

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FORTY-FIRST DAY

Bismarck, March 3, 1983

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

The prayer was offered by Rev. Marwood Rettig, North Dakota Conference of the United Church of Christ, Bismarck.

Almighty God, help us have a moment in this prayer to put out of mind all things now swirling through our brains so we have time with You. It is that time now for us to make decisions, so help us to remember we live in a complex world of competing interests and where there are no simple, perfectly right decisions. Help us to realize that the guide of ethical decisions needs to be based on the needs of our state, not the infinite wants which are present. Help us to grant special attention to those who have the least . . . be it the poor or the powerless, as we face decisions related to all Your children.

We thank You that in this time, You have given us the avenue of prayer to hear not the roar, but the still, small voice of Your spirit within us. Touch us with Your spirit through that voice so all that we say and do will be for the good of us all, Your creation.

We pray this is Jesus' name. 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 Fortieth 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 failed to pass:

HB 1353

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 1086, HB 1138, HB 1174, HB 1209, HB 1485, HB 1494,  
HB 1509, HB 1552, HB 1591, HB 1604, HB 1615, HB 1672,  
HCR 3002

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2249

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1044, HB 1056, HB 1378, HB 1560

Very respectfully,  
LEO LEIDHOLM, Secretary

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1048, HB 1071, HB 1190, HB 1215

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:

SB 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,  
 SB 2097, SB 2111, SB 2116, SB 2135, SB 2136, SB 2138,  
 SB 2166, SB 2183, SB 2190, SB 2202, SB 2208, SB 2211,  
 SB 2231, SB 2236, SB 2290, SB 2292, SCR 4016

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 2048, SB 2071, SB 2091, SB 2107, SB 2117, SB 2119,  
 SB 2185, SB 2222, SB 2240, SB 2420, SB 2445, SB 2463,  
 SB 2482

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

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 1097, HB 1125, HB 1216, HB 1227, HB 1231, HB 1288,  
 HB 1309, HB 1313, HB 1314, HB 1381, HB 1393, HB 1403,  
 HB 1409, HB 1418, HB 1444, HB 1446, HB 1452, HB 1456,  
 HB 1464, HB 1470, HB 1515, HB 1542, HB 1700, HB 1719

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

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 1239, HB 1265, HB 1291, HB 1294, HB 1301, HB 1304,  
 HB 1307, HB 1310, HB 1320, HB 1321, HB 1322, HB 1340,  
 HB 1361, HB 1363, HB 1364, HB 1377, HB 1382, HB 1690

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1002, HB 1058, HB 1114, HB 1121, HB 1129, HB 1142, HB 1188 and subsequently passed the same.

Very respectfully,  
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2210 and SB 2230 which the House has amended:

SB 2210, SB 2230

## HOUSE AMENDMENTS TO SB 2210

- On page 1, line 15, delete the word "thereof" and insert in lieu thereof the words "in payment of principal"
- On page 1, line 26, delete the word "thereof" and insert in lieu thereof the words "in payment of principal"
- On page 2, line 9, delete the word "thereof" and insert in lieu thereof the words "in payment of principal"
- On page 2, line 19, delete the word "thereof" and insert in lieu thereof the words "in payment of principal"
- On page 2, line 30, delete the word "thereof" and insert in lieu thereof the words "in payment of principal"
- On page 3, line 17, overstrike the words "shall be" and insert immediately thereafter the word "is"
- On page 3, line 18, overstrike the word "such" and insert immediately thereafter the word "the"
- On page 3, line 28, delete the words "or improvement bonds", overstrike the words "shall constitute" and insert immediately thereafter the words "or improvement bonds constitutes"
- On page 4, line 14, delete the words "or temporary improvement bonds", overstrike the word "shall" and insert immediately thereafter the words "or temporary improvement bonds must"
- On page 4, line 15, overstrike the word "shall" and insert immediately thereafter the word "must"
- On page 5, line 1, overstrike the words "shall be" and insert immediately thereafter the word "are"
- On page 5, line 3, overstrike the words "insurance company," and overstrike the comma after the word "bank"

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SB 2230

- On page 2, line 16, after the second word "each" insert the word "initial"

And renumber the lines accordingly

Very respectfully,  
CHARLES FLEMING, Chief Clerk

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

HB 1048, HB 1071, HB 1190, HB 1215

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2153, SB 2218, SB 2252, SB 2254, SB 2256, SB 2257,  
SB 2263, SB 2389

SEN. FRITZELL, Chairman

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

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2153, SB 2218, SB 2252, SB 2254, SB 2256, SB 2257,  
SB 2263, SB 2389

LEO LEIDHOLM, Secretary

## CONSIDERATION OF AMENDMENTS

SEN. REITEN MOVED that the amendments to HB 1054 as recommended by the Committee on Industry, Business, and Labor as printed on page 1233 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1208 as recommended by the Committee on Judiciary as printed on page 1234 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to HB 1429 as recommended by the Committee on State and Federal Government as printed on page 1236 of the Senate Journal be adopted, and that HB 1429 be rereferred to the Committee on Appropriations, which motion prevailed.

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined a bill relating to a two-year exemption from the oil extraction tax for newly drilled wells and has approved its introduction by a unanimous vote.

SEN. NELSON, Chairman

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

## FIRST READING OF SENATE BILL

Sens. Bakewell, D. Meyer, Adams, Redlin introduced:  
(Approved by the Committee on Delayed Bills)

SB 2496: A BILL for an Act to provide a two-year exemption from the oil extraction tax for newly drilled wells; to provide an expiration date; and to declare an emergency.

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

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Joint Committee on Constitutional Revision to which was referred SCR 4051 has had the same under consideration and recommends that the same DO PASS.

SEN. WENSTROM, Chairman

SCR 4051 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1039 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1039 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 1278 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, delete the word "sections" and insert in lieu thereof the word "section" and delete the word "and"

On page 1 of the engrossed bill, line 2, delete the numeral "12.1-20-05"

On page 1 of the engrossed bill, delete lines 19 through 26

On page 2 of the engrossed bill, delete lines 1 through 9

And renumber the lines, sections, and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1278 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred HB 1295 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 subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for group homes, including those for persons with developmental disabilities; and to provide an effective date.

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

SECTION 1. A new subsection to section 57-02-08 of the North Dakota Century Code is hereby created and enacted to read as follows:

All group homes owned by nonprofit corporations, not organized with a view to profit and recognized as tax exempt under section 501(c)(3) of the United States Internal Revenue Code, including those for persons with developmental disabilities, and the real property upon which they are located during the period in which the group homes are under construction or in a remodeling phase and while they are used as group homes. For the purposes of this subsection, the term "group home" means a community-based residential home which provides room and board, personal care, habilitation services, and supervision in a family environment, and which, once established is licensed by the appropriate North Dakota licensing authority.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1982."

And renumber the lines accordingly

SEN. GOODMAN, Chairman

HB 1295 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1413 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1413 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1482 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 reengrossed bill, line 5, after the word "boards" insert the words "; and to declare an emergency"

On page 2 of the reengrossed bill, after line 6, insert the following new section:

"SECTION 4. 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. PETERSON, Chairman

HB 1482 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 1543 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, after line 28, insert the following paragraph:

"All shelters must meet with the approval of local governing bodies."

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

HB 1543 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 1584 has had the same under consideration and recommends that the same DO PASS and BE PLACED ON THE CONSENT CALENDAR.

SEN. LEE, Chairman

HB 1584 was placed on the Tenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1606 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HB 1606 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1650 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HB 1650 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 1667 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LIPS, Chairman

HB 1667 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred HB 1686 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

HB 1686 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 3018 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, delete the words "especially as they relate" and insert in lieu thereof the words "and all other home and residence requirements in regard"

On page 1, after line 7, insert the following:

"WHEREAS, there are many apartment complexes, homes, and other residences in North Dakota which are susceptible to damage from tornadoes; and"

On page 1, line 15, after the word "homes" insert the words "which are not placed on permanent foundations or properly tied down generally"

On page 1, line 18, delete the word "mobile" and insert in lieu thereof the word "all"

On page 1, line 21, delete the words "are rarely" and insert in lieu thereof the words "should be"

On page 1, line 22, delete the words "and even if mobile homes are properly tied down," and insert in lieu thereof the words "to protect mobile homes from"

On page 1, line 23, delete the words "still cause severe damage"

On page 1, line 24, delete the words "notwithstanding the fact that mobile homes may be"

On page 1, line 25, delete the words "tied down," delete the word "the", and delete the words "create a"

On page 1, line 26, delete the words "domino effect when the homes are thrown into other mobile homes" and insert in lieu thereof the word "buildings"

On page 1, line 27, delete the words "a mobile"

On page 1, line 28, delete the words "home court since" and after the word "tornadoes" insert the words "since they"

On page 2, line 1, delete the words "mobile home court" and after the word "streets" insert the words "used in high density residential areas, such as mobile home courts and apartment complexes,"

On page 2, line 7, delete the words "especially as" and insert in lieu thereof the words "and all other home and residence requirements in regard"

On page 2, line 8, delete the words "they relate"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

HCR 3018 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HCR 3041 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

HCR 3041 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4052: A concurrent resolution urging the United States Commissioner of Customs to keep the United States Customs Service station at Dunseith, North Dakota, open 24 hours a day.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4052 was declared adopted on a voice vote.

MOTION

SEN. NETHING MOVED that the vote by which SCR 4052 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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:

SCR 4052

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTIONS

SEN. D. MEYER MOVED that the Senate reconsider the action whereby HB 1445 was passed, which motion prevailed.

SEN. LIPS MOVED that HB 1445 be laid over two legislative days, which motion prevailed.

APPOINTMENTS OF CONFERENCE COMMITTEES

SEN. LODOEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1049, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1049:

Sens. Dykshoorn, David, D. Meyer

SEN. CHRISTENSEN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1130, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1130:

Sens. Christensen, Stenehjem, Lashkowitz

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3009: A concurrent resolution directing the Legislative Council to conduct a study of the structure and administration of counsel services for indigent defendants and prosecution witness fees.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3009 was declared adopted on a voice vote.

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3023 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3042 was declared adopted on a division vote.

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REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Secretary of State for his filing at the hour of 1:21 p.m., March 3, 1983:

SCR 4016

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:29 p.m., March 3, 1983:

- SB 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,
- SB 2097, SB 2111, SB 2116, SB 2135, SB 2136, SB 2138,
- SB 2166, SB 2183, SB 2190, SB 2202, SB 2208, SB 2211,
- SB 2231, SB 2236, SB 2290, SB 2292

SEN. FRITZELL, Chairman

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

## MOTIONS

SEN. LIPS MOVED that HB 1003 be laid over four legislative days, which motion prevailed.

SEN. STENEHJEM MOVED that HB 1385 be laid over three legislative days, which motion prevailed.

SEN. SATROM MOVED that HB 1443 be laid over one legislative day, which motion lost.

## SECOND READING OF HOUSE BILLS

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

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Eakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grothberg; 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; Petersen; Redlin; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Barth; Satrom

HB 1128 passed and the title was agreed to.

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HB 1151: A BILL 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.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Redlin

HB 1151 passed and the title was agreed to.

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HB 1153: A BILL for an Act to amend and reenact section 27-07.1-02 of the North Dakota Century Code, relating to multicounty agreements to share the services of a county judge.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: None

HB 1153 passed and the title was agreed to.

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HB 1200: A BILL for an Act to amend and reenact subsection 3 of section 57-51.1-01 of the North Dakota Century Code, relating to the definition of property for extraction tax purposes.

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

NAYS: None

ABSENT AND NOT VOTING: Redlin

HB 1200 passed and the title was agreed to.

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HB 1203: A BILL for an Act to amend and reenact subsection 1 of section 38-08-08 of the North Dakota Century Code, relating to pooling of unleased mineral interest owners.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goodman; Redlin

HB 1203 passed and the title was agreed to.

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HB 1222: A BILL for an Act to amend and reenact section 6 of chapter 208 of the 1979 Session Laws of North Dakota, relating to the sale of the Dickinson experiment station property by the state board of higher education; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Kusler; Lee; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nathing; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wenstrom; Wright

NAYS: Heigaard; Miller Heinrich; Hilken; Krauter; Lashkowitz; Leibhan; Maixner; Matchie; Redlin; Walsh; Wogsland

ABSENT AND NOT VOTING: Satrom

HB 1222 passed, the title was agreed to, and the emergency clause carried.

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HB 1282: A BILL for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative if House Bill No. 1072 is approved by the forty-eighth legislative assembly, section 57-43.2-02 of the North Dakota Century Code, to provide a four cent per gallon tax reduction on diesel fuel blended with recovered oil for the 1983-85 biennium.

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; 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: Mutch

ABSENT AND NOT VOTING: None

HB 1282 passed and the title was agreed to.

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HB 1286: A BILL for an Act to amend and reenact section 15-39.1-24 of the North Dakota Century Code, relating to when a teacher is entitled to additional credit for military service in the teachers' retirement fund.

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

#### ROLL CALL

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

YEAS: Earth; Fritzell; Goodman; Heigaard; Hilken; Holmberg; Krauter; Maixner; Matchie; Meyer, J.; Satrom; Stenehjem; Tallackson; Waldera; Walsh

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Grotberg; Miller Heinrich; Kilander; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Streibel; Stromme; Tennefos; Thane; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Wenstrom

HB 1286 was declared lost.

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HB 1293: A BILL for an Act to amend and reenact sections 12.1-30-01, 12.1-30-02, and 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on certain holidays.

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

## ROLL CALL

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

YEAS: Hilken; Maixner; Matchie

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

ABSENT AND NOT VOTING: None

HB 1293 was declared lost.

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HB 1350: A BILL for an Act to amend and reenact subsection 1 of section 57-39.2-02.1 and subsection 22 of section 57-39.2-04 of the North Dakota Century Code, relating to sales tax exemptions for hotel or motel room and tourist court accommodations.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 0 NAYS, 2 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; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nelson; Redlin

HB 1350 passed and the title was agreed to.

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HB 1383: A BILL for an Act to create and enact a new section to chapter 16.1-06 of the North Dakota Century Code, relating

to the use of electronic counting machines; and to amend and reenact sections 16.1-06-04, 16.1-13-23, 16.1-15-08, 16.1-15-09, and 16.1-15-10 of the North Dakota Century Code, relating to the form and handling of the ballot and the canvassing of votes.

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; 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: Grotberg

HB 1383 passed and the title was agreed to.

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HB 1419: A BILL for an Act to create and enact a new section to chapter 57-51 of the North Dakota Century Code, relating to the taxation of oil recovered from tank bottoms, pit oil, and salt water.

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; 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: Grotberg

HB 1419 passed and the title was agreed to.

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

Which has been read.

#### ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Goodman; Holmberg; Kilander; Krauter; Kusler; Lee; Lips; Meyer, D.; Mutch; Olson; Peterson; Tennefos; Todd; Vosper; Wright

NAYS: Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Lashkowitz; Leibhan; Lodoen; Maixner; Matchie; Meyer, J.; Moore; Naaden; Nelson; Nething; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tweten; Waldera; Walsh; Wenstrom; Wogsland

ABSENT AND NOT VOTING: Thane

HB 1424 was declared lost.

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#### MOTIONS

SEN. NETHING MOVED that HB 1448 be placed at the foot of the calendar, which motion prevailed.

SEN. CHRISTENSEN MOVED that HB 1547 be laid over one legislative day, which motion prevailed.

#### SECOND READING OF HOUSE BILLS

HB 1530: A BILL for an Act making an appropriation for defraying the expense of the purchase of certain land for agricultural research purposes by the main experiment station of North Dakota state university and by the Carrington experiment station; 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 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 1530 passed, the title was agreed to and the emergency clause carried.

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HB 1531: A BILL for an Act to provide for creation of a citizens utility corporation to represent residential and small business consumers in public utilities matters; and to provide a penalty.

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

ROLL CALL

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

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

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

ABSENT AND NOT VOTING: None

HB 1531 was declared lost.

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HB 1553: A BILL for an Act to amend and reenact sections 16.1-01-07, 16.1-04-03, 16.1-06-16, 16.1-11-06, 16.1-11-11, 16.1-11-17, 16.1-11-18, 16.1-11-19, 16.1-11-20, 16.1-12-04, 16.1-12-05, 16.1-12-07, 16.1-12-09, 16.1-13-03, 16.1-15-17, 16.1-15-22, and 16.1-15-35 of the North Dakota Century Code if House Bill No. 1148 is approved by the forty-eighth legislative assembly, relating to filing deadlines for elections.

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

#### ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: None

HB 1553 was declared lost.

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HB 1583: A BILL for an Act to provide for standard policy provisions through life and health insurance.

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 1583 passed and the title was declared to.

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MOTION

SEN. HEIGAARD MOVED that HB 1716 be laid over one legislative day, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1722: A BILL for an Act authorizing the state board of higher education to accept a multipurpose regional facility for the operation and maintenance of the multipurpose regional facility at Dickinson state college.

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; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; 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: Moore

ABSENT AND NOT VOTING: None

HB 1722 passed and the title was agreed to.

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PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson  
Governor

March 3, 1983

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

Dear Mr. President:

This is to inform you that on March 3, 1983, I signed the following:

SB 2143, SB 2132.

Sincerely,

ALLEN I. OLSON  
Governor

**SIGNING OF BILLS AND RESOLUTIONS**

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1097, HB 1125, HB 1216, HB 1227, HB 1231, HB 1288,  
HB 1309, HB 1313, HB 1314, HB 1381, HB 1393, HB 1403,  
HB 1409, HB 1418, HB 1444, HB 1446, HB 1452, HB 1456,  
HB 1464, HB 1470, HB 1515, HB 1542, HB 1700, HB 1719  
LEO LEIDHOLM, Secretary

**SIGNING OF BILLS AND RESOLUTIONS**

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1239, HB 1265, HB 1291, HB 1294, HB 1301, HB 1304,  
HB 1307, HB 1310, HB 1320, HB 1321, HB 1322, HB 1340,  
HB 1361, HB 1363, HB 1364, HB 1377, HB 1382, HB 1690  
LEO LEIDHOLM, Secretary

**MESSAGES TO THE HOUSE  
SENATE CHAMBER**

MADAM SPEAKER: I have the honor to inform you that the President has appointed as conference committees to act with like committees from the House on:

HB 1049: Sens. Dykshoorn, David, D. Meyer

HB 1130: Sens. Christensen, Stenehjem, Lashkowitz  
Very respectfully,  
LEO-LEIDHOLM, Secretary

**SENATE CHAMBER**

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

HB 1097, HB 1125, HB 1216, HB 1227, HB 1231, HB 1288,  
HB 1309, HB 1313, HB 1314, HB 1381, HB 1393, HB 1403,  
HB 1409, HB 1418, HB 1444, HB 1446, HB 1452, HB 1456,  
HB 1464, HB 1470, HB 1515, HB 1542, HB 1700, HB 1719

Very respectfully,  
LEO LEIDHOLM, Secretary

THURSDAY, MARCH 3, 1983

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SENATE CHAMBER

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

HB 1239, HB 1265, HB 1291, HB 1294, HB 1301, HB 1304,  
HB 1307, HB 1310, HB 1320, HB 1321, HB 1322, HB 1340,  
HB 1361, HB 1363, HB 1364, HB 1377, HB 1382, HB 1690

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 2153, SB 2218, SB 2252, SB 2254, SB 2256, SB 2257,  
SB 2263, SB 2389

Very respectfully,  
LEO LEIDHOLM, Secretary

MOTION

SEN. NETHING MOVED that after the reading of SCR 4051, HB 1039, HB 1054, HB 1055, HB 1208, HB 1413, HB 1448, HB 1547, HB 1584, HB 1606, HB 1650, HB 1667, HB 1686, HB 1716, and HCR 3041, the Senate adjourn and convene at 12:30 p.m., Friday, March 4, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary