

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

* * * * *

FIFTY-EIGHTH DAY

Bismarck, March 28, 1983
The Senate convened at 10:00 a.m., with President Sands presiding.

The prayer was offered by Rev. Richard Hagestuen, First Lutheran Church, Mandan.

Dear God, these lawmakers have worked hard over the past few months struggling with their own feelings of what should be done, and dealing with others whose main interest is self-interest, whose only concern is self.

Help each of us whose motives are far from pure to deal honestly with these feelings and to put them aside to help North Dakota continue to be the state we love and need.
Amen.

ROLL CALL

The roll was called and all members were present, except Senators Barth, Goodman, Holmberg, and Mutch.

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-seventh day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2125, SB 2255, and SB 2422 and now wishes to inform you that it does now concur in the House amendments to SB 2125, SB 2255, and SB 2422 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2125, SB 2255, and SB 2422.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2062, SB 2084, SB 2093, SB 2112, and SB 2128 and subsequently passed the same, but has refused to concur in the House amendments to SB 2005, SB 2019, SB 2049, and SB 2144 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2005: Sens. Lips, Thane, Tallackson
SB 2019: Sens. Lips, Thane, Heigaard
SB 2049: Sens. Moore, Lee, Barth
SB 2144: Sens. Erickson, Mutch, Dotzenrod

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2145, SB 2156, SB 2189, SB 2196, and SB 2224 and subsequently passed the same, but has refused to concur in the House amendments to SB 2179, SB 2197, SB 2373, and SB 2473 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2179: Sens. Goodman, Adams, Barth
SB 2197: Sens. Erickson, Mutch, Dotzenrod
SB 2373: Sens. Olson, Christensen, Maixner
SB 2473: Sens. David, Dykshoorn, Satrom

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2267, SB 2288, SB 2291, SB 2294, and SB 2319 and subsequently passed the same.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2321, SB 2344, SB 2362, SB 2367, SB 2382, SB 2386, SB 2404, SB 2447, SB 2448, and SB 2465 and subsequently passed the same.

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2474, SCR 4006, SCR 4030, and SCR 4043 and subsequently passed the same.

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 1008: Sens. Tennefos, Tweten, Walsh
 HB 1010: Sens. Naaden, Wenstrom, Grotberg
 HB 1013: Sens. Tennefos, Tweten, Stromme
 HB 1016: Sens. Fritzell, Streibel, Walsh

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 1018: Sens. Naaden, Tennefos, Tallackson
 HB 1025: Sens. Lips, Fritzell, Tallackson
 HB 1028: Sens. Streibel, Tweten, Heigaard
 HB 1029: Sens. Streibel, Tennefos, Heigaard

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 1035: Sens. Thane, Tweten, Heigaard
 HB 1053: Sens. Goodman, Matchie, Moore
 HB 1165: Sens. Erickson, Kilander, Satrom
 HB 1370: Sens. Lodoen, Holmberg, Matchie

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 1387: Sens. Holmberg, Stenehjem, J. Meyer
 HB 1420: Sens. Olson, Stenehjem, Maixner
 HB 1421: Sens. Wenstrom, Streibel, Tallackson
 HB 1440: Sens. Stenehjem, Christensen, Lashkowitz

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 1460: Sens. Adams, Goodman, Dotzenrod
HB 1516: Sens. Leibhan, Peterson, Miller Heinrich
HB 1528: Sens. Stenehjem, Todd, J. Meyer
HB 1605: Sens. Goodman, Adams, Dotzenrod

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 1688: Sens. Holmberg, Stenehjem, Maixner
HCR 3038: Sens. Lodoen, Reiten, Waldera

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 4003

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 1667

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 1442, HB 1575, HB 1582, HB 1586, HB 1618, HB 1683

Very respectfully,
LEO LEIDHOLM, Secretary

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 18, 1983

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

MONDAY, MARCH 28, 1983

1899

Dear Mr. President:

While I favor and would approve under other circumstances the concept embodied in SB 2178, its approval at this time would in effect alter my present recommendations to the Legislative Assembly regarding foundation aid support for elementary and secondary education.

SB 2178 would separate the state tuition fund payments made pursuant to the Constitution from the statutory foundation aid. My recommendation presently before the Assembly calls for aid on the basis of \$1,400 per pupil. If SB 2178 were approved by me, my recommended foundation aid would be increased indirectly by the amount to which elementary and secondary schools are entitled from the "tuition" payments. Such an effect at this time would be contrary to my intent and recommendations until such time as overall agreement has been reached on these specific funding issues.

Therefore, I veto SB 2178.

Sincerely,

ALLEN I. OLSON
Governor

Allen I. Olson
Governor

March 18, 1983

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

Dear Mr. President:

SB 2436 is an attempt to provide a mechanism whereby grain elevators and railroads can settle pricing disputes without litigation and great expense. SB 2436 amends section 32-29-01 of the North Dakota Century Code by authorizing parties to "submit to arbitration the question of the claiming of an easement to erect or maintain a public warehouse on a railroad right of way." The mechanics of such arbitration are provided in a new section to chapter 60-06 of the North Dakota Century Code. This section states that the Public Service Commission shall serve as an arbitrator in accordance with chapter 32-29.

Section 3 of SB 2436 provides for an appropriation of \$2,500 from the general fund to the public utility valuation revolving fund. This appropriation has no relation to the substantive sections of SB 2436 and is unnecessary. Under this arbitration process, parties requesting an arbitration proceeding would pay all

1900

JOURNAL OF THE SENATE

expenses of the proceeding. All costs and expenses collected by the Commission would be deposited in the public utility valuation revolving fund for payment of such costs. In addition, the public utility valuation revolving fund has a present balance of approximately \$33,000.

SB 2436 is therefore signed as approved with the exception of section 3 which I veto.

Sincerely,

ALLEN I. OLSON
Governor

Allen I. Olson
Governor

March 18, 1983

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

Dear Mr. President:

SB 2476 would change the residency requirement for obtaining a resident fishing license from six months to 30 days. Hunting license residency requirements would remain at six months.

The North Dakota Game and Fish Department issues either a resident or nonresident fishing, hunting and fur bearer certificate. Fishing and hunting stamps are purchased and attached to the license certificate. At present, the uniform six-month residency requirement for all Game and Fish Department licenses provides for uniform administration and enforcement change provided by SB 2476 will complicate administration of the license system and enforcement of hunting and fishing residency laws. This proposed bifurcated system of fishing and hunting residency requirements is unnecessary because the Game and Fish Commissioner has the authority to waive such requirements for persons who establish their intention to become a permanent resident.

If changes are made in fishing and hunting license residency requirements, such changes should provide for identical requirements to ensure uniform administration and enforcement of license requirements. Therefore, I veto SB 2476.

Sincerely,

ALLEN I. OLSON
Governor

MOTION

SEN. NETHING MOVED that the Governor's vetoes be placed on the calendar on the Fifteenth order of business.

REQUEST

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to place the vetoes on the Fifteenth order of business, which request was granted.

ROLL CALL

The question being on the motion to place the Governor's vetoes on the Fifteenth order of business, the roll was called and there were 30 YEAS, 20 NAYS, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Barth; Holmberg; Mutch

The vetoes of the Governor were placed on the Fifteenth order of business.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was rereferred SCR 4059 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SCR 4059 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1001 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 15, delete the numerals "1,724,645" and insert in lieu thereof the numerals "1,645,343"

On page 1 of the engrossed bill, line 16, delete the numerals "2,643,642" and insert in lieu thereof the numerals "2,572,944"

On page 1 of the engrossed bill, line 20, delete the numerals "4,449,433" and insert in lieu thereof the numerals "4,299,433"

On page 1 of the engrossed bill, line 24, delete the numerals "1,465,964" and insert in lieu thereof the numerals "1,315,964"

On page 1 of the engrossed bill, line 26, delete the numerals "3,415,236" and insert in lieu thereof the numerals "3,265,236"

On page 1 of the engrossed bill, line 27, delete the numerals "7,864,669" and insert in lieu thereof the numerals "7,564,669"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Legislative Assembly

The salaries and wages line item is reduced by \$79,302 to adjust salaries for legislators and legislative employees. The adjustment provides funds for a Forty-ninth Legislative Assembly session of 90 calendar days.

The operating expenses line item is reduced by \$70,698. The reduction provides expense reimbursement for legislators for a session of 90 calendar days and reduces mileage reimbursement from 25¢/mile to 20¢/mile.

Legislative Council

The operating expenses line item is reduced by \$150,000. This reduction consists of \$45,400 to maintain meals and lodging reimbursement at the current rates; \$46,000 to reduce mileage reimbursement for 25¢/mile to 20¢/mile and \$58,600 to reflect adjustments to the interim committee structure.

SEN. LIPS, Chairman

HB 1001 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HCR 3090 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HCR 3090 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

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.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to operation of certain businesses on Sunday, and has approved its introduction by a unanimous vote.

SEN. NELSON, Chairman

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

FIRST READING OF SENATE BILL

Sens. Stenehjem, Olson introduced:

(Approved by the Committee on Delayed Bills)

SB 2500: A BILL for an Act to amend and reenact subsection 20. of section 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on Sunday; and to declare an emergency.

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

CONSIDERATION OF MESSAGES FROM HOUSE

SEN. CHRISTENSEN MOVED that the Senate do not concur in the House amendments to SB 2067 as printed on pages 1882-1884 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 2067:

Sens. Stenehjem, Christensen, J. Meyer

SEN. WRIGHT MOVED that the Senate do not concur in the House amendments to SB 2245 as printed on page 1767 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 2245:

Sens. Todd, Stenehjem, J. Meyer

SEN. LEE MOVED that the Senate do not concur in the House amendments to SB 2322 as printed on page 1809 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 2322:

Sens. Parker, Moore, Maixner

SECOND READING OF A HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to the assessment of agricultural land; to provide an effective date; and to declare an emergency.

Which has been read.

SEN. VOSPER MOVED that, in addition to the amendments to Engrossed House Bill No. 1052 adopted by the Senate as found on pages 1600 and 1601 of the Senate Journal, Engrossed House Bill No. 1052 be amended as follows:

On page 1 of the engrossed bill, line 21, delete the word "twenty" and insert in lieu thereof the word "seventeen".

And renumber the lines accordingly

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

SEN. GOODMAN MOVED that HB 1052 be amended as follows:

On page 1600 of the Senate Journal, delete lines 21, 22, and 23, which state, "On page 2 of the engrossed bill, line 16, remove the overstrike over the numbers '1983' and delete the numbers '1985'"

On page 1600 of the Senate Journal, delete lines 29 and 30 which state, "On page 2 of the engrossed bill, line 29, delete the numbers '1984 and 1985'"

And renumber the lines and pages accordingly

SEN. GOODMAN MOVED that the amendments be adopted, which motion lost.

SEN. GOODMAN MOVED that, in lieu of the amendments to Engrossed House Bill No. 1052 adopted by the Senate as found on pages 1600 and 1601 of the Senate Journal, Engrossed House Bill No. 1052 be amended as follows:

On page 1 of the engrossed bill, line 1, after the words "A BILL for an ACT" delete the remainder of the bill and insert in lieu thereof the following: "to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a statement of

legislative intent, and exemption of agricultural lands.

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

SECTION 1. A new subsection to section 57-02-08 of the 1981 Supplement to the North Dakota Century Code is hereby created and enacted to read as follows:

- a. It is the intent of the legislative assembly to exempt agricultural lands from ad valorem taxation. Farm structures and residences are already excluded from taxation and have been since 1919. The assessment of agricultural lands has drifted away from the concept of market value for the last forty years so significantly that total exemption is the next logical step.
- b. All agricultural property as defined in subsection 11 of section 57-02-01 of the 1981 Special Supplement to the North Dakota Century Code."

And renumber the lines accordingly

SEN. GOODMAN MOVED that the amendments be adopted, which motion lost.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 31 YEAS, 19 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Erickson; Grotberg; Hilken; Krauter; Kusler; Lee; Leibhan; Maixner; Meyer, D.; Meyer, J.; Moore; Naaden; Nelson; Nething; Parker; Reiten; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Walsh; Wogsland; Wright

NAYS: Berube; Dykshoorn; Fritzell; Goodman; Heigaard; Miller Heinrich; Kilander; Lashkowitz; Lips; Lodoen; Matchie; Olson; Peterson; Redlin; Satrom; Stenehjem; Tennefos; Waldera; Wenstrom

ABSENT AND NOT VOTING: Barth; Holmberg; Mutch

HB 1052 passed, the title was agreed to, but the emergency clause lost.

MOTION

SEN. LODOEN MOVED that the Senate reconsider the action whereby HB 1725 was passed, which motion lost on a division vote.

MESSAGE 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 2067, SB 2245, and SB 2322 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2067: Sens. Stenehjem, Christensen, J. Meyer

SB 2245: Sens. Todd, Stenehjem, J. Meyer

SB 2322: Sens. Parker, Moore, Maixner

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

SB 2455

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1084, HB 1167, HB 1182, HB 1246, HB 1290, HB 1295, HB 1315, HB 1319, HB 1373, HB 1374, HB 1404, HB 1406, HB 1408, HB 1417, HB 1428, HB 1432, HB 1439, HB 1443, HB 1445, HB 1447, HB 1454, HB 1458, HB 1466, HB 1479, HB 1518, HB 1519, HB 1523, HB 1526, HB 1533, HB 1534, HB 1543, HB 1559, HB 1589, HB 1630, HB 1641, HB 1653, HB 1670, HB 1674, HB 1680, HCR 3018, HCR 3020, HCR 3036, HCR 3083, HCR 3084, HCR 3086

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2431 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2431

On page 1 of the engrossed bill, line 2, delete the numeral "40-05.1" and insert in lieu thereof the words "5-03, a new section to chapter 39-04, and a new subsection to section 40-05.1-06"

- On page 1 of the engrossed bill, line 3, delete the words "sales, use, motor vehicle fuel, and special fuel" and insert in lieu thereof the word "certain"
- On page 1 of the engrossed bill, line 4, delete the words "only upon approval of the electors" and insert in lieu thereof the words "and fees and authorizing collection agreements"
- On page 1 of the engrossed bill, line 6, delete the words "sales and use"
- On page 1 of the engrossed bill, after line 8, insert the following new sections:

"SECTION 1. A new section to chapter 5-03 of the North Dakota Century Code is hereby created and enacted to read as follows:

Alcoholic beverage tax collection agreements with home rule cities. The governing body of any incorporated city that has adopted the home rule provisions of chapter 40-05.1 and the state treasurer may enter into contractual agreements whereby the state treasurer may collect any alcoholic beverage tax assessed by the incorporated city. The state treasurer, quarterly, shall pay to the city auditors of the several cities the money to which they are entitled under this section. The agreements entered into under this section shall provide for an agreed amount to be allowed the state treasurer for services rendered in connection with the collections. Any sums collected for services rendered shall be deposited by the state treasurer in the general fund.

SECTION 2. A new section to chapter 39-04 of the North Dakota Century Code is hereby created and enacted to read as follows:

Motor vehicle registration fee collection agreements with home rule cities. The governing body of any incorporated city that has adopted the home rule provisions of chapter 40-05.1 and the department may enter into contractual agreements where the department may collect any motor vehicle registration fees assessed by the city. The department shall deposit with the state treasurer all money collected under this section and shall accompany each remittance with a certificate showing the city for which it was collected. The state treasurer, quarterly, shall pay to the city auditors of the several cities the money to which they are entitled under this section. Agreements entered into under this section shall provide for an agreed amount to be

allowed the department for services rendered in connection with the collections. Any sums collected for services rendered shall be paid to the state treasurer for deposit in the motor vehicle registration fund."

On page 1 of the engrossed bill, line 9, delete the words "section to chapter 40-05.1 of" and insert in lieu thereof the words "subsection to section 40-05.1-06 of the 1981 Supplement to"

On page 1 of the engrossed bill, delete lines 12 through 14 and insert in lieu thereof the words "To impose registration fees on motor vehicles, and alcoholic beverage, income, sales, use, tobacco products, motor"

On page 1 of the engrossed bill, line 16, after the word "law" insert an underscored period and delete the remainder of the line

On page 1 of the engrossed bill, delete lines 17 through 19

On page 1 of the engrossed bill, line 23, overstrike the words "Sales and use tax" and insert immediately thereafter the word "Tax"

On page 1 of the engrossed bill, line 28, after the word "any" insert the word "income,"

On page 2 of the engrossed bill, line 1, after the word "use" insert the words ", tobacco products, motor vehicle fuel, and special fuel" and delete the words "and motor vehicle fuel and special fuel taxes"

And renumber the lines, sections, and pages accordingly

Very respectfully,
CHARLES FLEMING, Chief Clerk

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 1017, HB 1189, HB 1432, HB 1445, HB 1559, HB 1641,
HB 1695, HCR 3036, HCR 3096

Very respectfully,
CHARLES FLEMING, Chief Clerk

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 1084, HB 1182, HB 1246, HB 1290, HB 1295, HB 1315,
HB 1319, HB 1373, HB 1374, HB 1404, HB 1406, HB 1408,
HB 1417, HB 1428, HB 1439, HB 1443, HB 1447, HB 1454,
HB 1466, HB 1479, HB 1518, HB 1519, HB 1523, HB 1526,
HB 1533, HB 1534, HB 1543, HB 1589, HB 1630, HB 1653,
HB 1670, HB 1674, HB 1680, HCR 3018, HCR 3069, HCR 3073,
HCR 3076, HCR 3077, HCR 3083, HCR 3084

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 2187: Reps. E. Pomeroy, DuBord, D. Olsen

SB 2358: Reps. Aubol, C. Williams, R. Anderson

Very respectfully,
CHARLES FLEMING, Chief Clerk

MESSAGE TO THE HOUSE
SENATE CHAMBER

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

HB 1725

Very respectfully,
LEO LEIDHOLM, Secretary

REPORT OF CONFERENCE COMMITTEE

MR. PRESIDENT: Your Conference Committee to which was referred SB 2108 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 1493 and 1494 of the Senate Journal and that Engrossed SB 2108 be amended as follows:

On page 1 of the engrossed bill, line 10, after the word "Damages" insert the words "Schedule of monetary values"

On page 1 of the engrossed bill, line 10, overstrike the word "resident"

On page 1 of the engrossed bill, line 24, delete the word "resident"

On page 1 of the engrossed bill, line 26, after the word "wildlife" insert the following new language: "by willful or grossly negligent act or omission. The commissioner shall promulgate by rule a schedule of monetary values of various species of fish and wildlife, said values to represent the replacement costs of said fish and wildlife and the value lost to the state due to the destruction or injury of said"

species, together with other material elements of value. In any action brought under this section, the schedule shall constitute the measure of recovery for the fish and wildlife killed or destroyed. The funds so recovered shall be deposited in the general fund, and devoted to the propagation and protection of desirable species of fish and wildlife"

And renumber the lines accordingly

For the Senate: Sens. Parker, David, Krauter

For the House: Reps. Gullickson, A. Meier, Kretschmar

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

SB 2108 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that the Senate stand in recess until 3:45 p.m., which motion prevailed.

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

MOTION

SEN. TALLACKSON MOVED that the Senate reconsider the action whereby SB 2073 was lost.

REQUEST

SEN. LIPS REQUESTED a recorded roll call vote on the motion to reconsider SB 2073, which request was granted.

ROLL CALL

The question being on the motion to reconsider SB 2073, the roll was called and there were 29 YEAS, 18 NAYS, 6 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; Dotzenrod;
Dykshoorn; Fritzell; Grotberg; Heigaard;
Miller Heinrich; Hilken; Krauter; Kusler; Leibhan;
Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson;
Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson;
Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; David; Erickson; Kilander; Lashkowitz; Lee;
Lodoen; Moore; Nelson; Nething; Parker; Peterson;
Streibel; Thane; Todd; Tweten; Vosper; Waldera

ABSENT AND NOT VOTING: Barth; Goodman; Holmberg; Mutch;
Naaden; Tennefos

The motion to reconsider SB 2073 prevailed.

MONDAY, MARCH 28, 1983

1911

SEN. NETHING MOVED that SB 2073 be laid over one legislative day, which motion prevailed.

MOTIONS

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

SEN. NETHING MOVED that after the reading of SB 2073, SCR 4059, and HCR 3090, the Senate adjourn and convene at 9:00 a.m., Tuesday, March 29, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary