

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FORTY-THIRD DAY

Bismarck, March 7, 1983

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

The prayer was offered by Rev. Stan Malmgren, First Baptist Church, Bismarck.

Almighty God and Heavenly Father, as we come before Thee this day, we acknowledge Thy greatness and Thy manifold mercies toward us. We confess our sins and shortcomings and ask forgiveness for our faults and transgressions. Having been elected to an august position in the Senate of the State of North Dakota, we seek divine guidance for our deliberations and wisdom from Thee in all our decisions.

May the enactment of laws, the passing of resolutions, the acceptance or rejection of proposals by this body that affect the citizens of the State of North Dakota be pleasing and acceptable in Thy sight.

In the name of the Lord and Saviour, Jesus Christ, we pray. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Adams, Nething, Redlin, and Reiten.

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 Forty-second day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1299, line 35, delete the numerals "2289" and insert in lieu thereof the numerals "2389"

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 President has signed:

HB 1059, HB 1065, HB 1121, HB 1127, HB 1129, HB 1142,
 HB 1166, HB 1188, HB 1218, HB 1223, HB 1226, HB 1232,
 HB 1271, HB 1287, HB 1303, HB 1325, HB 1332, HB 1344,
 HB 1391, HB 1392, HB 1411, HB 1412, HB 1434, HB 1438,
 HB 1453, HB 1465, HB 1469, HB 1484, HB 1497, HB 1561,
 HB 1624, HB 1631, HB 1634, HB 1660, HCR 3001, HCR 3003,
 HCR 3004, HCR 3008

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 2042, SB 2048, SB 2100, SB 2107, SB 2117, SB 2119,
 SB 2129, SB 2209, SB 2221, SB 2237, SB 2253, SB 2330,
 SB 2349, SB 2420, SB 2463

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2170, and the President has appointed as a conference committee to act with a like committee from the House on SB 2170:

Sens. Erickson, Kilander, Dotzenrod

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed as a conference committee to act with a like committee from the House on HB 1661:

Sens. Wright, Christensen, Miller Heinrich

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 1293, HB 1424, HB 1531, HB 1553

Very respectfully,
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1151, HB 1203, HB 1530, HB 1583

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 1128, HB 1153, HB 1200, HB 1222, HB 1282, HB 1350,
HB 1383, HB 1419, HB 1722, HCR 3009, HCR 3023, HCR 3042

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to the following and subsequently passed the same:

HB 1270, HB 1427, HB 1581, HB 1595

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 2188, SB 2247, SB 2275, SB 2279, SB 2320, SB 2323,
SB 2360, SB 2391, SB 2399, SB 2400, SB 2403, SB 2405,
SB 2461

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2105, SB 2199, and SB 2471 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2105

On page 2, line 3, after the word "line" insert the following words: "in a uniform manner"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2199

On page 1, line 3, after the word "of" insert the words "school vehicle and"

On page 1, line 9, after the word "of" insert the words "school vehicle and"

On page 1, line 10, after the word "a" insert the words "school vehicle or a"

On page 1, line 23, overstrike the words "All drivers over the age of sixty-five must"

On page 1, overstrike lines 24 through 27

On page 1, line 28, overstrike the words "capacity of seventeen or more passengers." and insert immediately thereafter the following sentence: "This section does not prohibit regular members of the faculty of an elementary or high school from operating vehicles for the purpose of transporting students to regular or special events related to the educational programs in which the students are enrolled."

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2471

On page 1 of the engrossed bill, line 22, after the word "advance" insert the word "interest"

And renumber the lines accordingly

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 2334, SB 2392

Very respectfully,
CHARLES FLEMING, Chief Clerk

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 2091, SB 2185, SB 2195, SB 2213, SB 2200, SB 2222,
SB 2223, SB 2240, SB 2258, SB 2283, SB 2293, SB 2298,
SB 2445, SB 2482

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 2091, SB 2185, SB 2195, SB 2213, SB 2200, SB 2222,
SB 2223, SB 2240, SB 2258, SB 2283, SB 2293, SB 2298,
SB 2445, SB 2482

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. GOODMAN MOVED that the amendments to HB 1296 as recommended by the Committee on Finance and Taxation as printed on page 1284 of the Senate Journal be adopted, which motion prevailed.

SEN. PARKER MOVED that the amendments to HCR 3050 as recommended by the Committee on Industry, Business, and Labor as printed on page 1287 of the Senate Journal be laid over one legislative day, which motion prevailed.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 7, 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 4, 1983, I signed the following:

SB 2050, SB 2053, SB 2057, SB 2060, SB 2061, SB 2078,
SB 2097, SB 2111, SB 2116, SB 2135, SB 2138, SB 2166,
SB 2183, SB 2190, SB 2202, SB 2208, SB 2211, SB 2231,
SB 2236, SB 2292, SB 2153, SB 2218, SB 2252, SB 2256,
SB 2257, SB 2263, SB 2389.

Sincerely,

ALLEN I. OLSON
Governor

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

March 7, 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 7, 1983, I signed SB 2254.

Sincerely,

ALLEN I. OLSON
Governor

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1143 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1143 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 1250 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1250 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1315 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 12, delete the words "fails to submit or"

On page 1, line 14, overstrike the words "shall be" and insert immediately thereafter the words ", or who fails to submit the certificate, is"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1315 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 1317 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1317 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 1318 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1318 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1319 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 3, after the word "containers" insert "; making an exemption"

On page 2 of the engrossed bill, after line 14, insert the following:

"SECTION 4. EXEMPTION. Contractors engaged in construction projects for the building, replacement or repair of roads, streets, alleys or parking lots are exempt from the provisions of this Act."

And renumber the lines and sections accordingly

SEN. MUTCH, Chairman

HB 1319 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1374 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 23, delete the word "ten" and insert in lieu thereof the word "five"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1374 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 1389 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1389 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 1426 has had the same under consideration and recommends that the same DO PASS.

SEN. PARKER, Vice Chairman

HB 1426 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HB 1466 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 "registered livestock" and insert in lieu thereof the words "a registered brand"

On page 1, line 9, overstrike the words "Any person who sells", delete the words "cattle, horses, mules, or", overstrike the word "any", and delete the word "other"

On page 1, line 10, overstrike the words "livestock carrying a", overstrike the word "brand", delete the words "registered to the seller", and overstrike the word "shall"

On page 1, overstrike line 11 and insert immediately thereafter the following: "No person shall sell cattle, horses, mules, or any other livestock carrying a registered brand unless:

1. The seller is the owner of the registered brand and delivers a bill of sale for the cattle, horses, mules, or other livestock to the purchaser; or
2. The seller delivers to the purchaser a bill of sale executed by the owner of the registered brand and endorsed by the seller evidencing the later transaction.

The bill of sale shall contain the"

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

HB 1466 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred HB 1467 has had the same under consideration and recommends that the same DO PASS.

SEN. PARKER, Vice Chairman

HB 1467 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 1533 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 32, delete the words "Strict liability" and insert in lieu thereof the word "Liability"

On page 3 of the engrossed bill, line 25, delete the word "strictly"

And renumber the lines accordingly

SEN. LEE, Chairman

HB 1533 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 1534 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 reengrossed bill, line 16, after the word "activity" insert the words "unless waived by mutual agreement of both parties"

And renumber the lines accordingly

SEN. LEE, Chairman

HB 1534 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1559 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 9, after the first word "any" insert the word "commercial"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1559 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 1575 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Appropriations.

SEN. PETERSON, Chairman

HB 1575 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1608 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HB 1608 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1630 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, after line 13, insert the following new section:

"Exemption. This chapter does not apply to any person who only leases aircraft to state institutions of higher education."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1630 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1647 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 26, overstrike the words "and elsewhere" and insert immediately thereafter the words "or other places open to the public for the operation of vehicles"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1647 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 1711 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1711 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 3013 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3013 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred HCR 3020 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, immediately after the numeral "1983" insert the word and numeral "and 1984"

On page 1, line 28, immediately after the numeral "1983" insert the word and numeral "and 1984"

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

HCR 3020 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 HCR 3053 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3053 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 3067 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

HCR 3067 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

SECOND READING OF HOUSE BILLS

HB 1095: A BILL for an Act to amend and reenact sections 15-39.1-09, 39-03.1-09, 39-03.1-10, 54-52-05, 54-52-06, and 54-52-06.1 of the North Dakota Century Code, relating to the employer payment of required employee contributions to the teachers', highway patrolmen's, and public employees retirement systems.

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, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: 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; Nelson; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Naaden; Nething; Redlin; Reiten

HB 1095 passed and the title was agreed to.

HB 1206: A BILL for an Act to amend and reenact section 2-05-10 of the North Dakota Century Code, relating to registration of airmen; 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 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1206 passed, the title was agreed to, and the emergency clause carried.

HB 1278: A BILL for an Act to amend and reenact section 12.1-20-04 of the North Dakota Century Code, relating to the penalty for sex crimes involving a minor.

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: 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1278 passed and the title was agreed to.

MOTION

SEN. PETERSON MOVED that HB 1286 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1295: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for group homes, including those for persons with developmental disabilities; and to provide an effective date.

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 46 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd;

Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Lodoen; Moore

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1295 passed and the title was agreed to.

HB 1312: A BILL for an Act to amend and reenact section 57-54.1-11 of the North Dakota Century Code, relating to a fee for motor fuel licensees who fail to file reports.

Which has been read.

ROLL CALL

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

YEAS: 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1312 passed and the title was agreed to.

HB 1366: A BILL for an Act to amend and reenact subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the power of a city to regulate the keeping of dogs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

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

Olson; Parker; Peterson; Satrom; Stenehjsem; Streibel;
Stromme; Tallackson; Tennefos; Thane; Todd; Tweten;
Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Grotberg; Lashkowitz; Meyer, D.

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1366 passed and the title was agreed to.

HB 1379: A BILL for an Act to create and enact a new subsection to section 39-06-14 of the North Dakota Century Code, relating to permits to operate motorized bicycles; to amend and reenact subsections 2, 34, and 36 of section 39-01-01, subsection 3 of section 39-06-14, and sections 39-10.2-01 and 39-28-01 of the North Dakota Century Code, relating to the definitions of bicycle, motor vehicle, and motorized bicycle, to application of traffic laws to persons operating motorcycles and motorized bicycles, and to additional fees for motorized bicycle and motorcycle registration for purposes of motorcycle safety education; and to repeal section 39-10.1-07.1 of the North Dakota Century Code, relating to minimum age requirements for operators of motorized bicycles.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: David; Lashkowitz; Lodoen; Naaden; Tennefos;
Wogsland

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1379 passed and the title was agreed to.

HB 1384: A BILL for an Act to amend and reenact section 39-18-08 of the North Dakota Century Code, relating to notice to

mobile home park owners or operators upon listing for sale
any used mobile home.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was
called and there were 46 YEAS, 3 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Fritzell; Lips; Tweten

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1384 passed and the title was agreed to.

HB 1431: A BILL for an Act to create and enact a new section to
chapter 24-17 of the North Dakota Century Code, relating to
ratifying the agreement between the highway corridor board
and the secretary of transportation; to amend and reenact
sections 24-17-02, 24-17-03, 24-17-05, 24-17-09, 24-17-10,
24-17-11, 24-17-12, and 24-17-15 of the North Dakota
Century Code, relating to the regulation of outdoor
advertising and transferring the duties of the highway
corridor board to the highway commissioner; and to repeal
sections 24-17-04, 24-17-06, 24-17-07, and 24-17-08 of the
North Dakota Century Code, relating to the duties and
authority of the highway corridor board.

Which has been read.

ROLL CALL

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

YEAS: 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; Olson; Parker; Peterson;
Satrom; Stenehjem; Streibel; Stromme; Tallackson;

Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1431 passed and the title was agreed to.

MOTION

SEN. HOLMBERG MOVED that HB 1445 be referred back to the Committee on Political Subdivisions, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1482: A BILL for an Act to amend and reenact section 15-20.1-09 of the North Dakota Century Code, relating to school board composition; to provide for a transition period; and to repeal section 15-28-02 of the North Dakota Century Code, relating to rural representation on school boards; 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 32 YEAS, 17 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Bakewell; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Olson; Peterson; Satrom; Stenehjelm; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland

NAYS: Barth; David; Heigaard; Hilken; Lee; Leibhan; Maixner; Meyer, J.; Moore; Mutch; Naaden; Nelson; Parker; Streibel; Tennefos; Thane; Wright

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1482 passed, the title was agreed to, but the emergency clause lost.

HB 1543: A BILL for an Act relating to the ownership and transfer of storm shelters by mobile home owners in mobile home parks.

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: 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1543 passed and the title was agreed to.

HB 1563: A BILL for an Act to create and enact a new section to chapter 10-06 of the North Dakota Century Code, providing a surface coal mining exception.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 43 YEAS, 6 NAYS, 4 ABSENT AND NOT VOTING.

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

NAYS: Dotzenrod; Grotberg; Miller Heinrich; Maixner; Meyer, J.; Walsh

ABSENT AND NOT VOTING: Adams; Nething; Redlin; Reiten

HB 1563 passed and the title was agreed to.

HB 1571: A BILL for an Act to create and enact a new section to chapter 11-28.3 of the North Dakota Century Code, allowing

townships to pay ambulance service levy revenue directly to ambulance service organizations.

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 5 YEAS, 45 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Maixner; Meyer, J.; Vosper; Walsh

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

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

HB 1571 was declared lost.

HB 1573: A BILL for an Act to amend and reenact section 21-06-10 of the North Dakota Century Code, relating to leasing of federal lands for water control.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Nething; Redlin; Reiten

HB 1573 passed and the title was agreed to.

HB 1579: A BILL for an Act to amend and reenact sections 43-19.1-03 and 43-19.1-04 of the North Dakota Century Code, relating to the membership of the state board of registration for professional engineers and land surveyors, appointments to the board, and terms of appointments.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

HB 1579 passed and the title was agreed to.

HB 1587: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to requirement of use of child restraint systems in certain motor vehicles; to provide a penalty; and to provide an effective date.

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, 16 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Olson; Parker; Satrom; Stenehjem; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Adams; Bakewell; Barth; Berube; David; Hilken; Leibhan; Meyer, D.; Moore; Mutch; Naaden; Nelson; Peterson; Streibel; Stromme; Tennefos

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

HB 1587 passed and the title was agreed to.

HB 1649: A BILL for an Act to amend and reenact section 11-15-02 of the North Dakota Century Code, relating to appointment of special deputies by sheriffs.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 0 NAYS, 3 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; Olson; Parker; Peterson; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

HB 1649 passed and the title was agreed to.

MOTIONS

SEN. LIPS MOVED that HB 1667 be laid over two legislative days, which motion prevailed.

SEN. LEIBHAN MOVED that HB 1718 be laid over one legislative day, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3012: A concurrent resolution recognizing the need for public awareness of the leafy spurge problem in North Dakota, designating and urging the Governor to proclaim the second week of June as "Leafy Spurge Awareness and Eradication Week", and urging all appropriate state agencies to promote public awareness of the leafy spurge problem.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3012 was declared adopted on a voice vote.

HCR 3017: A concurrent resolution urging the President and Congress of the United States to cease charging interest to farmers participating in the grain reserve program.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3017 was declared adopted on a voice vote.

HCR 3018: A concurrent resolution directing the Legislative Council to study current mobile home and mobile home court laws and regulations, and all other home and residence requirements in regard to high winds safety precautions.

Which has been read.

The question being on the final adoption of the resolution as amended.

HCR 3018 was declared adopted on a voice vote.

HCR 3019: A concurrent resolution urging Congress to adopt federal tax incentives similar to those available in North Dakota to assist beginning farmers.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3019 was declared adopted on a voice vote.

HCR 3021: A concurrent resolution directing the Legislative Council to study North Dakota's beginning farmer programs and to determine the feasibility of requiring loan applicants to participate in the vocational education adult farm management program of supervised recordkeeping and management assistance.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3021 was declared adopted on a voice vote.

HCR 3022: A concurrent resolution directing the Legislative Council to conduct a study of the desirability of adopting the model state soil conservation law in North Dakota.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3022 was declared adopted on a voice vote.

HCR 3031: A concurrent resolution urging the President and Congress of the United States to make every effort toward restoring United States agriculture to a strong position in the world grain trade and to aid in the development of a strong agricultural economy.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3031 was declared adopted on a voice vote.

HCR 3033: A concurrent resolution urging Congress to require a proposed ethanol production facility to show a substantial net increase in the yield of liquid fuel for motive power on a caloric basis in order to qualify for any available federal assistance.

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

REQUEST

SEN. VOSPER REQUESTED a recorded roll call vote on the adoption of HCR 3033, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 15 YEAS, 34 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Berube; David; Dykshoorn; Holmberg; Kilander; Lashkowitz; Lee; Lodoen; Matchie; Moore; Mutch; Naaden; Nelson; Peterson; Todd

NAYS: Adams; Bakewell; Barth; Christensen; Dotzenrod; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Krauter; Kusler; Leibhan; Lips; Maixner; Meyer, D.; Meyer, J.; Olson; Parker;

Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Tweten; Vosper; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Nething; Redlin; Reiten; Wenstrom

HCR 3033 was declared lost.

HCR 3034: A concurrent resolution urging the Farmers Home Administration of the United States Department of Agriculture to develop a farm credit payment plan to allow farmers who use the credit of the United States Department of Agriculture to use farm produce to repay their loans to the government.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3034 was declared adopted on a voice vote.

MOTIONS

SEN. GOODMAN MOVED that HCR 3044 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

SEN. GOODMAN MOVED that HCR 3044 be rereferred to the Committee on Finance and Taxation, which motion prevailed.

MESSAGE 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 1002, HB 1064, HB 1073, HB 1110, HB 1114, HB 1174,
- HB 1219, HB 1220, HB 1225, HB 1238, HB 1274, HB 1450,
- HB 1462, HB 1514, HB 1580, HB 1598, HB 1633, HB 1636,
- HB 1645, HB 1689, HCR 3006, HCR 3025

Very respectfully,
CHARLES FLEMING, Chief Clerk

MOTIONS

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

SEN. NELSON MOVED that after the reading of HB 1143, HB 1250, HB 1286, HB 1296, HB 1317, HB 1318, HB 1385, HB 1389, HB 1426, HB 1467, HB 1608, HB 1711, HB 1718, HCR 3013, HCR 3053, and

MONDAY, MARCH 7, 1983

1325

HCR 3067, the Senate adjourn and convene at 1:00 p.m., Tuesday, March 8, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary