

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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THIRTY-NINTH DAY

Bismarck, March 1, 1983

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

The prayer was offered by Rev. Ambrose Netzer, Christian Counselor, Bismarck.

Almighty God and Father, in Your love You have set up government to order our lives so that the general welfare of all may be protected.

Give to the legislators gathered here today a deep sense of wisdom, a full measure of decency, a large amount of courage, a wide range of compassion, and a fullness of Your spirit; so that each citizen may have equal protection and equal opportunity to participate in our common life with dignity.

Bless every legislator with a sense of self-worth and knowledge that their labors are pleasing in Your sight. And to all of us grant a rich measure of Your grace. In Jesus' name, we pray. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Thirty-eighth day and finds the same to be correct.

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE

SENATE CHAMBER

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

HB 1059, HB 1097, HB 1125, HB 1127, HB 1218, HB 1226,
HB 1238, HB 1325, HB 1332, HB 1344, HB 1391, HB 1392,
HB 1393, HB 1403, HB 1409, HB 1411, HB 1412, HB 1418,
HB 1434, HB 1438, HB 1444, HB 1446, HB 1452, HB 1453,

HB 1456, HB 1464, HB 1465, HB 1469, HB 1470, HB 1484,
HB 1497, HB 1542

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1561, HB 1624, HB 1631, HB 1634, HB 1660, HB 1700,
HB 1719, HCR 3001, HCR 3003, HCR 3004, HCR 3008

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1270, HB 1427, HB 1581, HB 1595

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1148, HB 1360, HB 1505, HB 1574, HB 1610, HCR 3010

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2132, SB 2143

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1045, HB 1090, HB 1137, HB 1139, HB 1141, HB 1196,
HB 1261, HB 1268, HB 1273, HB 1281, HB 1298, HB 1375,
HB 1472, HB 1578

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1026, HB 1040, HB 1043, HB 1046, HB 1050, HB 1066,
 HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111,
 HB 1112, HB 1113, HB 1115, HB 1122, HB 1123, HB 1131,
 HB 1136, HB 1140, HB 1145, HB 1154, HB 1155, HB 1156,
 HB 1160, HB 1164, HB 1175, HB 1179, HB 1180, HB 1181,
 HB 1183, HB 1185, HB 1186, HB 1192, HB 1193, HB 1194,
 HB 1195, HB 1204, HB 1205, HB 1207, HB 1213, HB 1214

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 2042, SB 2153, SB 2166, SB 2208, SB 2211, SB 2254,
 SB 2290

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2194, SB 2203

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House does not concur in the Senate amendments to HB 1049, and the Speaker has appointed a conference committee to act with a like committee from the Senate on HB 1049:

Reps. Brokaw, Melby, A. Meier

Very respectfully,
 CHARLES FLEMING, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1026, HB 1040, HB 1043, HB 1046, HB 1050, HB 1066,
 HB 1069, HB 1074, HB 1076, HB 1107, HB 1108, HB 1111,
 HB 1112, HB 1113, HB 1115, HB 1122, HB 1123, HB 1131,
 HB 1136, HB 1140, HB 1145, HB 1154, HB 1155, HB 1156,
 HB 1160, HB 1164, HB 1175, HB 1179, HB 1180, HB 1181,
 HB 1183, HB 1185, HB 1186, HB 1192, HB 1193, HB 1194,
 HB 1195, HB 1204, HB 1205, HB 1207, HB 1213, HB 1214

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. HOLMBERG MOVED that the amendments to HB 1300 as recommended by the Committee on Political Subdivisions as printed on

page 1190 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1445 as recommended by the Committee on Political Subdivisions as printed on page 1190 of the Senate Journal be adopted, which motion prevailed. HB 1445 has committee recommendation of DO NOT PASS.

SEN. WRIGHT MOVED that the amendments to HB 1535 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1191 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1716 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1192 and 1193 of the Senate Journal be adopted, which motion prevailed.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

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.

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.

Which have been read.

ROLL CALL

The question being on the final passage of the bills, 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

The bills passed, the titles were agreed to, and the emergency clause carried on HB 1072 and HB 1073.

SECOND READING OF HOUSE BILLS

HB 1067: A BILL for an Act to amend and reenact sections 39-03.1-09 and 39-03.1-10 of the North Dakota Century Code, relating to contributions by the state of North Dakota and members of the highway patrol to the highway patrolmen's retirement system.

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 8 YEAS, 45 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Heigaard; Hilken; Kusler; Lashkowitz; Lips; Maikner; Matchie; Satrom

NAYS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Holmberg; Kilander; Krauter; Lee; Leibhan; Lodoen; 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; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

HB 1067 was declared lost.

HB 1166: A BILL for an Act to amend and reenact subdivisions b and c of subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to the power of the Bank of North Dakota to make and participate in loans.

Which has been read.

ROLL CALL

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

YEAS: 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.; 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: Fritzell

ABSENT AND NOT VOTING: None

HB 1166 passed and the title was agreed to.

MOTION

SEN. GOODMAN MOVED that HB 1442 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1450: A BILL for an Act to amend and reenact sections 10-15-51, 10-15-52.4, 10-19-10, 10-19-13, 10-19-61, 10-19-64, subsection 1 of section 10-19-66, sections 10-19-68, 10-19-69, 10-19-70, 10-20-04, 10-20-05, 10-21-01, 10-21-02, subsection 4 of section 10-21-03, section 10-21-07, subsection 4 of section 10-21-08, sections 10-21-11, 10-22-05, 10-22-09, 10-22-14, 10-23-01, 10-24-09, 10-24-35, subsection 3 of section 10-24-38, sections 10-25-04, 10-26-05, 10-27-05, 10-27-09, and 10-27-14 of the North Dakota Century Code, relating to eliminating the requirement that corporate reports, amendments, articles, and other filings under the North Dakota Cooperative Association Act, North Dakota Business Corporation Act, and North Dakota Nonprofit Corporation Act be verified.

Which has been read.

ROLL CALL

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

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

Peterson; Redlin; Reiten; Satrom; Stenehjøm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1450 passed and the title was agreed to.

HB 1462: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to the selection process for a student representative to the state board of higher education.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1462 passed and the title was agreed to.

HB 1498: A BILL for an Act to amend and reenact section 58-08-01 of the North Dakota Century Code, relating to compensation of township treasurers.

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 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

HB 1498 passed and the title was agreed to.

HB 1514: A BILL for an Act to amend and reenact subsection 8 of section 10-19-04 of the North Dakota Century Code, relating to the general powers of business corporations.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1514 passed and the title was agreed to.

HB 1580: A BILL for an Act to amend and reenact section 15-28-03 of the North Dakota Century Code, relating to the date for school elections.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1580 passed and the title was agreed to.

HB 1598: A BILL for an Act to amend and reenact section 44-04-20 of the North Dakota Century Code, relating to notices given for public meetings and telephone conference call meetings.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 34 YEAS, 19 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Goodman; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Leibhan; Lodoen; Maixner; Matchie; Meyer, D.; Naaden; Olson; Parker; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Adams; Barth; Fritzell; Grotberg; Heigaard; Lashkowitz; Lee; Lips; Meyer, J.; Moore; Mutch; Nelson; Nething; Peterson; Redlin; Stromme; Tennefos; Tweten; Wright

ABSENT AND NOT VOTING: None

HB 1598 passed and the title was agreed to.

HB 1633: A BILL for an Act to amend and reenact section 29-15-21 of the North Dakota Century Code, relating to demands for change of judge.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: None

HB 1633 passed and the title was agreed to.

HB 1636: A BILL for an Act to repeal section 61-16.2-07 of the North Dakota Century Code, relating to prohibited uses within a floodway.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Maixner; Wogsland

ABSENT AND NOT VOTING: Mutch

HB 1636 passed and the title was agreed to.

HB 1645: A BILL for an Act to create and enact three new subsections to section 55-10-08, relating to the acquisition of state historic sites and historic easements with respect thereto; and to amend and reenact subsection 8

of section 40-58-20 and section 47-05-02 of the North Dakota Century Code, relating to the expenditure of public funds including the proceeds of municipal bonds and tax increments to finance in whole or in part the restoration, reconstruction, and improvement of such sites and buildings and structures thereon; and declaring an emergency.

Which has been read.

ROLL CALL

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

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

HB 1645 passed, the title was agreed to, and the emergency clause carried.

HB 1661: A BILL for an Act to amend and reenact section 23-14-04 of the North Dakota Century Code, relating to compensation for members of a district board of health.

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, 2 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Moore; Nelson

ABSENT AND NOT VOTING: Berube

HB 1661 passed and the title was agreed to.

HB 1662: A BILL for an Act to provide legislative intent; to amend and reenact sections 54-03-20 and 54-35-10 of the North Dakota Century Code, relating to compensation and expenses of members of the legislative assembly and the legislative council; to repeal section 54-03-20.1 of the North Dakota Century Code, relating to compensation for attending legislators.

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: Leibhan; Thane

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

ABSENT AND NOT VOTING: None

HB 1662 was declared lost.

HB 1689: A BILL for an Act to amend and reenact section 10-15-29 of the North Dakota Century Code, relating to officers of a cooperative association.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 5 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; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Mutch; Naaden; Nelson; Stromme; Tennefos

ABSENT AND NOT VOTING: None

HB 1689 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3006: A concurrent resolution urging Congress to distribute part of revenues from the windfall profit tax to states producing the oil.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3006 was declared adopted on a voice vote.

HCR 3025: A concurrent resolution to establish a procedure for calling the Forty-eighth Legislative Assembly back into regular session after July 1, 1983, should the remaining constitutional time allotted for the regular session be needed.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Grotberg; Heigaard; Maixner; Walsh

ABSENT AND NOT VOTING: None

HCR 3025 was declared adopted.

MOTIONS

SEN. NOTHING MOVED that the Senate reconsider the action whereby HB 1522 passed, which motion prevailed.

SEN. NOTHING MOVED that HB 1522 be laid over one legislative day, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1081 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

HB 1081 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 1151 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 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 subdivision to subsection 1 of section 19-03.1-36 and a new subsection to section 19-03.1-36 of the North Dakota Century Code, relating to property traceable to controlled substances which is subject to forfeiture and to the presumption that property in close proximity to controlled substances are forfeitable.

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

SECTION 1. A new subdivision to subsection 1 of section 19-03.1-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

Everything of value furnished, or intended to be furnished, in exchange for a controlled substance in violation of this chapter, all proceeds traceable to such an exchange, and all moneys, negotiable instruments, and securities used, or intended to be used, to facilitate any violation of this chapter; except that no property shall be forfeited under this subdivision, to the extent of the interest of an owner, by reason of any act or omission

established by him to have been committed or omitted without his knowledge or consent. The property described in this section shall be seized in the same manner and procedure as conveyances.

SECTION 2. A new subsection to section 19-03.1-36 of the North Dakota Century Code is hereby created and enacted to read as follows:

All moneys, coin and currency found in close proximity to forfeitable controlled substances, to forfeitable drug manufacturing or distributing paraphernalia, or to forfeitable records of the importation, manufacture or distribution of controlled substances, are presumed to be forfeitable under this subsection. The burden of proof is upon claimants of the property to rebut this presumption."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1151 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1203 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 4, delete the words "the owner" and insert in lieu there of the words "any unleased mineral interest pooled by virtue of this section shall be entitled to a cost free royalty interest equal to the average royalty interest of the leased tracts within the spacing unit, but in no event shall the royalty interest of an unleased tract be less than a one-eighth interest. The remainder of the unleased interest shall be treated as a lessee or cost-bearing interest."

On page 2, delete lines 5 through 9

And renumber the lines accordingly

SEN. LEE, Chairman

HB 1203 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 1421 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. LODOEN, Chairman

HB 1421 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1422 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1422 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 1457 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1457 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 1471 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

HB 1471 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 1524 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1524 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1530 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 12, delete the word "purchasing" and insert in lieu thereof the word "land"

On page 1 of the engrossed bill, line 13, after the word "research" insert a period and delete the words "purposes the northeast quarter and the north half of the"

On page 1 of the engrossed bill, delete lines 14 and 15

And renumber the lines accordingly

SEN. LIPS, Chairman

HB 1530 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 1555 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

HB 1555 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 rereferred HB 1583 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 4, delete the word "thirty-one" and insert in lieu thereof the word "fifteen"

And renumber the lines accordingly

SEN. REITEN, Chairman

HB 1583 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 1632 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1632 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 HCR 3009 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HCR 3009 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 HCR 3023 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HCR 3023 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 HCR 3042 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3035: A concurrent resolution directing a Legislative Council study and revision of statutes relating to local health boards.

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

HCR 3036: A concurrent resolution directing the Legislative Council to conduct a study of the allocation of proceeds from the privilege tax on coal gasification plants.

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

HCR 3038: A concurrent resolution directing the Legislative Council to study the problems associated with litter.

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

HCR 3043: A concurrent resolution directing the Legislative Council to study all state veterans benefit programs to determine the feasibility, desirability, and fiscal impact of extending those benefits to all honorably discharged military personnel.

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

HCR 3044: A concurrent resolution to direct the Legislative Council to conduct a study of the desirability and feasibility of the construction of a pipeline to carry excess natural gas production from western North Dakota to eastern North Dakota.

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

HCR 3045: A concurrent resolution to direct the Legislative Council to conduct a study of the oil and gas laws.

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

HCR 3046: A concurrent resolution directing the Legislative Council to analyze the needs of this state for a safe disposal site for low-level radioactive waste generated in this state and to make a recommendation whether this state should become a member of an Interstate Low-Level Radioactive Waste Compact; and to study the handling, storage, use, transport, and processing of toxic or

hazardous substances which may endanger the health, welfare, and safety of persons who live and work in this state.

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

HCR 3049: A concurrent resolution directing the Legislative Council to conduct a study of the methods for the provision of financial assistance to townships for the repair of township roads damaged by hunting and fishing activities.

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

HCR 3051: A concurrent resolution directing the Legislative Council to study methods and practices which would promote the preservation and restoration of wetlands in the state.

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

HCR 3052: A concurrent resolution to direct the Legislative Council to conduct a study of the desirability of adopting uniform laws in the areas of arbitration, eminent domain, consumer sales practices, common interest ownership, transboundary pollution, and to study the existing Articles VIII and IX of the Uniform Commercial Code.

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

HCR 3053: A concurrent resolution directing the Legislative Council to study the feasibility and efficiency of placing all state laboratories in a central laboratory facility; to determine methods which reduce costs and better utilize laboratory space and equipment; and to analyze the building and other costs of such a consolidation.

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

HCR 3054: A concurrent resolution directing the Legislative Council to study methods to monitor or verify amounts of money exchanged in the conduct of games of chance in the state.

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

HCR 3055: A concurrent resolution directing the Legislative Council to study statutes relating to petition requirements.

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

HCR 3056: A concurrent resolution directing the Legislative Council to study the laws and actuarial soundness of the plans involving firemen's retirement, Vehicle Equipment Safety Commission employees' retirement, municipal employees' retirement, and National Guard retirement.

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

HCR 3057: A concurrent resolution directing the Legislative Council to conduct a study of the Highway Patrolmen's Retirement System.

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

HCR 3058: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a state scenic river system.

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

HCR 3059: A concurrent resolution directing the Legislative Council to study agriculture education in school curriculums and to study programs which will promote awareness of the importance of agriculture in the education system of North Dakota.

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

HCR 3060: A concurrent resolution directing the Legislative Council to study agricultural commodities export financing and marketing techniques; local processing of agricultural commodities; and innovative uses of the Bank of North Dakota, state mill and elevator, agricultural commodities groups, commissioner of agriculture, northern crops institute, and other state agencies in an effort toward discovering alternatives to promote the enhancement of agricultural commodities prices.

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

HCR 3061: A concurrent resolution directing the Legislative Council to study the penalty provisions in the game and fish laws of this state.

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

HCR 3062: A concurrent resolution directing the Legislative Council to study the effect of state laws and administrative rules on mobile homes and mobile home ownership, particularly with respect to laws and regulations affecting mobile home taxation, safety, and mobile home parks.

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

HCR 3063: A concurrent resolution directing the Legislative Council to study the impacts and problems associated with business closings in this state.

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

HCR 3064: A concurrent resolution directing the Legislative Council to study effects on political subdivision tax bases of purchases of privately owned land by the state and methods to alleviate any negative impact of such purchases on tax revenues of political subdivisions.

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

HCR 3065: A concurrent resolution directing the Legislative Council to study state agency retention of private consulting firms and individuals.

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

HCR 3067: A concurrent resolution directing the Legislative Council to study the possible uses of existing state facilities and the needs of the state in order to establish the highest and best use of state facilities.

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

HCR 3068: A concurrent resolution directing the Legislative Council to study methods and practices to provide for more efficient and prompt collection of taxes by the state with particular emphasis on a system for tax deposit by taxpayers and the transfer of tax revenues through financial institutions in this state.

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

HCR 3069: A concurrent resolution directing the Legislative Council to study the viability of a school district income tax as a means of either replacing or supplementing local property tax revenues.

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

HCR 3070: A concurrent resolution directing the Legislative Council to conduct a study of the investment powers of the State Investment Board and the investment of funds of the Public Employees Retirement System.

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

HCR 3071: A concurrent resolution directing the Legislative Council to study the problems of drug and alcohol abuse in public schools and the role the public schools should occupy in prevention efforts, counseling, and interagency cooperation which may be required to effectively address the problems of drug and alcohol abuse in the schools.

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

HCR 3072: A concurrent resolution directing the Legislative Council to study the functions and purposes of revolving funds.

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

HCR 3073: A concurrent resolution directing the Legislative Council to study taxation of the energy industry and to obtain consulting services to aid in the study.

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

HCR 3074: A concurrent resolution directing the Legislative Council to study methods of increasing access to health promotion, prevention, and primary care services and to study methods to contain the costs of those services.

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

HCR 3075: A concurrent resolution directing the Legislative Council to study the consolidation of services provided by the Department of Human Services to clarify the relationship between the Department of Human Services, the county social service boards, and mental health services; to review the services being provided by regional human service centers and to determine how responsive those centers are to referrals from the court system and other community agencies; and to examine alternatives for more efficient delivery of human services in North Dakota.

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

HCR 3076: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of using the existing facilities of public television to make available specialized instruction in elementary and secondary schools of the state.

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

HCR 3077: A concurrent resolution directing the Legislative Council to study elementary and secondary school finance; the effects on students of nonacademic extracurricular activities and absenteeism; the position of county superintendent of schools; the reorganization, annexation, and dissolution of school districts; the minimum high school curriculum and the length of school terms; the duties and responsibilities of elementary and secondary school teachers; and the future provision of special education programs in this state.

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

HCR 3079: A concurrent resolution directing a Legislative Council study of railroad abandonment and the possibility

of the forfeiture of mineral interests on land grant holdings when rail lines are abandoned.

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

HCR 3080: A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of the Motor Vehicle Department, Highway Patrol, and Highway Department.

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

HCR 3081: A concurrent resolution directing the Legislative Council to study the criteria used for issuance of water permits for irrigation, the effect of irrigation on ground water supplies, the effect of irrigation on the soil quality of the land to be irrigated, and the effect of irrigation on neighboring landowners.

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

HCR 3082: A concurrent resolution directing the Legislative Council to study the entire subject of renewal and nonrenewal of employment contracts between teachers and public school districts in this state.

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

HCR 3083: A concurrent resolution directing the Legislative Council to study the feasibility of requiring the residents, spouses, or families of individuals receiving services to make financial contributions toward the support of those persons who are placed in state and community facilities; to study other sources of revenue and financing techniques which may be available for the financing of those facilities; to study the financial responsibilities of persons at all state facilities under the auspices of the Director of Institutions and the Jamestown State Hospital; and to determine what fees and costs are currently being charged by other similar institutions providing medical, educational, and other services.

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

HCR 3084: A concurrent resolution directing the Legislative Council to study and review the jurisdiction of the Public Service Commission including the possibility of taking certain departments from the Public Service Commission as well as adding other departments or agencies to the jurisdiction of the Public Service Commission.

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

HCR 3085: A concurrent resolution directing the Legislative Council to conduct a study to determine services for which

businesses or professional service providers charge third-party payors higher rates than those rates charged private paying persons receiving similar services and to study alternatives to limit this practice.

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2029 which the House has amended:

HOUSE AMENDMENTS TO SENATE BILL NO. 2029

On page 1, line 14, delete the numerals "425,909" and insert in lieu thereof the numerals "410,142"

On page 1, line 19, delete the numerals "1,152,209" and insert in lieu thereof the numerals "1,136,442"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Soil Conservation Committee

The salaries and wages line item is reduced by \$15,767 from the general fund to allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$3,810 is to be provided in a separate appropriation bill. Funds are not provided for additional state contributions to retirement.

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTION

SEN. NOTHING MOVED that at the conclusion of the Thirteenth order of business and after the reading of HB 1003, HB 1055, HB 1081, HB 1300, HB 1422, HB 1442, HB 1445, HB 1457, HB 1471, HB 1522, HB 1524, HB 1535, HB 1555, HB 1632, HB 1716, HCR 3009, HCR 3023, HCR 3042, the Senate adjourn and convene at 1:00 p.m., Wednesday, March 2, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary