

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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THIRTY-SECOND DAY

Bismarck, February 16, 1983

The Senate convened at 1:00 p.m., with President Pro-tem Thane presiding.

The prayer was offered by Rev. David Thoreson, Faith Lutheran Church, Bismarck.

Let us pray. Almighty and ever-living God, on this Ash Wednesday may we be reminded that You hate nothing You have made and You forgive the sins of those who are penitent. The ashes that are a symbol of this day remind us of Your judgment and condemnation of sin, but they also remind us of our own human frailty and that we are dependent on You for life. These ashes also remind us that two men, Robert Cheshire and Kenneth Muir have died a violent death on these, Your silent, peaceful plains. We remember their lives as Your servants and entrust them to Your care. As they are returned to the earth, ashes to ashes, dust to dust, may we all in a moment of silence pray that peace would be restored.

Lord, we pray that You would comfort the families of the victims of this tragedy. We pray for those who suffered injury, for James Hopson, Bradley Kapp, Steven Schnabel, and Yorivon Kahl.

Lord, You are a God of justice. Remind us that government is a peaceful and orderly way of carrying out Your work on earth. Help us to trust that through the judicial process the truth of this tragedy might be discovered and that justice may be served. Do not harden our hearts, but by Your grace enable us to remain instruments of Your peace. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Holmberg and Tennesos.

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 Thirty-first day and finds the same to be correct.

SEN. TWETEN, Chairman

SEN. J. MEYER 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 2037

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 2009, SB 2030, SB 2173, SB 2179, SCR 4029

SEN. FRITZELL, Chairman

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

MESSAGE 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 2182, SB 2205, SB 2371, SB 2384, SB 2402, SB 2437,  
SB 2448, SB 2471, SB 2492, SCR 4011, SCR 4020, SCR 4021,  
SCR 4023, SCR 4032, SCR 4036

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

SCR 4013

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1008, HB 1011, HB 1013, HB 1014, HB 1015, HB 1020,  
HB 1032, HB 1035, HB 1063, HB 1067, HB 1379, HB 1383,  
HB 1387, HB 1413, HB 1426, HB 1431, HB 1443, HB 1469,  
HB 1533, HB 1551, HB 1563, HB 1571, HB 1573, HB 1584,

HB 1598, HB 1606, HB 1608, HB 1624, HB 1645, HB 1661,  
 HB 1666, HB 1705, HCR 3013, HCR 3017, HCR 3019, HCR 3020,  
 HCR 3027, HCR 3041

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred Engrossed HB 1026 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

Engrossed HB 1026 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1064 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, after the word "law" insert the words  
 "; and to declare an emergency"

On page 1, immediately after line 14, insert the following  
 new section:

"SECTION 2. EMERGENCY. This Act is hereby  
 declared to be an emergency measure and is in effect  
 from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

SEN. OLSON, Vice Chairman

HB 1064 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1110 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 5, after the word "Code" insert the words  
 "; and to declare an emergency"

On page 1, after line 14, insert the following new section:

"SECTION 2. EMERGENCY. This Act is hereby  
 declared to be an emergency measure and is in effect  
 from and after its passage and approval."

And renumber the lines and sections accordingly

SEN. PETERSON, Chairman

HB 1110 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1119 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1119 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 1130 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 22, delete the words "against a professional"

On page 2 of the engrossed bill, line 1, after the word "knowledge" insert the words ", unless solely based upon information obtained as a result of committee hearings"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

HB 1130 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 1202 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1202 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 1207 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1207 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 1219 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 10, after the first comma insert immediately thereafter the word "or" and

overstrike the words "or by the exercise of eminent domain"

On page 3 of the engrossed bill, line 7, after the word "purchased" insert immediately thereafter the words "by the state"

And renumber the lines accordingly

SEN. LODOEN, Chairman

HB 1219 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 1283 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1283 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 1287 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to the purchase of service under the public employees retirement system.

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

SECTION 1. A new section to chapter 54-52 of the North Dakota Century Code is hereby created and enacted to read as follows:

**Purchase of service.** An individual who terminated participation in the plan under the special withdrawal provisions granted in section 13 of chapter 499 of the 1977 Session Laws, but who remained employed in a position otherwise eligible under the system, may purchase on an actuarial equivalent basis for credit all years of service performed in accordance with the rules established by the board. An individual who elects to purchase for credit this service must do so by entering into an agreement with the board prior to July 1, 1984."

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

HB 1287 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 1292 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1292 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 1307 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1307 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 1321 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1321 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 1322 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1322 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 1340 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1340 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 1361 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1361 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 1381 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1381 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 1382 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1382 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 1388 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1388 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 1409 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1409 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 1464 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1464 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 1484 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1484 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 1578 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1578 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 1610 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1610 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 1660 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HB 1660 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

PRESIDENT SANDS is now presiding.

#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2001 as recommended by the Committee on Appropriations as printed on pages 794-806 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. STREIBEL MOVED that the rules be suspended, that SB 2001 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage; which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2001: A BILL for an Act making an appropriation for defraying the expenses of various elected and appointed officials of the state of North Dakota; providing for a transfer of funds from the coal development impact fund; to create and enact three new sections to chapter 38-14.1 and one new section to chapter 54-46 of the North Dakota Century Code, relating to a reclamation research advisory committee and a transfer of records management functions; to amend and reenact sections 4-01-21, 15-21-02, 26-01-03, 34-05-01.2, 49-01-05, 54-07-04, 54-08-03, 54-09-05, 54-10-10, 54-11-13, 54-12-11, and 57-01-04 of the North Dakota Century Code as amended by chapter 480 of the 1977 Session Laws of North Dakota, and section 26.1-01-09 of the North Dakota Century Code as created by House Bill No. 1054, as approved by the forty-eighth legislative assembly, relating to salaries of elected state officials; to repeal chapter 481 of the 1977 Session Laws of North Dakota and chapter 521 of the 1981 Session Laws of North Dakota, relating to salaries of elected state officials; providing an effective date; and declaring 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 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2001 passed, the title was agreed to, and the emergency clause carried.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2002 as recommended by the Committee on Appropriations as printed on pages 806-808 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2002 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2002: A BILL for an Act making an appropriation for defraying the expenses of the superintendent of public instruction of the state of North Dakota; and providing for a transfer of funds from the oil extraction tax development fund.

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; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Thane; Todd; Tweten; Vosper;  
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2002 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2006 as recommended by the Committee on Appropriations as printed on pages 808 and 809 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. STREIBEL MOVED that the rules be suspended, that SB 2006 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2006: A BILL for an Act making an appropriation for defraying the expenses of various divisions under the supervision of the director of institutions of the state of North Dakota.

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; Bakewell; Barth; Berube; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Christensen; Holmberg; Tennefos

SB 2006 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2016 as recommended by the Committee on Appropriations as printed on page 809 of the Senate Journal be adopted.

## MOTION

SEN. NELSON MOVED that the question be divided on the adoption of the proposed amendments to SB 2016, that the line "Grants - 300,000" be voted upon separately, which motion prevailed.

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to adopt the amendment, "Grants - 300,000" to SB 2016, which request was granted.

## ROLL CALL

The question being on the motion to adopt the amendment "Grants - 300,000" to SB 2016, the roll was called and there were 29 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Barth; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Olson; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Todd; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Bakewell; Berube; Christensen; David; Dykshoorn; Erickson; Goodman; Lashkowitz; Lee; Moore; Mutch; Naaden; Nelson; Nething; Parker; Peterson; Streibel; Thane; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Holmberg; Tennefos

The proposed amendment "Grants - 300,000" to SB 2016 was adopted.

The question being on the remainder of the amendments to SB 2016, they were adopted on a voice vote.

## MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2016 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2016: A BILL for an Act making an appropriation for defraying the expenses of the educational broadcasting council of the state of North Dakota.

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 36 YEAS, 15 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; Berube; David; Dykshoorn; Erickson; Moore; Mutch; Naaden; Nelson; Parker; Peterson; Streibel; Tweten; Wright

ABSENT AND NOT VOTING: Holmberg; Tennesfos

SB 2016 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2019 as recommended by the Committee on Appropriations as printed on pages 809 and 810 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2019 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to provide for the office of management and budget to alter statutory payment dates; providing for cash flow financing; making an appropriation; and declaring 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, 13 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wenstrom; Wright

NAYS: Barth; Berube; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Satrom; Walsh; Wogsland

ABSENT AND NOT VOTING: Holmberg; Tennefos; Tweten

SB 2019 passed, the title was agreed to, and the emergency clause carried.

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#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the rules be suspended, that SB 2020 be placed on the Sixth order of business at this time, which motion prevailed.

#### MOTION

SEN. LIPS MOVED that the following amendments to SB 2020 as recommended by the Committee on Appropriations be adopted, which motion prevailed.

- On page 1, line 2, delete the words "providing for an appropriation" and insert in lieu thereof the words "authorizing a board of university and school lands loan program for the construction, reconstruction, and acquisition by nonprofit corporations of facilities for developmentally disabled persons."
- On page 1, delete lines 3 and 4
- On page 1, line 17, delete the numerals "36,118,626" and insert in lieu thereof the numerals "34,132,917"
- On page 1, line 21, delete the numerals "135,491,117" and insert in lieu thereof the numerals "136,116,656"
- On page 1, line 23, delete the numerals "192,718,927" and insert in lieu thereof the numerals "189,228,007"
- On page 1, delete line 24
- On page 1, line 25, delete the numerals "390,835,703" and insert in lieu thereof the numerals "380,984,613"
- On page 1, line 26, delete the numerals "256,281,218" and insert in lieu thereof the numerals "250,811,975"
- On page 1, line 27, delete the numerals "134,554,485" and insert in lieu thereof the numerals "130,172,638"
- On page 2, line 2, delete the numerals "217,817" and insert in lieu thereof the numerals "205,621"

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- On page 2, line 5, delete the numerals "830,322" and insert in lieu thereof the numerals "818,126"
- On page 2, line 6, delete the numerals "601,176" and insert in lieu thereof the numerals "597,590"
- On page 2, line 7, delete the numerals "229,146" and insert in lieu thereof the numerals "220,536"
- On page 2, line 8, delete the numerals "134,783,631" and insert in lieu thereof the numerals "130,393,174"
- On page 2, line 9, delete the numerals "256,882,394" and insert in lieu thereof the numerals "251,409,565"
- On page 2, line 10, delete the numerals "391,666,025" and insert in lieu thereof the numerals "381,802,739"
- On page 2, after line 15, insert the following new section:

"SECTION 3. LOAN AUTHORITY. The board of university and school lands may invest in an amount not to exceed \$5,000,000 from the permanenet fund of the common schools as loans to nonprofit corporations for the construction, reconstrurction, or acquisition of intermediate care facilities for developmentally disabled persons. The loans from the board of university and school lands shall be for a term not to exceed fifteen years, but the amount of the loan, interest rate, and method of repayment are to be negotiated by the board of university and school lands and the applicant. The method of repayment may be based on a period of time exceeding fifteen years provided that a final payment adequate to cover the remaining balance of principal and interest is due no later than fifteen years after the loan agreement is made. The applicant must grant a security interest to the permanent fund of common schools in the property to be constructed, reconstructed, or acquired."

On page 2, delete lines 16 through 30

On page 2, line 31, delete the numeral "5" and insert in lieu thereof the numeral "4"

And renumber the lines and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Department of Human Services

The salaries and wages line item is reduced by \$1,985,709, of which \$1,767,281 is from the general fund and \$218,428

is from other funds to 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 hospital, intermediate care, and skilled nursing facilities grants line item is increased by \$625,539, \$216,802 from the general fund, to provide funds to allow for an expected increase in medicaid assistance for AFDC recipients and continuing the annual inflationary increases provided in the Governor's budget.

The other grants, benefits, and claims line item is adjusted as follows:

<u>Adjustment</u>	<u>Total</u>	<u>Estimated Income</u>	<u>General Fund</u>
1. Reduced Title XIX grants for ICF/MR at Grafton/San Haven as a result of reductions in salaries at those two institutions	\$(1,453,420)	\$(872,052)	\$(581,368)
2. Reduce grants line to reflect the use of excess low income energy assistance block grant moneys in the social service block grant	(2,000,000)		(2,000,000)
3. To reflect an increase in the AFDC caseload and providing a three percent increase in payments the first year and no increase the second year. The basic requirement increases from the current \$437 to \$450 per month. The average monthly caseload for the 1983-85 biennium is increased from 4,090 to 4,263 as a result of an increase in caseload since the budget was submitted	312,500	212,500	100,000
4. Increase to provide a total of \$1,350,000 in state matching funds for senior citizen grants	150,000		150,000

5. Reduce the enhancement for grants for community based care for developmentally disabled from \$5,097,670 in the Governor's budget to \$4,597,670	(500,000)	(500,000)
Total	\$ (3,490,920)	\$ (659,552) \$ (2,831,368)

The construction loan fund line item of \$5 million is deleted as Section 3 provides loans from the permanent fund of the common schools to nonprofit corporations for the construction of intermediate care facilities for developmentally disabled persons.

#### Council on Human Resources

The salaries and wages line item is reduced by \$12,196, of which \$8,610 is from the general fund and \$3,586 is from other funds to 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 purpose of the new Section 3 is to provide up to \$5 million for a Board of University and School Lands loan program for the construction or acquisition of facilities for developmentally disabled persons. The funding for the program is changed from that proposed by the Governor from funds set aside for the National Guard tuition waiver program and the Vietnam bonds sinking fund since the moneys for the program are available from the Board of University and School Lands common school trust fund.

#### MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2020 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2020: A BILL for an Act making an appropriation for defraying the expenses of the human services department and authorizing a board of university and school lands loan program for the construction, reconstruction, and acquisition by nonprofit corporations of facilities for developmentally disabled persons.

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; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2020 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2023 as recommended by the Committee on Appropriations as printed on pages 810 and 811 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2023 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act making an appropriation for defraying the expenses of the adjutant general of the state of North Dakota; and providing for an appropriation and transfer of funds from the Vietnam bonus sinking fund and national guard tuition trust fund.

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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Bakewell; Goodman; Holmberg;  
Tennefos

SB 2023 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2024 as recommended by the Committee on Appropriations as printed on pages 811 and 812 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2031 as recommended by the Committee on Appropriations as printed on pages 812 and 813 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. TWETEN MOVED that the rules be suspended, that SB 2031 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act making an appropriation for defraying the expenses of the water commission of the state of North Dakota; and providing for a transfer from the resources trust fund.

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

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

NAYS: Wogsland

ABSENT AND NOT VOTING: Holmberg; Satrom; Tennefos

SB 2031 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2038 as recommended by the Committee on Appropriations as printed on pages 813-815 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. HEIGAARD MOVED that the rules be suspended, that SB 2038 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2038: A BILL for an Act making an appropriation for defraying the expenses of the judicial branch of the government of the state of North Dakota.

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; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2038 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2039 as recommended by the Committee on Appropriations as printed on pages 815 and 816 of the Senate Journal be adopted.

## MOTION

SEN. D. MEYER MOVED that the question be divided on the motion to adopt the proposed amendments to SB 2039, that the portion of the amendment, "On page 1, line 18," be voted upon separately, which motion prevailed.

SEN. D. MEYER REQUESTED a recorded roll call vote on the motion to adopt the amendment to SB 2039, "On page one, line 18," which request was granted.

SEN. NETHING REQUESTED a call of the Senate, which request was granted.

#### MOTION

SEN. NETHING MOVED that the call of the Senate be dispensed with, which motion prevailed.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2039, "On page 1, line 18," the roll was called and there were 27 YEAS, 24 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjerm; Streibel; Tallackson; Thane; Todd; Tweten; Vosper

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

ABSENT AND NOT VOTING: Holmberg; Tennefos

The proposed amendments to SB 2039, "On page 1, line 18," were adopted.

The question then is on the adoption of the remainder of the amendments to SB 2039, those amendments were adopted on a voice vote.

#### MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2039 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2039: A BILL for an Act making an appropriation for defraying the expenses of the energy development impact office of the state of North Dakota.

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 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2039 passed and the title was agreed to.

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CONSIDERATION OF AMENDMENTS

SEN. PETERSON MOVED that the amendments to SB 2047 as recommended by the Committee on Education as printed on pages 816-818 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to Engrossed SB 2062 as recommended by the Committee on Appropriations as printed on page 818 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. NOTHING MOVED that the rules be suspended, that SB 2062 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2062: A BILL for an Act to create and enact a new section to chapter 24-02 and one new section to chapter 54-44 of the North Dakota Century Code, relating to the creation of a central management system for state motor vehicles, and the purchase of motor vehicles; and to amend and reenact section 39-01-02 of the North Dakota Century Code, relating to decals to be placed on state motor vehicles.

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; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Stenehjøm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2062 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2073 as recommended by the Committee on Appropriations as printed on pages 818-820 of the Senate Journal be adopted, which prevailed.

SEN. MUTCH MOVED that the amendments to SB 2197 as recommended by the Committee on Transportation as printed on page 820 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2227 as recommended by the Committee on Appropriations as printed on pages 821 and 822 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2227 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2227: A BILL for an Act to amend and reenact section 6-09-15.1 of the North Dakota Century Code, relating to loans by the Bank of North Dakota to the state general fund; to provide a continuing 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 48 YEAS, 2 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Miller Heinrich; Hilken; 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; Stenehjøm; Streibel; Stromme;

Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
Wenstrom; Wogsland; Wright

NAYS: Heigaard; Walsh

ABSENT AND NOT VOTING: Goodman; Holmberg; Tennefos

SB 2227 passed, the title was agreed to and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. VOSPER MOVED that the amendments to Engrossed SB 2239 as recommended by the Committee on Agriculture as printed on page 822 of the Senate Journal be adopted, which motion prevailed.

MOTION

SEN. NETHING MOVED that the rules be suspended, that SB 2239 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2239: A BILL for an Act to create and enact section 10-06-07.1 of the North Dakota Century Code, relating to a public purpose and business purpose exception; and to amend and reenact sections 10-06-01, 10-06-08, and 10-06-13 of the North Dakota Century Code, relating to prohibited farming practices, and to the required number of directors under the corporate farming law.

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 39 YEAS, 11 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjerm; Streibel; Stromme; Thane; Todd; Tweten; Vosper; Walsh; Wogsland; Wright

NAYS: Dotzenrod; Krauter; Kusler; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Tallackson; Waldera; Wenstrom

ABSENT AND NOT VOTING: Goodman; Holmberg; Tennefos

SB 2239 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2249 as recommended by the Committee on Judiciary as printed on pages 822-824 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2276 as recommended by the Committee on Appropriations as printed on pages 824 and 825 of the Senate Journal be adopted.

SEN. REDLIN REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2276, which request was granted.

## ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2276, the roll was called and there were 29 YEAS, 21 NAYS, 3 ABSENT AND NOT VOTING.

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

The proposed amendments to SB 2276 were adopted.

## MOTION

SEN. NETHING MOVED that the rules be suspended, that SB 2276 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2276: A BILL for an Act to amend and reenact section 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to educational support per pupil and aid for transportation.

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 31 YEAS, 20 NAYS, 2 ABSENT AND VOTING.

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

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

ABSENT AND NOT VOTING: Holmberg; Tennefos

SB 2276 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. GOODMAN MOVED that the amendments to SB 2309 as recommended by the Committee on Finance and Taxation as printed on pages 825 and 826 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2313 as recommended by the Committee on Finance and Taxation as printed on pages 826-829 of the Senate Journal be adopted, which motion prevailed on a division vote.

SEN. GOODMAN MOVED that the amendments to SB 2314 as recommended by the Committee on Finance and Taxation as printed on page 829 of the Senate Journal be adopted, which motion prevailed. SB 2314 has committee recommendation of DO NOT PASS.

SEN. GOODMAN MOVED that the amendments to SB 2317 as recommended by the Committee on Finance and Taxation as printed on pages 829 and 830 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. ADAMS MOVED that the following proposed amendments to SB 2321 be substituted for those as printed on pages 830 and 831 of the Senate Journal, which motion prevailed.

On page 1, line 1, delete the words "amend and reenact" and insert in lieu thereof the words "create and enact new subsections to"

On page 1, line 2, after the word "protection" insert the words "and responsibility"

On page 1, line 11, remove the overstrike from the words "~~other than a person buying farm products~~"

- On page 1, line 12, remove the overstrike from the words "~~from a person engaged in farming operations~~"
- On page 2, line 3, delete the words "A commission merchant who sells livestock or agricultural" and insert in lieu thereof the following:

"Before a commission merchant who sells livestock or agricultural products for another for a fee or commission, or who purchases livestock or agricultural products, issues a check to the owner in payment for such livestock or agricultural products, the merchant must require the seller to execute a certificate of ownership on a form as prescribed by the commissioner of agriculture disclosing therein the name of the parties to whom security interests have been given against such livestock or agricultural products of representing that no such security interests exist. The merchant is required to enter the names of the lien holders disclosed in the certificate or otherwise known to the merchant as payees with the seller. Such certificate shall include a warning to the seller that an untrue statement as to the identification of security interest holders shall constitute a class C felony if the value of the property exceeds \$500.00, or a class A misdemeanor if the property does not exceed \$500.00 in value.

5. A lender who relies upon a security interest upon livestock or agricultural products shall disclose to the borrower at the time the loan is made that the law requires the borrower to disclose to the purchasers or merchants of the encumbered property the names of the security interest holders, and that the purchasers or commission merchants are required to enter the name of such security interest holders on the check issued in payment for such livestock or agricultural products, and that failure to make such disclosure will constitute a crime.
6. Any person or commission merchant dealing in farm products who complies with the provisions on certificate of ownership and puts declared lienholders' names on the check as provided in this section, shall

not be liable to the holder of a security interest.

On page 2, delete lines 4 through 9

And renumber the lines and pages accordingly

#### MOTIONS

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

SEN. LEE MOVED that the amendments to SB 2344 as recommended by the Committee on Natural Resources as printed on pages 831 and 832 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2346 as recommended by the Committee on Finance and Taxation as printed on page 832 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2354 as recommended by the Committee on Appropriations as printed on page 832 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2354 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to amend and reenact sections 27-02-02 and 27-05-03 of the North Dakota Century Code, relating to salaries of the judges of the supreme and district courts.

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 41 YEAS, 9 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Adams; Berube; Erickson; Meyer, D.; Moore; Parker; Tweten; Vosper; Walsh

ABSENT AND NOT VOTING: Bakewell; Holmberg; Thane

SB 2354 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2355 as recommended by the Committee on Appropriations as printed on page 833 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. NOTHING MOVED that the rules be suspended, that SB 2355 be deemed properly engrossed and placed on the calendar, as amended, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2355: A BILL for an Act to provide an appropriation to the state board for vocational education for the purpose of making payments to school districts participating in a multidistrict vocational center.

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 44 YEAS, 6 NAYS, 3 ABSENT AND NOT VOTING.

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

NAYS: Miller Heinrich; Moore; Nelson; Peterson; Streibel; Tweten

ABSENT AND NOT VOTING: Bakewell; Goodman; Holmberg

SB 2355 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to SB 2373 as recommended by the Committee on Judiciary as printed on pages 833-864 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that that amendments to SB 2394 as recommended by the Committee on Education as printed on pages 864 and 865 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 page 865 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2431 as recommended by the Committee on Finance and Taxation as printed on page 866 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2436 as recommended by the Committee on Appropriations as printed on pages 866 and 867 of the Senate Journal be adopted, which motion prevailed.

SB 2436 is placed on the calendar without recommendation.

SEN. LIPS MOVED that the amendments to SB 2447 as recommended by the Committee on Appropriations as printed on pages 867 and 868 of the Senate Journal be adopted, which motion prevailed.

#### MOTION

SEN. LIPS MOVED that the rules be suspended, that SB 2447 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2447: A BILL for an Act to amend and reenact sections 6-09.6-01, 6-09.6-02, 6-09.6-03, 6-09.6-04, and 6-09.6-05 of the North Dakota Century Code, relating to the developmentally disabled facility loan fund; 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 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; 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: Holmberg

SB 2447 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF AMENDMENTS

SEN. GOODMAN MOVED that the amendments to SB 2451 as recommended by the Committee on Finance and Taxation as printed on page 868 of the Senate Journal be adopted, which motion prevailed.

SEN. GOODMAN MOVED that the amendments to SB 2452 as recommended by the Committee on Finance and Taxation as printed on page 869 of the Senate Journal be adopted, which motion prevailed.

SB 2452 is placed on the calendar without recommendation.

REPORT 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 enrolled:

SMR 1

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:

SMR 1

LEO LEIDHOLM, Secretary

MOTIONS

SEN. NETHING MOVED that SB 2001, SB 2019, SB 2020, SB 2023, SB 2031, SB 2038, SB 2227, SB 2239, and SB 2354 be reprinted in the minimum amount, which motion prevailed.

SEN. NETHING MOVED that SB 2276 be reprinted in the regular amount, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Olson and Rep. Koski introduced:

SCR 4039: A concurrent resolution directing the Legislative Council to study present land use planning and zoning laws. Was read the first time and referred to the Committee on Political Subdivisions.

Sens. Lee, Mutch introduced:

SCR 4040: A concurrent resolution directing the Legislative Council to study preference laws for North Dakota contractors in regard to bids and sales for public contracts.

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

Sens. Erickson, Mutch, Lashkowitz, Tweten, Vosper introduced:

SCR 4041: A concurrent resolution directing the Legislative Council to conduct a study of incentives to encourage railroads to maintain existing railway branch lines and the cost-effectiveness of local ownership of abandoned railway branch lines.

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

Sens. Moore, Goodman introduced:

SCR 4042: A concurrent resolution directing the Legislative Council to study financial incentives provided by the state for development of the agriculturally derived fuel industry.

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

Sen. Nething introduced:

SCR 4043: A concurrent resolution directing a Legislative Council study of the financial management and administrative services of state government including the functions and services of the State Treasurer, Office of Management and Budget, State Tax Commissioner, Bank of North Dakota, State Auditor, and Director of Institutions.

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

#### FIRST READING OF HOUSE BILLS

HB 1022: A BILL for an Act making an appropriation for defraying the expenses of the livestock sanitary board of the state of North Dakota.

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

HB 1072: A BILL for an Act to create and enact chapters 57-43.2 and 57-43.3 of the North Dakota Century Code, relating to consolidation of provisions of the Special Fuels Tax Act, the special fuels tax levy, the Importers for Use Tax Act, and the aviation fuel tax; to repeal chapters 57-52, 57-53, 57-54.1, and 57-56 of the North Dakota Century Code, relating to the special fuels tax, the special fuels tax levy, the importers for use tax, and the aviation fuel tax; to provide penalties; and to declare an emergency.

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

HB 1073: A BILL for an Act to create and enact chapter 57-43.1 of the North Dakota Century Code, relating to consolidation of provisions of the motor fuels tax law and the importers for use tax law; to amend and reenact subsection 1 of section 57-51-15 of the North Dakota Century Code, relating to distribution of the oil and gas gross production tax; to repeal chapters 57-50, 57-54, and 57-54.1 of the North Dakota Century Code, relating to motor fuel tax refunds, motor vehicle fuel tax, and importers for use tax; to provide penalties; and declaring an emergency.

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

HB 1264: A BILL for an Act to amend and reenact subsection 6 of section 21-03-07 and section 21-03-15 of the North Dakota Century Code, relating to the vote required in school district bond issue elections and providing a tax on income of school district residents to pay the interest on and principal of school district bond issues; and to provide an effective date.

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

HB 1336: A BILL for an Act to create and enact two new sections to chapter 39-21 of the North Dakota Century Code, relating to the requirements of materials on windows or windshields; to provide a penalty; and to provide an effective date.

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

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

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

HB 1650: A BILL for an Act to amend and reenact section 20.1-02-18.3 of the North Dakota Century Code, relating to the suspension of federal authority to acquire interests in land.

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

HB 1680: A BILL for an Act to amend and reenact section 48-02-02 of the North Dakota Century Code, relating to the requirement that a licensed architect be retained for certain public works.

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

#### FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3023: A concurrent resolution directing a Legislative Council study of the insanity defense.

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

HCR 3042: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing for the manufacture by Roughrider Industries of equipment to be used in conducting games of chance. Was read the first time and referred to the Committee on State and Federal Government.

## MOTIONS

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

SEN. NETHING MOVED that at the conclusion of the Ninth order of business, the Thirteenth order of business, and after the reading of SB 2024, SB 2047, SB 2073, SB 2197, SB 2249, SB 2309, SB 2313, SB 2314, SB 2317, SB 2321, SB 2344, SB 2346, SB 2373, SB 2394, SB 2418, SB 2431, SB 2436, SB 2451, SB 2452, HB 1026, HB 1119, HB 1202, HB 1207, HB 1283, HB 1292, HB 1307, HB 1321, HB 1322, HB 1340, HB 1361, HB 1381, HB 1382, HB 1388, HB 1409, HB 1464, HB 1484, HB 1578, HB 1610, and HB 1660, the Senate adjourn and convene at 1:00 p.m., Thursday, February 17, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary