

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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TWENTY-SEVENTH DAY

Bismarck, February 9, 1983

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

The prayer was offered by Rev. Dennis Tippett, St. George's Episcopal Church, Bismarck.

Almighty God, Who hast given us this good land for our heritage: We humbly beseech Thee that we may always prove ourselves a people mindful of Thy favor and glad to do Thy will. Bless our land with honorable industry, sound learning, and pure manners. Save us from violence, discord, and confusion, from pride and arrogance, and from every evil way. Defend our liberties, and fashion into one united people the multitudes brought hither out of many kindreds and tongues. Endue with the spirit of wisdom those to whom in Thy Name we entrust the authority of government, that there may be justice and peace at home, and that, through obedience to Thy law, we may show forth Thy praise among the nations of the earth. In the time of prosperity, fill our hearts with thankfulness, and in the day of trouble, suffer not our trust in Thee to fail; all which we ask through Jesus Christ, our Lord. Amen.

ROLL CALL

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

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-sixth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

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 reengrossed:

SB 2250

SEN. FRITZELL, Chairman

SEN. KUSLER 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 2037, SB 2041, SB 2187, SB 2307, SB 2319, SB 2322,  
SB 2358, SB 2418

SEN. FRITZELL, Chairman

SEN. KUSLER 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 2065, SB 2281

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 2065, SB 2281

LEO LEIDHOLM, Secretary

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:16 a.m., February 9, 1983:

SB 2017, SB 2103

SEN. FRITZELL, Chairman

SEN. MOORE 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 President has signed and your signature is respectfully requested:

SB 2193

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

HCR 3039

Very respectfully,  
LEO LEIDHOLM, Secretary

## SENATE CHAMBER

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

SB 2152, SB 2157, SB 2271, SB 2284, SB 2345, SB 2347,  
SB 2389, SB 2420, SB 2424, SB 2465, SB 2491, SCR 4025

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 1097, HB 1224, HB 1312, HB 1315, HB 1319, HB 1332,  
HB 1364, HB 1420, HB 1429, HB 1434, HB 1435, HB 1442,  
HB 1444, HB 1445, HB 1446, HB 1456, HB 1466, HB 1509,  
HB 1552, HB 1559, HB 1587, HB 1604, HB 1636, HB 1700

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

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

SB 2186

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

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

SCR 4024

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## MOTIONS

SEN. WRIGHT MOVED that the Senate reconsider the action whereby SB 2473 lost, which motion prevailed.

SEN. WRIGHT MOVED that SB 2473 be laid over three legislative days, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

SEN. GOODMAN MOVED that the amendments to SB 2286 as recommended by the Committee on Finance and Taxation as printed on page 601 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2363 as recommended by the Committee on Transportation as printed on page 602 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2421 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 602 and 603 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2454 as recommended by the Committee on Transportation as printed on page 604 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to SB 2489 as recommended by the Committee on Transportation as printed on page 605 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1114 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 606 and 607 of the Senate Journal be adopted, which motion prevailed.

## FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sens. Lee, Maixner, Lips and Reps. Mertens, Kloubec introduced:

SCR 4036: A concurrent resolution directing the Legislative Council to study and review the financing and funding needs for development of North Dakota's water resources, and to study the manner in which the resource trust fund will provide financial assistance for the development of water supply facilities in the state of North Dakota.

Was read the first time and referred to the Committee on Natural Resources.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2007 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 14, delete the numerals "3,547,027" and insert in lieu thereof the numerals "3,348,205"

On page 1, line 19, delete the numerals "4,584,124" and insert in lieu thereof the numerals "4,385,302"

On page 1, line 21, delete the numerals "3,371,595" and insert in lieu thereof the numerals "3,172,773"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The salaries and wages line item of the State Industrial School is reduced by \$198,822 from the general fund. Of the total, \$186,828 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The remaining reduction of \$11,994 to salaries and wages is due to changes in salary information since the budget was submitted.

SEN. LIPS, Chairman

SB 2007 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred SB 2008 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 18, delete the numerals "2,844,738" and insert in lieu thereof the numerals "2,671,886"
- On page 1, line 19, delete the numerals "494,537" and insert in lieu thereof the numerals "487,048"
- On page 1, line 22, delete the numerals "3,432,605" and insert in lieu thereof the numerals "3,252,264"
- On page 1, line 24, delete the numerals "2,914,250" and insert in lieu thereof the numerals "2,733,909"
- On page 1, line 27, delete the numerals "1,543,836" and insert in lieu thereof the numerals "1,483,289"
- On page 1, line 28, delete the numerals "385,730" and insert in lieu thereof the numerals "378,265"
- On page 2, line 4, delete the numerals "1,998,035" and insert in lieu thereof the numerals "1,930,023"
- On page 2, line 6, delete the numerals "1,609,185" and insert in lieu thereof the numerals "1,541,173"
- On page 2, line 7, delete the numerals "4,523,435" and insert in lieu thereof the numerals "4,275,082"
- On page 2, line 9, delete the numerals "5,430,640" and insert in lieu thereof the numerals "5,182,287"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

School for the Deaf

The salaries and wages line item is reduced by \$172,852 from the general fund. Of the total, \$151,042 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The remaining reduction of \$21,810 to salaries and wages is due to changes in salary information since the budget was submitted.

The operating expenses line item is reduced by \$7,489 from the general fund, including a \$3,740 reduction to professional services and minor adjustments to other operating expenses.

School for the Blind

The salaries and wages line item is reduced by \$60,547 from the general fund. Of the total, \$80,949 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. Other changes to salaries and wages are: a reduction of \$2,876 due to changes in salary information since the budget was submitted, and an increase of \$23,278 due to teacher salary adjustments effective February 1, 1983.

The operating expenses line item is reduced by \$7,465 from the general fund, including a \$6,185 reduction to utilities and minor adjustments to other operating expenses.

SEN. LIPS, Chairman

SB 2008 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2010 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 14, delete the numerals "1,306,822" and insert in lieu thereof the numerals "1,244,412"

On page 1, line 18, delete the numerals "1,743,243" and insert in lieu thereof the numerals "1,680,833"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The salaries and wages line item is reduced by \$62,410 from the general fund. Of the total, \$68,635 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net reduction also includes an increase of \$6,225 for payroll adjustments relating to changes in hospitalization.

SEN. LIPS, Chairman

SB 2010 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred SB 2011 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 18, delete the numerals "5,962,435" and insert in lieu thereof the numerals "5,636,407"
- On page 1, line 21, delete the numerals "8,500,000" and insert in lieu thereof the numerals "1,000,000"
- On page 1, line 22, delete the numerals "18,531,987" and insert in lieu thereof the numerals "10,705,959"
- On page 1, line 24, delete the numerals "18,309,937" and insert in lieu thereof the numerals "10,483,909"
- On page 1, line 27, delete the numerals "886,606" and insert in lieu thereof the numerals "837,097"
- On page 2, line 3, delete the numerals "6,259,556" and insert in lieu thereof the numerals "6,210,047"
- On page 2, line 4, delete the numerals "18,309,937" and insert in lieu thereof the numerals "10,483,909"
- On page 2, line 5, delete the numerals "6,481,606" and insert in lieu thereof the numerals "6,432,097"
- On page 2, line 6, delete the numerals "24,791,543" and insert in lieu thereof the numerals "16,916,006"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

State Penitentiary

The salaries and wages line item is reduced by \$326,028 from the general fund. The reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

The capital improvements line item is reduced by \$7,500,000 from the general fund, which will delay Phase II construction at the Penitentiary.

Penitentiary Industries

The salaries and wages line item is reduced by \$49,509 from other funds. The reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

SEN. LIPS, Chairman

SB 2011 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2012 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 14, delete the numerals "903,435" and insert in lieu thereof the numerals "861,973"

On page 1, line 19, delete the numerals "2,613,067" and insert in lieu thereof the numerals "2,571,605"

On page 1, line 21, delete the numerals "1,807,027" and insert in lieu thereof the numerals "1,765,565"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$41,462 from the general fund. Of the total, \$48,928 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The net reduction also includes an increase of \$4,541 for changes in hospitalization plans and an

increase of \$2,925 for changes in salaries and fringes for employees changing positions and new employees being hired.  
SEN. LIPS, Chairman

SB 2012 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2013 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, after the word "Dakota" insert the words "and providing for state employee salary limitations"

On page 1, line 14, delete the numerals "33,348,699" and insert in lieu thereof the numerals "31,493,700"

On page 1, line 15, delete the numerals "5,953,909" and insert in lieu thereof the numerals "5,941,461"

On page 1, line 18, delete the numerals "2,947,140" and insert in lieu thereof the numerals "1,942,140"

On page 1, line 19, delete the numerals "43,397,383" and insert in lieu thereof the numerals "40,524,936"

On page 1, line 21, delete the numerals "32,066,870" and insert in lieu thereof the numerals "29,194,423"

On page 1, after line 28, insert the following new section:

"SECTION 3. COMPENSATION ADJUSTMENTS - LIMITATIONS. Appropriations for salaries and wages for the 1983-85 biennium include authority for average compensation adjustments to employees of three percent for the fiscal year beginning July 1, 1984. No increases are included for the year ending June 30, 1984. Moneys for the three percent compensation adjustments for the second year of the biennium shall only become available in full if the unobligated general fund balance at the end of the biennium, taking into consideration these compensation adjustments, is estimated in June 1984 by the office of management and budget to be at least \$50,000,000 on June 30, 1985. If in June 1984 the office of management and budget estimates there will be insufficient moneys in the general fund to pay the three percent compensation adjustment and maintain a \$50,000,000 unobligated end of biennium general fund balance, the compensation adjustment to achieve that balance shall be reduced to a lesser percentage in accordance with office of management and budget guidelines. Compensation adjustment levels

established for employees paid from the general fund also apply to employees paid from other funds."

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The salaries and wages line item is reduced by \$1,854,999 from the general fund. Of the total, \$1,846,560 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. In addition, \$8,439 is a reduction due to changes in salary information since the budget was submitted.

The operating expenses line item is reduced by \$12,448 from the general fund to allow five percent annual increases in food costs at the State Hospital.

The capital improvements line item is reduced by \$1,005,000 from the general fund to delete funding for a tunnel and steam distribution system.

In addition, this amendment includes a new section which provides a limitation on state employee compensation. The section provides that a three percent compensation adjustment for the fiscal year beginning July 1, 1984, shall become available in full only if the unobligated general fund balance at the end of the biennium, taking into consideration these compensation adjustments, is estimated in June 1984 by the Office of Management and Budget to be at least \$50 million on June 30, 1985. Provision is also made for lesser increases if necessary to maintain a \$50 million end-of-biennium balance.

**SEN. LIPS, Chairman**

SB 2013 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred SB 2014 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 14, delete the numerals "1,407,470" and insert in lieu thereof the numerals "1,331,374"

On page 1, line 15, delete the numerals "577,566" and insert in lieu thereof the numerals "625,203"

On page 1, line 17, delete the numerals "175,394" and insert in lieu thereof the numerals "183,264"

On page 1, line 18, delete the numerals "2,191,147" and insert in lieu thereof the numerals "2,170,558"

On page 1, line 19, delete the numerals "2,108,824" and insert in lieu thereof the numerals "2,116,694"

On page 1, line 20, delete the numerals "82,323" and insert in lieu thereof the numerals "53,864"

And renumber the lines accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item is reduced by \$76,096, of which \$59,228 is from the general fund and \$16,868 is from other funds. Of the total, \$75,633 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The total also includes a reduction of \$463 for payroll adjustments.

The operating expenses line item is increased by \$47,637 of which \$30,769 is from the general fund and \$16,868 is from other funds. The total increase includes \$14,632 increase for food, \$25,578 for utilities, and \$7,427 for service contracts.

The capital improvements line item is increased by \$7,870 from the Soldiers' Home improvement fund for adjustments and additions to the fire alarm system.

SEN. LIPS, Chairman

SB 2014 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2022 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2022 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2026 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, after line 6, insert the following new section:

"SECTION 1. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in

the state treasury, not otherwise appropriated, the sum of \$2,000,000, or so much thereof as may be necessary, and \$2,811,500, or so much thereof as may be necessary, from the state fire and tornado fund in the state treasury, to the commissioner of insurance for the purpose of making payments of insurance premiums to fire departments, for the biennium beginning July 1, 1983, and ending June 30, 1985."

On page 1, delete lines 7 through 15

On page 2, line 12, after the word "premiums" insert the words ", excluding crop hail insurance premiums,"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The appropriation for payments to fire departments is increased by \$1 million to a total of \$4,811,500 for the 1983-85 biennium. The general fund appropriation is reduced from \$3,811,500 to \$2 million, with the remaining appropriation of \$2,811,500 to come from the state fire and tornado fund.

SEN. LIPS, Chairman

SB 2026 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2036 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 15, delete the numerals "157,376" and insert in lieu thereof the numerals "120,000"

On page 1, line 16, delete the numerals "157,376" and insert in lieu thereof the numerals "120,000"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The appropriation to defray the expenses of the court-ordered monitor assigned to review the state's deinstitutionalization efforts is reduced by \$37,376.

SEN. LIPS, Chairman

SB 2036 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 2084 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 numeral "14-07.1-06" insert the following: "and subsection 1 of section 29-06-15"

On page 1, line 15, overstrike the words "the officer has probable"

On page 1, line 16, overstrike the words "cause to believe", and delete the word "that"

On page 1, line 20, delete the words "within the preceding four hours has physically" and insert in lieu thereof the words "is at his place of residence or the person is threatening to return to his place of residence, if the peace officer has probable cause to believe the person within the preceding four hours has assaulted his spouse or other person with whom he resides, although the assault did not take place in the presence of the peace officer. A peace officer may not arrest a person pursuant to this subsection without first observing that there has been recent physical injury to, or impairment of physical condition of, the alleged victim."

On page 1, delete lines 21 through 26

On page 2, after line 3, insert the following new section:

"SECTION 2. AMENDMENT. Subsection 1 of section 29-06-15 of the 1981 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. A peace officer, without a warrant, may arrest a person:
  - a. For a public offense, committed or attempted in the officer's presence; and for the purpose of this subdivision a crime shall be deemed committed or attempted in the officer's presence when what the officer observes through the officer's senses reasonably indicates to the officer that a crime was in fact committed or attempted in the officer's presence by the person arrested.
  - b. When the person arrested has committed a felony, although not in the officer's presence.

- c. When a felony in fact has been committed, and the officer has reasonable cause to believe the person arrested to have committed it.
- d. On a charge, made upon reasonable cause, of the commission of a felony by the party arrested.
- e. For the public offenses, not classified as felonies and not committed in the officer's presence as provided for under section 29-06-15.1.
- f. On a charge, made upon reasonable cause, of driving or being in actual physical control of a vehicle while under the influence of alcoholic beverages.
- g. For domestic violence pursuant to section 14-07.1-06."

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2084 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2162 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2162 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 2172 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 16, after the word "health" insert the words "either known or reasonably known but"

And renumber the lines and pages accordingly

SEN. REITEN, Chairman

SB 2172 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2296 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 3, delete the words  
"; and to" and insert in lieu thereof a period

On page 1 of the engrossed bill, delete lines 4 and 5

On page 2 of the engrossed bill, delete lines 9 through 24

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment removes the appropriation for state matching grants for county and city programs for senior citizens from engrossed Senate Bill No. 2296.

**SEN. LIPS, Chairman**

SB 2296 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MR. PRESIDENT:** Your Committee on Appropriations to which was referred SB 2351 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 7 of the engrossed bill, line 33, delete the words  
"There is hereby appropriated out" and insert in lieu thereof the words "All funds received by the council pursuant to the provisions of this Act are hereby appropriated."

On page 7 of the engrossed bill, delete lines 34 and 35

On page 8 of the engrossed bill, delete lines 1 through 3

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The amendment provides for a continuing appropriation for funds received by the State Barley Council.

**SEN. LIPS, Chairman**

SB 2351 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 2365 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 word "to" insert the words "regulate the issuance of deficiency judgments for a certain period; and to"

On page 1, after line 6, insert the following new section:

"SECTION 1. Deficiency judgments prohibited. During the period from July 1, 1983, through June 30, 1985, notwithstanding any other provision of law, no deficiency judgment shall be rendered upon any note, mortgage, or contract to secure the payment of any money loaned upon real estate or to secure the purchase price of real estate, and in the case of default the holder of a real estate mortgage or land contract is entitled only to a foreclosure of the mortgage or cancellation or foreclosure of the contract."

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

SB 2365 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 2401 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 2, line 9, delete the words "is guilty" and insert in lieu thereof the words "shall be subject to a civil penalty of one thousand dollars for the first violation, five thousand dollars for the second violation, and ten thousand dollars for each violation thereafter. The civil penalties provided for in this Act shall be recoverable by suit filed by the attorney general in the name of the state"

On page 2, line 10, delete the words "of a class A misdemeanor"

And renumber the lines accordingly  
SEN. CHRISTENSEN, Chairman

SB 2401 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 2449 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 words "to a treatment facility"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2449 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2453 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2453 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 2455 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 23, delete the word "As"

On page 2, delete lines 24 through 27

On page 3, delete lines 25 through 33

And renumber the lines, sections, subsections, and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2460 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2460 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 2479 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 13, delete the words "December thirty-first" and insert in lieu thereof the words "August thirty-first"

On page 3, line 1, delete the words "one year" and insert in lieu thereof the words "nine months"

On page 3, line 6, delete the word "eleven" and insert in lieu thereof the word "eight"

And renumber the lines accordingly

SEN. LODOEN, Chairman

SB 2479 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred SCR 4001 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

SCR 4001 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 4033 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SCR 4033 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 4035 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SCR 4035 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1002 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 of the engrossed bill, line 3, delete the numerals "1,465,000" and insert in lieu thereof the numerals "1,003,016"

On page 2 of the engrossed bill, delete line 4 and insert in lieu thereof the following lines:

"Total special fund appropriation from                   \$1,003,016  
fire and tornado fund"

On page 2 of the engrossed bill, line 5, delete the numerals "1,525,000" and insert in lieu thereof the numerals "60,000"

On page 2 of the engrossed bill, line 6, delete the numerals "1,772,116" and insert in lieu thereof the numerals "2,775,132"

On page 2 of the engrossed bill, line 7, delete the numerals "3,297,116" and insert in lieu thereof the numerals "2,835,132"

And renumber the lines accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

The amount appropriated for payments to fire departments is reduced to \$1,003,016. This amount allows a level of payment for fiscal year 1983 to fire departments equal to that paid for the year ended June 30, 1982. The moneys for this deficiency payment are to come from the fire and tornado fund since the accumulation of fund earnings is adequate to make this payment.

SEN. LIPS, Chairman

HB 1002 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1071 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 15, delete the numeral "1983" and insert "1982"

SEN. GOODMAN, Chairman

HB 1071 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 HB 1108 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1108 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 1112 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1112 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 1118 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1118 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1122 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1122 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 1136 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1136 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 1142 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 word "ten" and insert in lieu thereof the word "twenty"

On page 2, line 5, delete the word "ten" and insert in lieu thereof the word "twenty"

And renumber the lines accordingly

SEN. REITEN, Chairman

HB 1142 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 HB 1160 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1160 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 1180 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1180 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 1186 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1186 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 1304 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1304 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 1313 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1313 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 1320 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1320 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 1411 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1411 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 HCR 3001 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HCR 3001 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 HCR 3003 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3003 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### RECOGNITION

PRESIDENT SANDS ANNOUNCED to the assembly that this is National Boy Scout Week and introduced the following Boy Scouts who participated in a "Report to the Governor" at noon today:

Eagle Scout - Jeffrey Gendreau, Dickinson, North Dakota  
 Cub Scout - Jeb Oehlke, Devils Lake, North Dakota  
 Exploring Scout - Chris Larson, Williston, North Dakota  
 Life Scout - P. J. Smith, Fargo, North Dakota  
 Cub Scout - Devin Billings, Minot, North Dakota  
 Cub Scout - Scott Studsrud, Williston, North Dakota

#### SECOND READING OF SENATE BILL

SB 2037: A BILL for an Act making an appropriation for the distribution of state general fund revenue to local political subdivisions of the state of North Dakota.

Which has been read.

#### MOTION

SEN. NETHING MOVED that the question be divided on the passage of SB 2037, that all of SB 2037 be voted upon except section 3, which motion prevailed.

#### ROLL CALL

The question being on the passage of SB 2037, except section 3, 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; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjerm; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: None

SB 2037, except section 3, passed.

#### ROLL CALL

The question being on the passage of section 3 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; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: None

Section 3 of SB2037 lost for lack of a two-thirds majority.

#### MOTIONS

SEN. NOTHING MOVED that the rules be suspended, that SB 2037 be deemed properly reengrossed, which motion prevailed.

SEN. NOTHING MOVED that reengrossed SB 2037 be laid over one legislative day, which motion prevailed.

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#### SECOND READING OF SENATE BILL

SB 2041: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 28-32-01, subsection 1 of section 54-44.3-07, subsection 1 of section 54-44.3-12, and section 54-44.3-12.1 of the North Dakota Century Code, relating to agencies not subject to the Administrative Agencies Practice Act, the duties of the director of the central personnel division, and the functions of the state personnel board.

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 28 YEAS, 24 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Kilander; Lee; Leibhan; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Vosper; Walsh; Wenstrom

NAYS: Barth; Dotzenrod; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie; Olson; Satrom; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: Redlin

SB 2041 passed and the title was agreed to.

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MOTION

SEN. NETHING MOVED that SB 2182 be laid over until Monday, February 14, 1983, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact sections 25-01.2-04, 25-01.2-05, 25-01.2-06, 25-01.2-07, 25-01.2-11, 25-01.2-12, 25-01.2-14, and 25-01.2-18 of the North Dakota Century Code, relating to the rights of developmentally disabled persons residing in institutions or facilities, individualized education plans, and rulemaking authority.

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, 0 NAYS, 2 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Tallackson

SB 2187 passed and the title was agreed to.

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MOTION

SEN. NETHING MOVED that SB 2187 be reprinted, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2273: A BILL for an Act to create and enact a new section to chapter 12.1-30 of the North Dakota Century Code, relating to special rules for Sunday sales by certain establishments; to amend and reenact sections 12.1-30-01 and 12.1-30-03 of the North Dakota Century Code, relating to business or labor on Sunday; and to repeal section

12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

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

ROLL CALL

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

YEAS: Fritzell; Meyer, J.; Wright

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; 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 2273 was declared lost.

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MOTION

SEN. REITEN MOVED that SB 2435 be placed behind SB 2278 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2278: A BILL for an Act to create and enact two new sections to chapter 12.1-30 of the North Dakota Century Code, relating to special rules for Sunday sales by certain establishments; to amend and reenact sections 12.1-30-01 and 12.1-30-03 of the North Dakota Century Code, relating to business or labor on Sunday; and to repeal section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

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: Dykshoorn

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; 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 2278 was declared lost.

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SB 2435: A BILL for an Act to amend and reenact subsection 28 of section 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on Sunday.

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: Miller Heinrich; Stenehjem

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

ABSENT AND NOT VOTING: None

SB 2435 was declared lost.

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MOTION

SEN. GOODMAN MOVED that SB 2442 be placed behind SB 2289 on the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2289: A BILL for an Act to amend and reenact subsection 2 of section 57-61-01 of the North Dakota Century Code, relating to computation of increases in the amount of the coal severance tax; and to provide an effective date.

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

## ROLL CALL

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

YEAS: Barth; Berube; Miller Heinrich; Krauter;  
Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.;  
Redlin; Waldera; Walsh

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod;  
Dykshoorn; Erickson; Fritzell; Goodman; Grotberg;  
Heigaard; Hilken; Holmberg; Kilander; Kusler; Lee;  
Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson;  
Nething; Olson; Parker; Peterson; Reiten; Satrom;  
Stenehjem; Streibel; Stromme; Tallackson; Tennefos;  
Thane; Todd; Tweten; Vosper; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2289 was declared lost.

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SB 2442: A BILL for an Act to establish a weed control fund through the coal severance tax; to amend and reenact subsection 2 of section 57-61-01 of the North Dakota Century Code, relating to the computation of increases in the amount of the coal severance tax; to provide a continuing appropriation; and to provide an effective date.

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

## MOTIONS

SEN. BARTH MOVED that SB 2442 be amended as follows:

On page 1, line 11, delete the word "two" and insert in lieu thereof the word "three"

SEN. BARTH MOVED that the proposed amendments be adopted.

SEN. BARTH REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2442, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2442, the roll was called and there were 19 YEAS, 34 NAYS, 0 ABSENT AND NOT VOTING.

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

**NAYS:** 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; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom; Wright

**ABSENT AND NOT VOTING:** None

The proposed amendments to SB 2442 lost.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 15 YEAS, 38 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Barth; Berube; David; Miller Heinrich; Hilken; Krauter; Lashkowitz; Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin; Vosper; Waldera; Walsh

**NAYS:** Adams; Bakewell; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Holmberg; Kilander; Kusler; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom; Wogsland; Wright

**ABSENT AND NOT VOTING:** None

SB 2442 was declared lost.

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**SB 2307:** A BILL for an Act to create and enact a new section to chapter 55-08 of the North Dakota Century Code, relating to a state park acquisition and development fund; and to amend and reenact sections 55-08-07 and 55-08-07.1 of the North Dakota Century Code, relating to the state park fund and the state parks and recreation department concession fund.

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

#### ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 16 YEAS, 37 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Barth; Fritzell; Miller Heinrich; Holmberg; Lashkowitz; Lips; Olson; Redlin; Satrom; Stenehjem; Stromme; Tallackson; Thane; Tweten; Walsh; Wogsland

**NAYS:** Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Grotberg;

Heigaard; Hilken; Kilander; Krauter; Kusler; Lee; Leibhan; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Reiten; Streibel; Tennefos; Todd; Vosper; Waldera; Wenstrom; Wright

ABSENT AND NOT VOTING: None

SB 2307 was declared lost.

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SB 2318: A BILL for an Act to amend and reenact sections 16.1-06-05 and 16.1-06-07.1 of the North Dakota Century Code, relating to the form and arrangement of names on the election ballot.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; 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; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Christensen; Naaden

ABSENT AND NOT VOTING: Stromme

SB 2318 passed and the title was agreed to.

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REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 1:35 p.m., February 9, 1983:

SCR 4024

SEN. FRITZELL, Chairman

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

## SECOND READING OF SENATE BILLS

SB 2319: A BILL for an Act to amend and reenact subsection 2 of section 38-11.1-03, sections 38-11.1-04, 38-11.1-05, and 38-11.1-08 of the North Dakota Century Code, relating to oil and gas production damage compensation.

Which has been read.

## MOTION

SEN. MAIXNER MOVED that SB 2319 be amended as follows:

On page 1 of the engrossed bill, line 2, delete the numerals "38-11.1-08" and insert in lieu thereof the numerals "38-11.1-09"

On page 2 of the engrossed bill, line 24, delete the numerals "38-11.1-08" and insert in lieu thereof the numerals "38-11.1-09"

On page 2 of the engrossed bill, delete lines 27 through 35 and insert in lieu thereof the following:

"38-11.1-09. Rejection - Legal action - Fees and costs. If the person seeking compensation receives a written rejection, rejects the offer of the mineral developer, or receives no reply, that person may bring an action for compensation in the court of proper jurisdiction. If the amount of compensation awarded by the court is greater than that which had been offered by the mineral developer, the court shall award the person seeking compensation reasonable attorney fees and, any costs assessed by the court, and interest on the amount of the final settlement from the day drilling is commenced. The rate of interest awarded must be the prime rate charged by the Bank of North Dakota on the date of the judgment."

And renumber the lines and pages accordingly

## MOTIONS

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

SEN. MAIXNER MOVED that the rules be suspended, the SB 2319 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SB 2319: A BILL for an Act to amend and reenact subsection 2 of section 38-11.1-03, sections 38-11.1-04, 38-11.1-05, and 38-11.1-09 of the North Dakota Century Code, relating to oil and gas production damage compensation.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2319 passed and the title was agreed to.

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SB 2322: A BILL for an Act to amend and reenact subsection 23 of section 20.1-01-02 and sections 20.1-01-17 and 20.1-01-19 of the North Dakota Century Code, relating to the definition of established road or trail and hunting on private land.

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 42 YEAS, 10 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Holmberg; Lips; Lodoen; Nelson; Nething; Stenehjem; Tallackson; Tweten; Wenstrom

ABSENT AND NOT VOTING: Goodman

SB 2322 passed and the title was agreed to.

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## MOTION

SEN. NETHING MOVED that SR 2322 be reprinted, which motion prevailed.

## REQUEST

SEN. DOTZENROD REQUESTED the unanimous consent of the Senate to withdraw SB 2337. There being no objection, it was so ordered by the President.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2065, SB 2281

Very respectfully,  
LEO LEIDHOLM, Secretary

## SECOND READING OF SENATE BILLS

SB 2340: A BILL for an Act to amend and reenact section 9-10-07 of the North Dakota Century Code, relating to contribution to damage awards by joint tort-feasors.

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 22 YEAS, 31 NAYS, 0 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: None

SB 2340 was declared lost.

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SB 2358: A BILL for an Act to amend and reenact subsection 1 of section 39-12-05.1 of the North Dakota Century Code, relating to motor vehicle weight limitations.

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 48 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Miller Heinrich; Satrom

ABSENT AND NOT VOTING: Maixner; Wenstrom

SB 2358 passed and the title was agreed to.

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## MOTION

SEN. CHRISTENSEN MOVED that SB 2388 be laid over one legislative day, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact subsections 3 and 4 of section 57-38-30.3 of the North Dakota Century Code, relating to the simplified optional method of computing state income tax liability when claiming beginning farmer tax incentives; and to provide an effective date.

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

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 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 2415 was declared lost.

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MOTION

SEN. PARKER MOVED that SB 2418 be referred back to the Committee on Industry, Business, and Labor, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2429: A BILL for an Act to create and enact a new section to chapter 57-60 and a new subsection to section 57-60-01 of the North Dakota Century Code, relating to taxation of transmission lines; to repeal subsection 2 of section 57-33.1-02 of the North Dakota Century Code, relating to taxation of transmission lines; and to provide an effective date.

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

ROLL CALL

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

YEAS: David; Erickson; Mutch; Naaden; 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; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2429 was declared lost.

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SB 2478: A BILL for an Act to create and enact two new subsections to section 57-60-02 of the North Dakota Century Code, relating to the imposition of taxes on coal conversion facilities; and to amend and reenact subsection 2 of section 57-60-01 of the North Dakota Century Code, relating to a privilege tax on coal conversion facilities under construction.

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 7 YEAS, 45 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Miller Heinrich; Krauter; Kusler; Lashkowitz; Maixner; Matchie; Meyer, J.

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Meyer, D.; 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: Wright

SB 2478 was declared lost.

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SB 2483: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for farm homes which are leased from the owner; and to provide an effective date.

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

#### ROLL CALL

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

YEAS: Heigaard; Kusler; Maixner; Meyer, J.

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

SB 2483 was declared lost.

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SB 2486: A BILL for an Act to amend and reenact subsection 1 of section 49-22-08 of the North Dakota Century Code, relating to a statement of need in the application for a certificate under the North Dakota Energy Conversion and Transmission Facility Siting Act.

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: Bakewell; Dotzenrod; Fritzell; Heigaard;  
Miller Heinrich; Holmberg; Krauter; Lashkowitz;  
Maixner; Matchie; Meyer, D.; Meyer, J.; Redlin;  
Stenehjem; Vosper; Waldera; Walsh; Wogsland

NAYS: Adams; Barth; Berube; Christensen; David;  
Dykshoorn; Erickson; Goodman; Grotberg; Hilken;  
Kilander; Kusler; Lee; Leibhan; Lips; Lodoen; Moore;  
Mutch; Naaden; Nelson; Nething; Olson; Parker;  
Peterson; Reiten; Satrom; Streibel; Stromme;  
Tallackson; Tennefos; Thane; Todd; Tweten; Wenstrom;  
Wright

ABSENT AND NOT VOTING: None

SB 2486 was declared lost.

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#### POINT OF PERSONAL PRIVILEGE

SEN. KRAUTER: Mr. President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

My remarks do not pertain to a particular bill or issue, but to the conduct of a department employee.

When Ray Walton, legal counsel for the Public Service Commission testified before the Industry, Business, and Labor Committee and cut up a bill, along with the sponsor, I felt it my duty to bring such conduct to the attention of this assembly. This is far from the etiquette that should be conducted or observed in these chambers.

It is not in the best interest of government when a department employee takes it upon himself to attack an elected official. The dignity and the control of government at this level should always be controlled and adhered to.

I want to call this misconduct to the attention of this assembly and would greatly appreciate that incidents of this nature never be permitted to happen again.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4030: A concurrent resolution urging the President and Congress of the United States to stop the sales and supplies of American equipment and technology to the Soviet Union and other Communist nations.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4030 was declared adopted on a voice vote.

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MOTIONS

SEN. REITEN MOVED that HB 1213 be returned to the Senate floor from the Committee on Industry, Business, and Labor, which motion prevailed.

SEN. REITEN MOVED that HB 1213 be rereferred to the Committee on Agriculture, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

February 9, 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 9, 1983, I signed the following:

SB 2017, SB 2103.

Sincerely,

ALLEN I. OLSON  
Governor

FIRST READING OF HOUSE BILLS

HB 1380: A BILL for an Act to amend and reenact section 43-33-11 of the North Dakota Century Code, relating to fees and continuing education requirements for annual renewals of

license for hearing aid dealers and fitters and the effect of failure to renew in a timely manner.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

HB 1418: A BILL for an Act to create and enact a new section to chapter 57-40.3 of the North Dakota Century Code, relating to liens for failure to pay motor vehicle excise tax. Was read the first time and referred to the Committee on Transportation.

HB 1424: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 and a new subsection to section 57-40.2-04 of the North Dakota Century Code, relating to exemption of receipts from sales of gold and silver bullion from the sales and use tax.

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

#### MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Thirteenth order of business, and after the reading of SB 2022, SB 2037, SB 2162, SB 2286, SB 2363, SB 2388, SB 2421, SB 2453, SB 2454, SB 2460, SB 2489, SCR 4001, SCR 4033, SCR 4035, HB 1043, HB 1046, HB 1048, HB 1050, HB 1066, HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111, HB 1112, HB 1113, HB 1114, HB 1118, HB 1122, HB 1123, HB 1136, HB 1145, HB 1154, HB 1160, HB 1180, HB 1181, HB 1185, HB 1186, HB 1193, HB 1194, HB 1195, HB 1205, HB 1227, HB 1232, HB 1304, HB 1313, HB 1320, HB 1411, HCR 3001, HCR 3003, and HCR 3008, the Senate adjourn and convene at 1:00 p.m., Thursday, February 10, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary