

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTY-SIXTH DAY

Bismarck, February 8, 1983

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

The prayer was offered by Rev. Eugene Lybarger, Church of the Nazarene, Mandan.

Father, God, we thank You this day that You have given us the gift of creativity and put us here on this earth to work for a common cause. We thank You for the opportunity that is ours to be of service to You. Enable us to stand up against the influence that wants to corrupt our potential to be of service to You. Empower us to resist apathy and the temptation to give less than our best. Speak to us as You did to men of old until we know that the place where we stand is holy ground and the most ordinary routine has been sanctified by Your presence. Help us to have a visionary faith which realizes that even in the rapid pace of our society, with all its activity, that You are working. Grant that our labor may be marked by integrity in effort, steadfastness in purpose, and faithfulness in service until at last our work becomes good works in Your eyes. In Jesus' name, we humbly ask all these things. 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 Twenty-fifth 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 2146, SB 2216, SB 2226, SB 2270, SB 2311, SB 2316,
SB 2386, SB 2387, SB 2399, SB 2404, SB 2405, SB 2419,

SB 2422, SB 2438, SB 2445, SB 2446, SB 2456, SB 2474,
SB 2482

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:

SCR 4024

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

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 1380, HB 1418, HB 1424

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2017, SB 2103

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS OF PROCEDURAL COMMITTEE

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

SB 2193

SEN. FRITZELL, Chairman

SEN. KRAUTER 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 engrossed:

SB 2308, SB 2400, SB 2414, SB 2432, SB 2444, SB 2450,
SB 2473

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2193

LEO LEIDHOLM, Secretary

MOTIONS

SEN. LIPS MOVED that the Senate reconsider its action whereby SB 2337 passed, which motion prevailed on a division vote.

SEN. LIPS MOVED that SB 2337 be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2037 as recommended by the Committee on Appropriations as printed on pages 504 and 505 of the Senate Journal be adopted.

REQUEST

SEN. HEIGAARD REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2037, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2037, the roll was called and there were 32 YEAS, 21 NAYS, 0 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2037 were adopted.

SEN. LODOEN MOVED that the amendments to SB 2041 as recommended by the Committee on State and Federal Government as printed on pages 562 and 563 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2187 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 563-568 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to SB 2307 as recommended by the Committee on Natural Resources as printed on page 569 of the Senate Journal be adopted, which motion prevailed. SB 2307 has committee recommendation of DO NOT PASS.

SEN. LEE MOVED that the amendments to SB 2319 as recommended by the Committee on Natural Resources as printed on page 569 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to SB 2322 as recommended by the Committee on Natural Resources as printed on pages 569-571 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2358 as recommended by the Committee on Transportation as printed on page 571 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to SB 2418 as recommended by the Committee on Industry, Business, and Labor as printed on pages 572 and 573 of the Senate Journal be adopted, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2182 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2182 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 2273 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2273 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 2278 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2278 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 SB 2286 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 3, delete the words "enforcement of antitrust" and insert in lieu thereof the words "natural gas supply and rate litigation"

On page 1, line 4, delete the word "laws"

On page 1, line 12, delete the word "recipts" and insert in lieu thereof the word "receipts"

On page 1, line 17, delete the words "antitrust enforcement" and insert in lieu thereof the words "natural gas supply and rate litigation"

On page 1, line 23, delete the word "antitrust" and insert in lieu thereof the words "natural gas supply and rate"

On page 1, line 24, delete the word "antitrust" and insert in lieu thereof the words "natural gas supply and rate"

And renumber the lines accordingly

SEN. GOODMAN, Chairman

SB 2286 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 2289 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2289 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 2318 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2318 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 2340 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2340 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2363 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 words "the duration of" and insert in lieu thereof the words "motor vehicle"

On page 1, line 3, delete the words "single-trip"

On page 1, delete lines 8 through 12 and insert in lieu thereof the words: "Motor Vehicle Leases. A common or contract motor carrier of property may transport property using a motor vehicle acquired by lease, with or without driver, from the owner of the motor vehicle. A lease of a motor vehicle need not be for any minimum duration."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

SB 2363 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 2388 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2388 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 SB 2415 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2415 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 2421 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, delete the words "provide for the administrative enforcement of" and insert in lieu thereof the words "create and enact a new section to chapter 14-09 of the North Dakota Century Code, relating to a scale of minimum contributions for child support."

On page 1, delete line 2

On page 1, delete lines 5 through 26

Delete pages 2 through 4

On page 5, delete lines 1 through 31 and insert in lieu thereof the following language:

"SECTION 1. A new section to chapter 14-09 of the North Dakota Century Code is hereby created and enacted to read as follows:

Scale of suggested minimum contributions."

On page 5, line 32, after the word "department" insert the words "of human services"

On page 6, line 16, delete the word "Act" and insert in lieu thereof the word "chapter"

On page 6, after line 16, insert the following new subsection:

"3. The court shall consider the scale of suggested minimum contributions in making a determination of the amount of payment for child support."

On page 6, delete lines 17 through 35

Delete the remainder of the bill

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

SB 2421 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 2429 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2429 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 2435 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2435 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 SB 2442 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2442 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2454 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 2, line 9, delete the word "is" and insert in lieu thereof the words "must be"

On page 2, line 10, overstrike the word "Any" and overstrike the words "employee of any state"

On page 2, line 11, delete the word "agency" and insert in lieu thereof the words "The administrator of any state agency" and after the word "uses" insert the words "or authorizes the use of"

And renumber the lines accordingly

SEN. MUTCH, Chairman

SB 2454 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 2478 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2478 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 SB 2483 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2483 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 2486 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2486 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SB 2489 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, delete the second word "and"

On page 1, line 2, delete the words "subsection 2 of section 39-12-04"

On page 1, line 4, delete the first comma and insert in lieu thereof the word "and" and delete the words ", and permissible height"

On page 1, line 5, delete the words "of motor vehicles"

On page 2, delete lines 21 through 30

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

SB 2489 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 SCR 4030 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SCR 4030 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 HB 1043 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1043 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1050 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1050 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1066 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1066 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1086 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

HB 1086 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred HB 1107 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1107 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1114 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 4, after the word "sections" insert the numerals "43-06-02,"

On page 1 of the engrossed bill, line 7, delete "; and to declare an emergency"

On page 1 of the engrossed bill, after line 9, insert the following new section:

"SECTION 1. AMENDMENT. Section 43-06-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

43-06-02. Who exempt from the provisions of this chapter. This chapter shall not apply to chiropractors:

1. Chiropractors from the District of Columbia, or other states, territories, or countries who are in actual consultation in this state.
2. Students duly enrolled in an approved and accredited college of chiropractic who have completed chiropractic studies of at least nine quarters or the equivalent if the school is on some other basis other than quarters and who are continuing their training under a preceptorship program and performing the duties of an intern under

the supervision of a chiropractor licensed in the state of North Dakota who has received approval to supervise such internship by the board and said students having received approval to participate in such internship by the board.

3. A graduate of any approved and accredited college of chiropractic who has for the first time made application for license by examination to practice chiropractic in the state of North Dakota, may, under the supervision of a North Dakota licensed chiropractor, perform the duties of an intern, provided that a supervising chiropractor has certified to the state board of chiropractic examiners that the graduate is of good character and competent chiropractic ability. The authorization granted by the board shall terminate on the day of issuance of a chiropractic license after the North Dakota chiropractic examination for which application is made, except such authorization granted shall terminate when the results of that North Dakota chiropractic examination are announced for those graduates who do not receive a passing grade on that examination."

On page 5 of the engrossed bill, delete lines 12 through 14

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

HB 1114 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 HB 1145 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1145 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1181 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1181 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1185 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1185 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1193 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1193 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1195 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1195 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1205 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1205 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1227 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1227 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1232 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1232 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF SENATE BILLS

SB 2250: A BILL for an Act to reenact section 1 of chapter 216 of the 1981 Session Laws of North Dakota and section 2 of chapter 256 of the 1979 Session Laws of North Dakota and to authorize the state board of higher education to issue revenue bonds for the construction of student housing at

North Dakota state university of agriculture and applied science and to provide an appropriation; to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing parking lot at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at Minot state college and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at the university of North Dakota; to provide an appropriation; and to declare an emergency.

Which has been read.

MOTION

SEN. STENEHJEM MOVED that SB 2250 be amended as follows:

- On page 1 of the reengrossed bill, line 9, after the word "appropriation;" insert the words "to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing, coal-fired generating boiler at the university of North Dakota and to provide an appropriation;"
- On page 1 of the reengrossed bill, line 11, after the word "construction" insert the the words "or purchase and relocation"
- On page 2 of the reengrossed bill, after line 27, insert the following new sections:

"SECTION 5. BOARD OF HIGHER EDUCATION - BOND ISSUANCE - PURPOSES. The state board of higher education, in accordance with chapter 15-55, is hereby authorized to issue and sell self-liquidating, tax-exempt bonds in any amount up to but not exceeding three million five hundred thousand dollars for the purpose of constructing a revenue-producing, coal-fired generating boiler at the university of North Dakota. Bonds issued under the provisions of this Act shall not become a general obligation of the state of North Dakota.

SECTION 6. USE OF PROCEEDS - APPROPRIATION. The proceeds from the sale of bonds, or so much thereof as may be necessary, plus any available funds received from federal or private sources, are hereby appropriated for the construction or purchase and relocation and equipment of the facility authorized in section 5. Any unexpended balances from the sale

of bonds shall be placed in sinking funds for the retirement of the authorized bonds."

And renumber the lines, sections, and pages accordingly

MOTION

SEN. STENEHJEM MOVED that the proposed amendments be adopted.

SEN. PETERSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to reengrossed SB 2250, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2250, the roll was called and there were 35 YEAS, 18 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Barth; Christensen; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Berube; David; Dykshoorn; Erickson; Miller Heinrich; Leibhan; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Tennesos; Thane

ABSENT AND NOT VOTING: None

The proposed amendments to SB 2250 were adopted.

MOTION

SEN. STENEHJEM MOVED that the rules be suspended, that SB 2250 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2250: A BILL for an Act to reenact section 1 of chapter 216 of the 1981 Session Laws of North Dakota and section 2 of chapter 256 of the 1979 Session Laws of North Dakota and to authorize the state board of higher education to issue revenue bonds for the construction of student housing at North Dakota state university of agriculture and applied science and to provide an appropriation; to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing parking lot at the university of North Dakota and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds to construct a revenue-producing, coal-fired generating boiler at the university of North Dakota and to provide an appropriation;

to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction or purchase and relocation of revenue-producing student housing at Minot state college and to provide an appropriation; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for the construction of revenue-producing student housing at the university of North Dakota; to provide an appropriation; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 37 YEAS, 15 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Christensen; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Nething; Olson; Redlin; Reiten; Satrom; Stenehjelm; Streibel; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Berube; David; Dykshoorn; Erickson; Leibhan; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Tennefos; Thane

ABSENT AND NOT VOTING: Dotzenrod

SB 2250 passed, the title was agreed to, and the emergency clause carried.

SB 2308: A BILL for an Act to amend and reenact sections 16.1-06-04, 16.1-06-09, and 16.1-06-12 of the North Dakota Century Code, relating to the form of the ballot in elections.

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

YEAS: Adams; Bakewell; Barth; Christensen; Dykshoorn; Fritzell; Goodman; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Nething; Peterson; Redlin;

Reiten; Satrom; Stenehjem; Streibel; Todd; Waldera;
Walsh; Wenstrom; Wright

NAYS: Berube; David; Dotzenrod; Erickson; Grotberg;
Miller Heinrich; Moore; Olson; Parker; Stromme;
Tallackson; Tennefos; Thane; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: None

SB 2308 passed and the title was agreed to.

MOTION

SEN. MUTCH MOVED that SB 2469 be referred back to the Committee on Industry, Business, and Labor, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2328: A BILL for an Act to amend and reenact subsection 1 of section 30.1-10-01 of the North Dakota Century Code, relating to the renunciation of succession.

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 2328 passed and the title was agreed to.

SB 2343: A BILL for an Act to create and enact a new section to chapter 35-03 of the North Dakota Century Code, relating to collateral real estate mortgages.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 41 YEAS, 12 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Barth; David; Erickson; Lashkowitz; Lee; Mutch; Naaden; Nelson; Stenehjeme; Tennefos; Tweten; Vosper

ABSENT AND NOT VOTING: None

SB 2343 passed and the title was agreed to.

SB 2357: A BILL for an Act to create and enact a new subsection to section 54-35-02 of the North Dakota Century Code, relating to the legislative council or an interim committee holding public hearings on all initiated measures.

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 9 YEAS, 44 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: David; Erickson; Mutch; Nething; Parker; Tallackson; Thane; Tweten; Vosper

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

ABSENT AND NOT VOTING: None

SB 2357 was declared lost.

SB 2400: A BILL for an Act to amend and reenact sections 57-38-38 and 57-38-39 of the North Dakota Century Code,

relating to audit, assessment of additional tax, and protest procedure.

Which has been read.

ROLL CALL

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

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

NAYS: Lashkowitz; Mutch; Tennefos

ABSENT AND NOT VOTING: None

SB 2400 passed and the title was agreed to.

SB 2414: A BILL for an Act to create and enact a new section to chapter 39-04 of the North Dakota Century Code, relating to retirement of POW license plates and issuance of commemorative replicas.

Which has been read.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Maixner

SB 2414 passed and the title was agreed to.

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

Which has been read.

ROLL CALL

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

SB 2432 passed and the title was agreed to.

SB 2444: A BILL for an Act to amend and reenact section 40-08-12, relating to a biennial vote on whether city council proceedings should be published in the official newspaper.

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 34 YEAS, 18 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Heigaard; Holmberg; Kilander; Krauter; Lee; Leibhan; Lips; Lodoen; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tallackson; Todd; Vosper; Waldera; Wenstrom; Wright

NAYS: Grotberg; Miller Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Redlin; Satrom; Stromme; Thane; Tweten; Walsh; Wogsland

ABSENT AND NOT VOTING: Tennefos

SB 2444 passed and the title was agreed to.

SB 2450: A BILL for an Act to amend and reenact section 48-01-01 of the North Dakota Century Code, relating to bonds for contractors for public improvements.

Which has been read.

ROLL CALL

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

YEAS: Adams; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Krauter; Tennefos

SB 2450 passed and the title was agreed to.

SB 2463: A BILL for an Act to amend and reenact section 27-04-09 of the North Dakota Century Code, relating to security services to the supreme court; and to repeal section 27-04-10 of the North Dakota Century Code, relating to sheriffs acting as marshals of the supreme court.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

Heigaard; Millier Heinrich; Hilken; 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; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Barth; Krauter; Tennefos

SB 2463 passed and the title was agreed to.

SB 2473: A BILL for an Act to create three new sections to chapter 47-16 of the North Dakota Century Code, relating to a lessor's lien to satisfy unpaid rent, the disposal of property abandoned by a lessee, and the termination of a lease agreement induced by fraudulent misrepresentations; to amend and reenact section 12.1-23-03, subsection 9 of section 12.1-23-10, and sections 32-03-28 and 47-16-13.4 of the North Dakota Century Code, relating to the criminal offense of theft of services, damages for a tenant's willful holding over, and damages for breach of a rental agreement; and to provide a penalty.

Which has been read.

MOTION

SEN. SATROM MOVED that SB 2473 be amended as follows:

On page 1, line 1, delete the word "three" and insert in lieu thereof the word "two"

On page 1, line 2, delete the words "a lessor's lien to"

On page 1, line 3, delete the words "satisfy unpaid rent or damages,"

On page 1, line 4, delete the comma

On page 2, delete lines 21 through 35

On page 3, delete lines 1 through 11

And renumber the lines, sections, and pages accordingly.

MOTION

SEN. SATROM MOVED that the proposed 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 26 YEAS, 27 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dykshoorn; Erickson; Goodman; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tallackson; Tennefos; Thane; Vosper; Wenstrom

NAYS: Barth; Berube; Christensen; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Olson; Redlin; Satrom; Stenehjem; Stromme; Todd; Tweten; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2473 was declared lost.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4019: A concurrent resolution directing a Legislative Council study of the voting systems in use in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4019 was declared adopted on a voice vote.

SCR 4022: A concurrent resolution directing the Legislative Council to study the operation of games of chance within the state with emphasis on the use of the net proceeds generated by games of chance.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4022 was declared adopted on a voice vote.

SCR 4026: A concurrent resolution urging the Congress of the United States to provide that federally owned lands within the state of North Dakota that are in agricultural use be conveyed to private owners.

Which has been read.

SEN. BARTH REQUESTED a recorded roll call vote on SCR 4026, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 29 YEAS, 23 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Goodman; Hilken; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Tennesfos; Thane; Todd; Vosper; Wenstrom; Wright

NAYS: Barth; Berube; Dotzenrod; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Holmberg; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.; Redlin; Satrom; Stenehjem; Stromme; Tweten; Waldera; Walsh; Wogsland

ABSENT AND NOT VOTING: Tallackson

SCR 4026 was declared adopted.

SCR 4027: A concurrent resolution urging Governor Allen I. Olson, as president of the Board of University and School Lands, to act with the board as a whole to end the board's moratorium on the sale of school lands to private persons.

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

The question being on the final adoption of the resolution.

SCR 4027 was declared lost on a voice vote.

SCR 4028: A concurrent resolution urging the Federal Reserve Board to adopt policies that will lessen the volatility of interest rates.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4028 was declared adopted on a voice vote.

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.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4034 was declared adopted on a voice vote.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

February 8, 1983

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

Dear Mr. President:

This is to inform you that on February 8, 1983, I signed SB 2127

Sincerely,

ALLEN I. OLSON
Governor

FIRST READING OF HOUSE BILLS

HB 1039: A BILL for an Act to transfer moneys from the accumulated and undivided profits of the North Dakota mill and elevator association to the general fund of the state of North Dakota.

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

HB 1040: A BILL for an Act to transfer moneys from the accumulated and undivided profits of the Bank of North Dakota to the general fund of the state of North Dakota.

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

HB 1208: A BILL for an Act to amend and reenact sections 27-02-07, 27-11-01, 27-11-13, 27-11-17, and 27-11-22 of the North Dakota Century Code, relating to the supreme court's authority to adopt rules relating to the practice of law, the penalty for practicing law without a license, the certificate of admission and licensure fee requirements for the practice of law, and the powers of the state bar board.

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

HB 1214: A BILL for an Act to amend and reenact section 21-10-07 of the North Dakota Century Code, relating to legal investments of the state investment board.

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

HB 1268: A BILL for an Act to amend and reenact sections 11-04-04 and 11-04-05 of the North Dakota Century Code, relating to county seat removal petition signatures and the affidavit of verification of the petition.

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

HB 1297: A BILL for an Act to amend and reenact section 15-40.2-05 of the North Dakota Century Code, relating to convenience as a consideration for determining tuition payments.

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

HB 1321: A BILL for an Act to amend and reenact subsection 2 of section 26-28-04, and subsection 2 of section 26-29-04 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 2 of section 26.1-25-04 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to insurance rate filings made by insurance rating organizations.

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

HB 1331: A BILL for an Act to amend and reenact sections 15-40.1-09 and 15-47-33 of the North Dakota Century Code, relating to parent-teacher conference days included in the required one hundred eighty days of elementary and secondary school terms.

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

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

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

HB 1427: A BILL for an Act to amend and reenact subsection 2 of section 23-13-02.3 of the North Dakota Century Code, relating to assistance for handicapped persons using self-service motor fuel dispensing facilities at filling stations where pump island service is otherwise available.

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

HB 1438: A BILL for an Act to provide a civil action to utilities against persons who engage in bypassing,

tampering, or unauthorized metering of electricity, gas, water, or any other service.

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

HB 1452: A BILL for an Act to provide an appropriation for the construction of an addition to the student center building at the state school of science; and to declare an emergency.

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

HB 1574: A BILL for an Act to designate the city of Jamestown as the official site for the North Dakota state dairy show, including the state dairy princess contest, and to protect the use of those designations.

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

HB 1578: A BILL for an Act to provide for the establishment of a North Dakota-Saskatchewan boundary advisory committee.

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

HB 1632: A BILL for an Act to amend and reenact sections 27-15-01, 27-15-02, and 27-15-10 of the North Dakota Century Code, relating to the membership and expenses of the judicial council.

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

MOTION

SEN. NOTHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2037, SB 2041, SB 2182, SB 2187, SB 2273, SB 2278, SB 2289, SB 2307, SB 2318, SB 2319, SB 2322, SB 2337, SB 2340, SB 2358, SB 2388, SB 2415, SB 2418, SB 2429, SB 2435, SB 2442, SB 2478, SB 2483, SB 2486, SCR 4030, HB 1043, HB 1046, HB 1048, HB 1050, HB 1066, HB 1069, HB 1074, HB 1076, HB 1107, HB 1111, HB 1113, HB 1123, HB 1145, HB 1154, HB 1181, HB 1185, HB 1193, HB 1194, HB 1195, HB 1205, HB 1227, HB 1232, and HCR 3008, the Senate adjourn and convene at 1:00 p.m., Wednesday, February 9, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary