Lutheran Church, Bismarck.

Gracious Father, we gather together today to remember and say thank You for the good witness and faithful lives of all those who have served You by serving their fellow sisters and brothers. We remember with thanksgiving lives

that were dedicated to politics, medicine, education, social action, civil service, and all other walks of life. We pray that You will keep them in Your continuous fellowship and that You will, by Your mercy and grace, continue to prosper the work they have done.

Take away our veils from our eyes and from our hearts and join us in a unity of spirit and a communion of doing common good for all Your creation. Bless us now, Your servants, as we pause to reflect on what has been done and what has gone before us. Thank You for this time and the gift of memory. Grant, too, Heavenly Father, that good will always prevail over evil and through the work of Your hands we may help to bring our world into harmony with the intended created order. In Your holy name, we pray. Amen.

FIRST READING OF A SENATE MEMORIAL RESOLUTION

Committee on Memorial Resolutions introduced:

SMR 2: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the first time.

MOTION

SEN. KILANDER MOVED that the rules be suspended, that SMR 2 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

SENATE MEMORIAL RESOLUTION NO. 2

Committee on Memorial Resolutions introduced:

A memorial resolution for deceased members of the Senate of the State of North Dakota.

WHEREAS, God in His wisdom has seen fit to summon to eternal rest His servants and our former colleagues:

C. W. "BILL" BAKER, who served in the Thirty-seventh and Thirty-eighth Legislative Assemblies, from the twenty-ninth district, died March 14, 1982.

RALPH CHRISTENSEN, who served in the Forty-seventh Legislative Assembly, from the thirty-sixth district, died April 16, 1982.

OLE S. JOHNSON, who served in the Thirty-fourth through the Thirty-seventh Legislative Assemblies, from the eighteenth district, died December 18, 1981.

KENNETH L. MORGAN, who served in the Thirty-fifth through the Thirty-eighth Legislative Assemblies, from the thirty-seventh district; the Thirty-ninth through the Forty-second Legislative

Assemblies, from the twenty-sixth district; and the Forty-third through the Forty-fifth Legislative Assemblies, from the twenty-seventh district, died September 25, 1982.

ROBERT M. NASSET, who served in the Fortieth through the Forty-fourth Legislative Assemblies from the thirty-eighth district, died May 9, 1981.

ELTON W. RINGSACK, who served in the Thirty-sixth through the Thirty-eighth Legislative Assemblies, from the fourth district, and the Thirty-ninth through the Forty-fourth Legislative Assemblies, from the sixteenth district, died May 17, 1982.

FRANK S. SHABLOW, who served in the Forty-third through the Forty-seventh Legislative Assemblies, from the tenth district, died July 12, 1981.

KENNETH T. URDAHL, SR., who served in the Thirty-ninth Legislative Assembly, from the twenty-third district, died March 20, 1982.

WHEREAS, today, we, as members of the Senate of the Forty-eighth Legislative Assembly of the State of North Dakota, pause to mourn the passing of our former colleagues, and to honor their memories; and

WHEREAS, these legislators rendered outstanding service to the people of the state by their contribution to their fellowmen and their communities;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That we express our keen sorrow on their passing and our appreciation, on behalf of the people of North Dakota, of the loyal and devoted service of these, our former colleagues; and

BE IT FURTHER RESOLVED, that for the perpetuation of their memory this token of respect and sympathy by their successors in trust be printed in the journal of the Senate and that duly enrolled copies of this resolution be presented by the Secretary of State to the surviving families of these deceased senators.

SECOND READING OF A SENATE MEMORIAL RESOLUTION

SMR 2: A memorial resolution for deceased members of the Senate of the State of North Dakota.

Was read the second time.

The question being on the final adoption of the memorial resolution.

SMR 2 was declared adopted on a voice vote.

REMARKS OF SENATOR SOLBERG

Mr. President, Senators, bereaved friends, and those who have come to honor the departed members of this body: It is fitting and proper that we should take time away from a busy schedule to pay homage to those who have served here; to recognize the deeds, perhaps, and some of the thoughts that permeated the minds of these people--those who worked here for many years, maybe, and many sessions--those who were involved in the creation of laws and statutes for the state of North Dakota--those who worked diligently to bring about a better understanding and a comprehension of the statutes and the provisions of state government in the affairs of men. We would be amiss if we would not take time to recognize those people. And we would be amiss if we did not take time to remember those who have served so well before us. And so I cannot help but recognize them through the use of a bit of prose that was written by Goldsmith many, many years ago when he honored the veterans of civil war in this country. He put it this way in the recessional that he wrote:

"God of our fathers, known of old;
Lord of our farflung battleline
beneath whose hand we hold
Dominion over palm and pine;
Lord God of hosts be with us yet
Lest we forget
Lest we forget"

And those words ring in my mind, "Lest we forget." Let us never forget to remember the great things that have gone before--the things that have helped build this state--the things that have helped create for us a better citizenry. And so I would like to place myself in a position of being the person representing each of these departed senators, so that I will speak in the first person, and recognize the fact that I am speaking for them, rather than to eulogize and to perpetuate the thoughts of many that may have had personal thoughts concerning these people, may I talk in the generalities as they worked in the Senate, and the thoughts that they had concerning the Senate, because I think the senators here would like to know what they thought of them.

Well, I didn't get any response on that. So I expect that you think that they thought you were all right, and as a result we will take it from there.

I think that one of the things that we find from these people is that they found in the Senate something that stimulated their thinking. They couldn't help but be stimulated by the expressions of thoughts, by the measures that were presented, by the discussions that went on, from the chairs, and from the seats, and from places of the position that these people held in our midst. They stimulated our thinking. They stirred our emotions. Oh yes, we were emotional, and we are emotional. We

are beings of emotion. We get angry, and we rise up in rebellion. And we tire at the thought that someone is trying to push something over onto us, so we resent it. And so we are emotional beings. And they were emotional before us. And they wanted us to express to you that they were emotional like you are and that you will continue to be. And they resent and they report our transgressions. Oh, there's nothing that can report our transgressions quite as adequately as a fellow senator. All we have to do is to move one inch and he's after us, and we will be told again and again, "I don't believe in what you believe in. I do not agree with your philosophy or ideology and your ideas," but nevertheless, we submit to it and we stay friends, and we remain friends until death do us part. And this is important in my estimation.

They explore, they explore the unknown. Oh, who explores more of the unknown than a group of senators. Every bill that comes in is an unknown quantity. Every bill that comes in is an unknown thing, and everything that is talked about is an unknown factor until it is proved to be logic and to be true, and of value to the state. And so they explore the unknown. They constantly are aware of needing to know what the unknown is all about. They guide our transgressions. Yes, the senators guide our transgressions. They tell us that we shall ask for forgiveness for those things that we have transgressed against them, and we ask their forgiveness for that, and then we ask the Lord to forgive us for our transgressions that we have committed from day to day.

Yes, it's important that we think about those that have gone before us and left these seats empty, but their mark is there. And so they guide, they guide our culture. Nothing can guide the culture of the state of North Dakota more than the Senate because every bill that comes before it is important to those who have performed before us and those who are performing today because every issue becomes a part of the cultural advancement that we make in education, in religion, in philosophy, and ideology. In agriculture, in business and industry, we find we add to our culture as we pass bills of significance to it. And so we find that our culture is advanced because of our work.

And then we arouse our curiosity. Oh, how curious we become, and sometimes we are humorous, and I think these people before us were humorous too, like the one fella said to the other fella, he said, "My wife is on a diet." Well, who isn't? "Well, my wife is on a diet. She's on a nut and banana diet. She hasn't lost any weight, but boy, you should see her climb trees." And so they had a sense of humor and they expressed it properly and in the proper place and at the right time.

And so we recognize they strike out at our apathy. The things that we are apathetic about, we soon become acquainted with because of the fact that we are reminded of them daily by those with whom we work, and that is important. That's what they would

want us to remember about them, is that they struck out at apathy, and we strike out at apathy, and we are equal in that capacity.

And then we facilitate our research. No place is there more research done than in the Senate of North Dakota, or in the Senate anywhere, because these people have to learn the fundamental things that were involved in each piece of legislation which they were considering, and that took time and eons of effort, and all kinds of diligent appraisal of the things that were involved in the measures that they were considering. And so they facilitated our research. They bring us understanding. Yes, we finally understand what is going on about us because of the fact that we have facilitated the opportunity that has been ours to study and to evaluate and to determine the good and the bad in the issues before us.

And then they strike out, they strike out, and keep our freedom. They are pledged to freedom. And they strike out to keep our freedom. Freedom of speech is a valuable tool. Freedom of religion is a valuable tool. We recognize each of them in this body politic, and they in turn before us, they struck out and preserved it for us, therefore, we owe them a great deal of thanks.

And so we find that we would be amiss if we were not to recognize the fact that we pay special homage to these people, and I would like to dedicate a piece of prose that was written many years ago by Robert Browning of England. He said, "A man's a success who lives well, laughs often, and gains much; who finds it in his soul to reap the benefits of many things that have gone before him; to do the things that are important at the moment for the expedition of those things to come in the future; and we find then that this man's life is an inspiration and his memory shall become a benediction." Thank you very much.

BENEDICTION

The benediction was offered by Rev. Merrill Ronning, Charity Lutheran Church, Bismarck.

And now may the Lord support us all as we journey on. May His hand of love be ever present as shadows lengthen and as evening comes. May His love surround our lives and may His favor be added to our daily work.

Through Your mercy grant us all long days and prosperous encounters and fulfilling relationships. In this we hope, through Christ our Lord. Amen.

MOTIONS

SEN. NETHING MOVED that the Memorial Session be dissolved, which motion prevailed.

SEN. NETHING MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

MOTION

SEN. LIPS MOVED that the rules be suspended, that HB 1003, HB 1007, HB 1011, HB 1014, HB 1015, HB 1019, HB 1020, HB 1022, HB 1023, HB 1031, HB 1032, HB 1034, HB 1036, and HB 1038 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

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 prevailed on a division vote.

SEN. LIPS MOVED that the rules be suspended, that HB 1003 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nelson; Nething; Olson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Barth; David; Dykshoorn; Erickson; Hilken; Lee; Leibhan; Moore; Mutch; Naaden; Parker; Peterson; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper

ABSENT AND NOT VOTING: None

HB 1003 passed, the title was agreed to, but the emergency clause lost.

HB 1007: A BILL for an Act making an appropriation for defraying the expenses of community or junior colleges.

Which has been read.

MOTION

SEN. LIPS MOVED that HB 1007 be amended as follows:

On page 2 of the engrossed bill, after line 17, insert the following new section:

"SECTION 3. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are effected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

MOTION

SEN. LIPS MOVED that the proposed amendments be adopted.

REQUEST

SEN. HEIGAARD REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to HB 1007, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to HB 1007, the roll was called and there were 33 YEAS, 20 NAYS, 0 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: None

The proposed amendments to HB 1007 were adopted.

MOTION

SEN. LASHKOWITZ MOVED that HB 1007 be laid over one legislative day, which motion prevailed.

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

Which has been read.

MOTION

SEN. LIPS MOVED that HB 1011 be amended as follows:

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

"SECTION 4. SALARIES AND WAGES. The salaries and wages line item is not changed by this amendment, the salaries and wages in this bill are effected by the provisions of House Bill No. 1010 which limit salary increases to a contingent salary increase of three percent on July 1, 1984."

MOTIONS

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

SEN. TENNEFOS MOVED that HB 1011 be amended as follows:

On page 1, line 14 of the engrossed bill, delete the numerals "112,374" and insert in lieu thereof the numerals "109,374"

On page 1, line 16 of the engrossed bill, delete the numerals "753,368" and insert in lieu thereof the numerals "731,368"

On page 1, line 17 of the engrossed bill, delete the numerals "\$1,024,454" and insert in lieu thereof the numerals "\$999,454"

On page 1, line 19, of the engrossed bill, delete the numerals "\$356,086" and insert in lieu thereof the numerals "\$331,086"

MOTIONS

SEN. TENNEFOS MOVED that the amendments be adopted, which motion prevailed on a division vote.

SEN. LIPS MOVED that the rules be suspended, that HB 1011 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

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

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 48 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Lee; Moore; Mutch; Vosper

ABSENT AND NOT VOTING: Dotzenrod

HB 1011 passed and the title was agreed to.

WEDNESDAY, MARCH 23, 1983

1759

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

SB 2004, SB 2316, SB 2351

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1253, HB 1278, HB 1530

Very respectfully,
LEO LEIDHOLM, Secretary

MOTIONS

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

SEN. NETHING MOVED that after the reading of SB 2499, SCR 4003, HB 1007, HB 1014, HB 1015, HB 1019, HB 1020, HB 1022, HB 1023, HB 1031, HB 1032, HB 1034, HB 1036, HB 1038, HB 1333, HB 1429, and HB 1693, the Senate adjourn and convene at 9:30 a.m., Thursday, March 24, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary