

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTIETH DAY

Bismarck, January 31, 1983

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

The prayer was offered by Rev. Ben Dove, First Presbyterian Church, Mandan.

Dear God, You have made the plains, the valleys, the bright waters, and the broad skies of this state we love. Help us to remember that Your hand is still at work among us. Thank You for the wonder and the responsibility of a government by and for the people. Forgive us when we forget that beyond any authority or influence we exercise, we are still accountable to You.

Guide and encourage these senators and all who work with them in this chamber. Grant that the decisions made here may please You even more than us.

When we are dead set in our ways, give us the saving humility of remembering we could be wrong. When we know the strain of honest indecision, give us the courage to finally act, believing You guide us when we do the best we can.

And for all who this day are weighed down by personal worry or sorrow, grant hope and strength and Your own assurance that they are not alone.

Refresh us all with the wise perspective of good humor.

All this we pray in grateful trust. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 Nineteenth 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 transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2042, SB 2128, SB 2259, SB 2260, SB 2305, SB 2327,  
SB 2334, SB 2382

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 1099

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 2089, SB 2090

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1197

Very respectfully,  
LEO LEIDHOLM, Secretary

REPORTS 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 2032, SB 2070, SB 2229, SB 2342

SEN. FRITZELL, Chairman

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

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

SB 2086, SB 2096, SB 2130

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 2086, SB 2096, SB 2130

LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SB 2127

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 1052, HB 1129, HB 1131, HB 1183, HB 1184, HB 1196,  
HB 1213, HB 1215, HB 1216, HB 1219, HB 1228, HB 1269,  
HB 1298, HB 1322, HB 1350, HB 1353, HB 1372, HB 1378,  
HB 1386, HB 1388, HB 1419, HB 1542

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## CONSIDERATION OF AMENDMENTS

SEN. PETERSON MOVED that the amendments to SB 2274 as recommended by the Committee on Education as printed on pages 391 and 392 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2277 as recommended by the Committee on Education as printed on page 392 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2303 as recommended by the Committee on Judiciary as printed on page 392 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2413 as recommended by the Committee on Judiciary as printed on page 394 of the Senate Journal be adopted, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education to which was referred SB 2088 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 27, delete the word "permanently" and insert in lieu thereof the word "contractually"

On page 4, line 32, remove the overstrikes over the words "7 and a copy of the report shall be"

On page 4, line 33, after the overstruck word "instruction" insert the words "annually submitted" and remove the overstrike over the word "to"

On page 4, line 34, remove the overstrikes over the words "the governor"

And renumber the lines accordingly

SEN. PETERSON, Chairman

SB 2088 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2163 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2163 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2178 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2178 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2212 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the numerals "53-02-02" and insert in lieu thereof the numerals "53-02-08"

On page 1, line 3, delete the words "and the"

On page 1, line 4, delete the words "requirement for obtaining a permit for such events" and insert in lieu thereof the words "and requirements for an officer of law to be in attendance at a public dance; and to repeal sections 53-02-02, 53-02-03, 53-02-04, 53-02-05, 53-02-06, 53-02-07, and 53-02-09 of the North Dakota Century Code, relating to permits and restrictions on public dances"

- On page 1, line 27, after the word "dancing" and before the period insert the words "and where the location of the dance has a seating capacity of at least five hundred people"
- On page 2, line 1, after the word "space" insert the words ", which has a seating capacity of at least five hundred people,"
- On page 2, delete lines 6 through 21 and insert in lieu thereof the following two sections:

"SECTION 2. AMENDMENT. Section 53-02-08 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-02-08. Officer of law to be in attendance at public dance, music festival, or public concert. ~~it shall be the duty of the~~ The sheriff in any county in which any public dance, music festival, or public concert is held outside of an incorporated city, and ~~of~~ the chief peace officer of the city where the dance, music festival, or public concert is held within the limits of a city, ~~to~~ shall police such dance, music festival, or public concert so that law and order are there maintained. The sheriff or the chief peace officer shall determine the number, if any, of deputy sheriffs or special officers needed to police the dance, music festival, or public concert properly. The person conducting any such dance, music festival, or public concert, before the dance, music festival, or public concert ~~shall be~~ is held, shall pay to such sheriff or peace officer the expense of any deputy sheriff or special officer required for the proper policing of such dance, music festival, or public concert, and no such dance, music festival, or public concert ~~shall~~ may be permitted to proceed unless such officer or officers are present and fees therefor are paid. The holding of such dance, music festival, or public concert without giving notice thereof to the sheriff of the county or the peace officer of the city, and without making provision for the policing thereof, is unlawful. No person, directly or indirectly interested or concerned in the giving, holding, or conducting of such public dance, music festival, or public concert, or connected with the person conducting the same, ~~shall be~~ is eligible to appointment under this section as a special officer.

SECTION 3. REPEAL. Sections 53-02-02, 53-02-03, 53-02-04, 53-02-05, 53-02-06, 53-02-07, and 53-02-09 of the North Dakota Century Code are hereby repealed."

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2212 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2245 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 19, delete the word "and" and insert in lieu thereof the words "which shall be"

On page 4, line 14, after the period insert the following sentence: "This section does not prohibit the continued use of a drive-in window which was used for the sale of alcoholic beverages as of January 1, 1983."

On page 4, line 17, delete the word "aloholic" and insert in lieu thereof the word "alcoholic"

On page 4, line 20, delete the words "also houses" and insert in lieu thereof the words "provides direct access to"

And renumber the lines and pages accordingly

SEN. WRIGHT, Chairman

SB 2245 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2247 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 23, delete the words ", included in any bylaws, affect" and insert in lieu thereof the words "may not be"

On page 1, delete line 24

On page 1, line 26, delete the words "Provisions that restrict the right of an owner to rent"

On page 1, delete line 27

On page 2, line 1, delete the letter "b."

On page 2, delete line 3 and insert in lieu thereof the following language:

"owner, a tenant, or other person.

- b. Provisions that make payment of losses, division of profits, disposition of hazard proceeds, or any other topic that is within the scope of the bylaws, based on whether the occupant of a unit is an owner, a tenant or other person."

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2247 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2251 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 4, line 5, after the period insert the following sentence: "Any large industrial user shall pay, in the manner determined by the commission, at least the proportionate costs of the project based on the large industrial user's proportionate capacity of the southwest pipeline project."

And renumber the lines and pages accordingly

SEN. LEE, Chairman

SB 2251 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2267 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 21, after the word "violates" insert the words "subsection 1", delete the words "this section", and after the word "felony" insert the words "and a person who violates subsection 2 is guilty of a class A misdemeanor"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2267 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2295 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, providing an exemption from property taxes for new single family residential property which meets certain qualifications; and to provide an effective date and an expiration date.

**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:

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

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

**SECTION 2. EFFECTIVE DATE AND EXPIRATION DATE.** This Act is effective for taxable years beginning after December 31, 1982, for property upon which construction is begun after March 31, 1983, and completed before January 1, 1985, and is ineffective after December 31, 1987."

And renumber the lines and pages accordingly

**SEN. GOODMAN, Chairman**

SB 2295 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2301 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2301 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2306 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 20, delete the word "comibined" and insert in lieu thereof the word "combined"

On page 1, line 21, delete the word "inluding" and insert in lieu thereof the word "including"

SEN. WRIGHT, Chairman

SB 2306 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2323 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2323 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2325 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 15, remove the overstrike over the word "~~forty-eight~~" and delete the word "forty"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2325 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2355 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

SB 2355 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2359 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, delete lines 25 through 28

And renumber the lines and pages accordingly  
SEN. REITEN, Chairman

SB 2359 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2367 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2367 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2369 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2369 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2379 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2379 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2383 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2383 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2390 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, overstrike the word "contributory" and immediately following insert the word "comparative"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2390 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2391 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2391 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2395 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 19, after the period, delete the words "Two members"

On page 3, delete lines 20 through 24

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2395 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2399 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 24, overstrike the word "five" and insert immediately thereafter the word "twenty"

On page 3, line 34, overstrike the word "five" and insert immediately thereafter the word "twenty"

And renumber the lines accordingly

SEN. REITEN, Chairman

SB 2399 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2403 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2403 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2422 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 2, delete the word "subsection" and insert in lieu thereof the words "subsections 2 and"
- On page 2, line 8, delete the word "Subsection" and insert in lieu thereof the words "Subsections 2 and"
- On page 2, line 9, delete the word "is" and insert in lieu thereof the word "are"
- On page 2, after line 10, insert the following:

"2. Any A person who, for himself or as agent or representative of another, issues any check, draft, or order for the payment of money instrument is guilty of a class C felony if that person either has issued an instrument in excess of five thousand dollars as payment for a livestock purchase, or has been previously convicted of issuing an instrument without an account or without sufficient funds in a bank or depository pursuant to section 6-08-16, and:

- a. At the time of issuing the instrument with intent to defraud, the drawer does not have an account with the bank or depository on which the instrument is drawn; or
- b. At the time of issuing the instrument with intent to defraud, or at the time of presentation for payment if made within one week after the original delivery of the instrument, the drawer does not have sufficient funds in the bank or depository, or credit with the bank, banker, or depository, to pay the instrument in full upon its presentation.

The person is also liable for collection fees or costs, not in excess of ten dollars, which a civil penalty payable to the holder of the instrument, of the lesser of one hundred dollars or three times the amount of the instrument. The civil penalty and the amount of the instrument

are recoverable by civil action by the holder of the instrument."

And renumber the lines and pages accordingly  
SEN. CHRISTENSEN, Chairman

SB 2422 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2427 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations:

On page 1, line 1, after the word "Act" delete "to amend and reenact sections 15-40.1-06 and"

On page 1, delete lines 2 and 3

On page 1, line 4, delete the words "portion of per-pupil educational support from the state;"

On page 1, delete lines 9 through 28

On page 2, delete lines 1 through 35

On page 3, delete lines 1 through 21

On page 3, line 32, delete the numeral "\$1,400" and insert in lieu thereof the numeral "\$1,380"

And renumber the lines, sections, and pages accordingly  
SEN. PETERSON, Chairman

SB 2427 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2433 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2433 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2434 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2434 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2458 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2458 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2460 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

SB 2460 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2461 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2461 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2462 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2462 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2467 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2467 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SCR 4016 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SCR 4016 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Moore and Reps. Thompson, Melby, Whalen introduced:

SCR 4033: A concurrent resolution directing the Legislative Council to study the operation of and need for a tax appeals board to provide taxpayers a prompt, efficient, and

inexpensive review procedure for decisions made in administration and application of state property tax laws. Was read the first time and referred to the Committee on Finance and Taxation.

Sen. Matchie introduced:

SCR 4034: A concurrent resolution directing a Legislative Council study of joblessness, particularly among young persons, with the goal of reducing unemployment and underemployment to the lowest possible level and to determine the need for legislation to achieve that goal.

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

#### FIRST READING OF HOUSE BILLS

HB 1053: A BILL for an Act to create and enact a new section to chapter 57-02 of the North Dakota Century Code, relating to protection of property taxpayers and taxing districts; to provide an effective date; and to declare an emergency.

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

HB 1128: A BILL for an Act to amend and reenact subsection 13 of section 15-10-17, subsection 1 of section 54-14-04.3, and section 54-52.1-03 of the North Dakota Century Code, relating to contributions toward the cost of annuity contracts, severance pay upon retirement of tenured faculty employees at state institutions, and payment of group insurance premium for tenured faculty employees of state institutions of higher learning.

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

HB 1223: A BILL for an Act to create and enact subsection 12 of section 63-01.1-02 of the North Dakota Century Code, relating to the definition of township road; and to amend and reenact subsection 4 of section 63-01.1-05, subsection 1 of section 63-01.1-06, subsection 3 of section 63-01.1-06.2, subsection 3 of section 63-01.1-06.5, subsection 5 of section 63-01.1-08, and section 63-01.1-09 of the North Dakota Century Code, relating to noxious weed control.

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

HB 1283: A BILL for an Act to amend and reenact sections 14-09-06.1 and 14-09-06.2 of the North Dakota Century Code, relating to the custodial preferences of a child fourteen years of age and older.

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

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

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

**HB 1292:** A BILL for an Act to amend and reenact section 1-03-01 of the North Dakota Century Code, providing an extra holiday.

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

**HB 1300:** A BILL for an Act to amend section 37-01-25 of the North Dakota Century Code, relating to military leave.

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

**HB 1304:** A BILL for an Act to amend and reenact section 6-05-15.1 of the North Dakota Century Code, relating to the investment of trust funds and commingling of funds.

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

**HB 1313:** A BILL for an Act to amend and reenact section 6-05-15 of the North Dakota Century Code, relating to the investment of trust funds.

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

**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.

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

**HB 1320:** A BILL for an Act to provide for immunity from liability for provision of assistance during a hazardous materials discharge.

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

**HB 1361:** A BILL for an Act to amend and reenact section 55-08-04 of the North Dakota Century Code, relating to employees as peace officers.

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

**HB 1381:** A BILL for an Act to amend and reenact section 28-04-01 of the North Dakota Century Code, relating to venue of actions for the foreclosure of mortgages upon real property where the mortgaged premises is situated in more than one county.

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

**HB 1382:** A BILL for an Act to amend and reenact section 32-19-08 of the North Dakota Century Code, relating to by whom and where mortgaged premises under a judgment of foreclosure

must be sold and the notice for and manner prescribed for the sale.

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

HB 1411: A BILL for an Act to amend and reenact section 26-04-03 of the North Dakota Century Code, or in the alternative to amend and reenact section 26.1-24-03 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to when an insured is entitled to a return of premium.

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

HB 1560: A BILL for an Act to amend and reenact section 32-08.1-08 of the North Dakota Century Code, relating to the service of writs of attachment and limitations on seizure.

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

#### FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3001: A concurrent resolution directing a Legislative Council study and revision of the insurance laws remaining in Title 26 of the North Dakota Century Code.

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

#### MOTION

SEN. NETHING MOVED that SB 2032, SB 2342, and SB 2348 be laid over until such time as SB 2251 is placed on the Eleventh order of business, so that they can all be considered at that time, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2044: A BILL for an Act to amend and reenact sections 54-27-20.1 and 54-27-20.2 of the North Dakota Century Code, relating to state revenue sharing; to repeal chapter 35 of the 1981 Session Laws, relating to the appropriation for state revenue sharing; to provide an appropriation; to provide for a transfer of funds; and to declare an emergency.

Which has been read.

#### ROLL CALL

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

NAYS: Lodoen; Wright

ABSENT AND NOT VOTING: None

SB 2044 passed, the title was agreed to, and the emergency clause carried.

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#### MOTION

SEN. CHRISTENSEN MOVED that SB 2068 be laid over two legislative days, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2069: A BILL for an Act to provide for conditions of participation for eligibility of nursing homes and intermediate care facilities to receive medical assistance payments, reports to the department of human services, and rejection of reports.

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 16 YEAS, 37 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; David; Dotzenrod; Grotberg;  
Heigaard; Hilken; Krauter; Lashkowitz; Matchie;  
Meyer, D.; Meyer, J.; Redlin; Stromme; Walsh; Wenstrom

NAYS: Adams; Bakewell; Christensen; Dykshoorn; Erickson;  
Fritzell; Goodman; Miller Heinrich; Holmberg; Kilander;  
Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Moore;  
Mutch; Naaden; Nelson; Nething; Olson; Parker;  
Peterson; Reiten; Satrom; Stenehjem; Streibel;  
Tallackson; Tennefos; Thane; Todd; Tweten; Vosper;  
Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2069 was declared lost.

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SB 2070: A BILL for an Act to provide for the appointment of state and regional long-term care ombudsmen and prescribing the powers and duties of long-term care ombudsmen.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 47 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Goodman; Stenehjem; Thane; Tweten

ABSENT AND NOT VOTING: None

SB 2070 passed and the title was agreed to.

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SB 2191: A BILL for an Act to amend and reenact section 39-22.2-01 of the North Dakota Century Code, relating to the licensing of wholesale motor vehicle dealers.

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

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 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; 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

SB 2191 was declared lost.

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SB 2229: A BILL for an Act to provide immunity from civil and criminal liability in certain cases when food is donated for charitable purposes; and to provide a penalty.

Which has been read.

#### ROLL CALL

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

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

SB 2229 passed and the title was agreed to.

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#### MOTION

SEN. PARKER MOVED that SB 2270 be rereferred to the Committee on Industry, Business, and Labor, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2310: A BILL for an Act to repeal chapter 39-22.2 of the North Dakota Century Code, relating to wholesale motor vehicle dealers.

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; 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: Goodman

SB 2310 passed and the title was agreed to.

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SB 2330: A BILL for an Act to amend and reenact section 40-24-10 of the North Dakota Century Code, relating to the payment by general taxation of an improvement financed by special assessment.

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

SB 2330 passed and the title was agreed to.

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SB 2353: A BILL for an Act to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to provisions governing the storage of grain in facilities owned by persons other than the licensee.

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

SB 2353 passed and the title was agreed to.

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SB 2377: A BILL for an Act to amend and reenact subsection 1 of section 39-06-03.1 of the North Dakota Century Code, relating to issuance of nondriver photo identification cards.

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

SB 2377 passed and the title was agreed to.

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SB 2378: A BILL for an Act to amend and reenact section 43-23-08.2 of the North Dakota Century Code, relating to continuing education requirements for real estate licensees.

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, 48 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Nelson; Tennefos; Tweten; Vosper

NAYS: Adams; 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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2378 was declared lost.

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SB 2396: A BILL for an Act to amend and reenact section 23-06-03.1 of the North Dakota Century Code, relating to pre-need funeral contracts; and to provide a penalty.

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

SB 2396 passed and the title was agreed to.

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MOTION

SEN. REITEN MOVED that SB 2397 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2411: A BILL for an Act to amend and reenact subsection 1 of section 38-14.1-24 of the North Dakota Century Code, relating to environmental protection performance standards for surface mining.

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 18 YEAS, 35 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; 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; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2411 was declared lost.

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SB 2416: A BILL for an Act to amend and reenact section 50-24.1-07 of the North Dakota Century Code, relating to recovery from the estates of medical assistance recipients.

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

YEAS: Wright

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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: None

SB 2416 was declared lost.

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SB 2423: A BILL for an Act to amend and reenact section 32-19.2-01 of the North Dakota Century Code, relating to the appointment of a trustee on application of the mortgagee in any action for the foreclosure of a real estate mortgage.

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 2 YEAS, 51 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Olson; Tallackson

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; Nething; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2423 was declared lost.

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#### MOTION

SEN. NOTHING MOVED that after the reading of SB 2163, SB 2178, SB 2274, SB 2277, SB 2301, SB 2303, SB 2323, SB 2367, SB 2369, SB 2379, SB 2383, SB 2391, SB 2397, SB 2403, SB 2413, SB 2433, SB 2434, SB 2458, SB 2461, SB 2462, SB 2467, and SCR 4016, the Senate adjourn and convene at 1:00 p.m., Tuesday, February 1, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary