

## JOURNAL OF THE SENATE

## Forty-eighth Legislative Assembly

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## FORTY-NINTH DAY

Bismarck, March 15, 1983

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

The prayer was offered by Rev. Duane Danielson, House of Prayer Lutheran Church, Bismarck.

Almighty Father in Heaven, Creator of the universe, the Source of all life, and Redeemer of sinful people, hear our prayer. We call upon You today to be generous with Your spirit of wisdom and understanding. Lead and guide us in our deliberations to seek out Your will and help us to order society in such a way that the poor have food and shelter, the weak and defenseless are protected by good and just laws from those who would take advantage of them, the old are given security from want and privation, the young are educated, and industry and culture are given the support of a productive legislature that all of the people of North Dakota may prosper and live in peace.

Lord, help each Senator to have the courage of their convictions, the patience of an angel, the dedication of a saint, the commitment of a soldier, and the love of God. Send your blessings upon Governor Olson, and the leaders of the House and Senate of the North Dakota legislature and each of the representatives and senators. May our efforts be pleasing in Your sight, and where they are not, give us the humility to admit error and grace to forgive ourselves and begin each day as a new day.

We pray in the name of the Father, and of the Son, and of the Holy Spirit. 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 Forty-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 inform you that the President has appointed as a conference committee to act with a like committee from the House on:

HB 1208: Sens. Stenehjem, Olson, Maixner

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 2491 and SCR 4025, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2491: Sens. Olson, Lodoen, Matchie

SCR 4025: Sens. Wright, Christensen, J. Meyer

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 2066, SB 2219, SB 2255, and SB 2446, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2066: Sens. Holmberg, Olson, Waldera

SB 2219: Sens. Olson, Holmberg, Waldera

SB 2255: Sens. Reiten, Lodoen, Matchie

SB 2446: Sens. Christensen, Olson, Lashkowitz

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 2216, SB 2234, SB 2464, SB 2492

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 1198, HB 1199, HB 1398, HB 1521, HB 1637, HB 1640,  
HB 1648, HCR 3037, HB 3062, HB 3072

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 1343, HB 1502, HB 1544, HB 1602

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1290, HB 1386, HB 1400, HB 1428, HB 1454

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

HCR 3087

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 2487, SCR 4038

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 2177, SB 2296, SB 2299, SB 2302, SB 2335, SB 2347,  
SCR 4007, SCR 4020, SCR 4021, SCR 4023, SCR 4028, SCR 4034,  
SCR 4035, SCR 4036, SCR 4037, SCR 4039, SCR 4042, SCR 4048,  
SCR 4050

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2108, SB 2122, SB 2267, SB 2362, SB 2422, and SCR 4030 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2108

On page 1 of the engrossed bill, line 10, after the word "Damages" insert the words "- Schedule of monetary values"

On page 1 of the engrossed bill, line 10, overstrike the word "resident"

On page 1 of the engrossed bill, line 24, delete the word "resident"

On page 1 of the engrossed bill, line 26, after the word "wildlife" insert the following new language: "by willful or grossly negligent act or omission. The commissioner shall promulgate by rule a schedule of monetary values of various species of fish and wildlife, said values to represent the replacement costs of said fish and wildlife and the value lost to the state due to the destruction or injury of said species, together with other material elements of value. In any action brought under this section, the schedule shall constitute the measure of recovery for the fish and wildlife killed or destroyed. The funds so recovered shall be deposited to the funds of the game and fish department, devoted to the propagation and protection of desirable species of fish and wildlife"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2122

On page 2, line 25, after the word "or" insert the words "at least fourteen days notice is provided by"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2267

On page 1 of the engrossed bill, line 18, overstrike the words "or who is"

On page 1 of the engrossed bill, line 19, overstrike the words "a drug addict, an alcoholic,"

And renumber the lines and pages accordingly

HOUSE AMENDMENTS TO SB 2362

On page 1, line 3, delete the word "criminal" and insert in lieu thereof the word "noncriminal"

And renumber the lines accordingly

HOUSE AMENDMENTS TO SB 2422

On page 1 of the engrossed bill, line 1, delete the words and numeral "subsection 1 of"

On page 1 of the engrossed bill, line 7, delete the words "Subsection 1 of section" and insert in lieu thereof the word "Section"

- On page 1 of the engrossed bill, line 23, remove the overstrike over the words "~~collection fees or costs; not in excess of ten~~"
- On page 1 of the engrossed bill, line 24, remove the overstrike over the word "~~dollars~~" and delete the words "a civil penalty, payable to the holder of the"
- On page 1 of the engrossed bill, delete line 25
- On page 1 of the engrossed bill, line 26, delete the words "times the amount of the instrument" and remove the overstrike over the word "~~are~~" and delete the word "~~is~~"
- On page 1 of the engrossed bill, line 28, after the period insert the following new subsection:

"2. If full payment of the instrument and collection fees is not made within ten days from receipt of the notice of dishonor, a civil penalty is recoverable by civil action by the holder of the check, draft, or order. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument.

3."

- On page 2 of the engrossed bill, after line 7, insert the following:

"~~2.~~ 4. A notice of dishonor ~~may~~ must be sent by the holder of the check upon dishonor, prior to the institution of a criminal proceeding, the notice to be in substantially the following form:

Notice of Dishonored Check

Date \_\_\_\_\_  
 Name of Issuer \_\_\_\_\_  
 Street Address \_\_\_\_\_  
 City and State \_\_\_\_\_  
 You are according to law hereby notified that a check dated \_\_\_\_\_, 19\_\_\_\_, drawn on the \_\_\_\_\_ Bank of \_\_\_\_\_ in the amount of \_\_\_\_\_ has been returned unpaid with the notation the payment has been refused because of nonsufficient funds. Within ten days from the receipt of this notice, you must pay or tender to \_\_\_\_\_

(Holder)

sufficient moneys to pay such instrument in full and any collection fees or costs not in excess of ten dollars. Payment to holder of the face amount of the instrument, plus any collection fees or costs, not exceeding the additional sum of ten dollars, shall constitute a defense to a criminal charge brought hereunder if paid within ten days from receipt of this notice of dishonor. If payment of the above amounts is not made within ten days from receipt of this notice of dishonor, a civil penalty of the lesser of one hundred dollars or three times the amount of the instrument will be assessed.

~~Such~~ The notice may also contain a recital of the penal provisions of this section and the possibility of a civil action to recover any collection fees or costs or civil penalty authorized by this section.

- 3- 5. An agent acting for the receiver of a check in violation of this section may present the check to the state's attorney for prosecution if the issuer does not pay to the holder sufficient moneys to pay the check within ten days from receipt of the notice. The criminal complaint for the offense of issuing a check, draft, or money order without sufficient funds under this section must be executed within not more than ninety days after the dishonor by the drawee of said instrument for nonsufficient funds. The failure to execute a complaint within said time shall bar the criminal charge under this section."

- On page 2 of the engrossed bill, line 31, remove the overstrike over the words "~~collection fees or costs,~~"
- On page 2 of the engrossed bill, line 32, remove the overstrike over the words "~~not in excess of ten dollars, which~~" and delete the words "a civil penalty"
- On page 2 of the engrossed bill, delete lines 33 through 35
- On page 3 of the engrossed bill, line 1, delete the word "instrument"
- On page 3 of the engrossed bill, line 2, after the period insert the following:

"If full payment of the instrument and collection fees is not made within ten days from receipt of the notice of dishonor, a civil penalty is recoverable by civil action by the holder of the check, draft, or order. The civil penalty consists of payment to the holder of the instrument of the lesser of one hundred dollars or three times the amount of the instrument."

On page 3 of the engrossed bill, line 22, remove the overstrike over the words "~~any collection fees or costs not in~~"

On page 3 of the engrossed bill, line 23, remove the overstrike over the words "~~excess of ten dollars~~" and delete the words "a civil penalty,"

On page 3 of the engrossed bill, delete lines 24 through 27 and insert in lieu thereof the following:

". Payment to holder of the face amount of the instrument, plus any collection fees or costs, not exceeding the additional sum of ten dollars, shall constitute a defense to a criminal charge brought hereunder if paid within ten days from receipt of this notice of dishonor. If payment of the above amounts is not made within ten days from receipt of the notice of dishonor, a civil penalty of the lesser of one hundred dollars or three times the amount of the instrument will be assessed."

And renumber the lines, subsections, and pages accordingly

HOUSE AMENDMENTS TO SCR 4030

On page 1, line 2, after the word "American" insert the words "technical or military"

On page 1, line 7, after the word "American" insert the words "technical or military"

On page 1, line 25, delete the words "any kind of" and insert in lieu thereof the words "technical or military"

And renumber the lines and pages accordingly

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 2182

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 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,  
SB 2301, SB 2432, SB 2437, SB 2449, SCR 4014, SCR 4015,  
SCR 4019

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 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,  
SB 2301, SB 2432, SB 2437, SB 2449, SCR 4014, SCR 4015,  
SCR 4019

LEO LEIDHOLM, Secretary

## 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 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,  
HB 1711, HCR 3053, HCR 3067

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,  
HB 1711, HCR 3053, HCR 3067

LEO LEIDHOLM, Secretary

## CONSIDERATION OF AMENDMENTS

SEN. WENSTROM MOVED that the amendments to SCR 4002 as recommended by the Joint Committee on Constitutional Revision as printed on pages 1476 and 1477 of the Senate Journal be adopted, which

motion prevailed. SCR 4002 has committee recommendation of DO NOT PASS.

SEN. WENSTROM MOVED that the amendments to SCR 4008 as recommended by the Joint Committee on Constitutional Revision as printed on page 1477 of the Senate Journal be adopted, which motion prevailed. SCR 4008 has committee recommendation of DO NOT PASS.

SEN. MUTCH MOVED that the amendments to HB 1182 as recommended by the Committee on Transportation as printed on page 1478 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1246 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 1478 and 1479 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1269 as recommended by the Committee on Education as printed on page 1479 of the Senate Journal be adopted, and that HB 1269 be rereferred to the Committee on Appropriations, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1404 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1480 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1408 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1480 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 1481 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1447 as recommended by the Committee on Political Subdivisions as printed on page 1481 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to HB 1458 as recommended by the Committee on Education as printed on page 1482 of the Senate Journal be adopted, which motion prevailed.

SEN. DYKSHOORN MOVED that the amendments to HB 1474 as recommended by the Committee on State and Federal Government as printed on page 1432 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to HB 1518 as recommended by the Committee on Appropriations as printed on pages 1482 and 1483 of the Senate Journal be adopted, which motion prevailed.

SEN. LEE MOVED that the amendments to HB 1523 as recommended by the Committee on Natural Resources as printed on pages 1483-1486 of the Senate Journal be adopted, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1718 as recommended by the Committee on Agriculture as printed on page 1487 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HCR 3038 as recommended by the Committee on Political Subdivisions as printed on page 1488 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HCR 3083 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1488 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HCR 3086 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1488 of the Senate Journal be adopted, which motion prevailed.

#### REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2494 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

SB 2494 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2496 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2496 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Joint Committee on Constitutional Revision to which was referred SCR 4003 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A concurrent resolution" delete the remainder of the resolution and insert in lieu thereof the following: "for the amendment of subsection 1 of section 6 of article VIII and section 12 of article IX of the Constitution of the State of North Dakota, relating to the addition of three colleges to the institutions under the control of the board of higher education and to technical corrections.

## STATEMENT OF INTENT

This amendment places Bismarck junior college, Lake Region community college, and the university of North Dakota - Williston center under the control and administration of the board of higher education. The amendment also makes technical corrections.

BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the following proposed amendments to subsection 1 of section 6 of article VIII and section 12 of article IX of the Constitution of the State of North Dakota are agreed to and shall be submitted to the qualified electors of the State of North Dakota at the general election to be held in 1984, in accordance with the provisions of section 45 of article IV of the Constitution of the State of North Dakota.

SECTION 1. AMENDMENT. Subsection 1 of section 6 of article VIII of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

1. A board of higher education, to be officially known as the state board of higher education, is hereby created for the control and administration of the following state educational institutions, to wit:
  - a. The state university and school of mines, at Grand Forks, with their substations.
  - b. The state agricultural college North Dakota state university of agriculture and applied science and experiment station, at Fargo, with their substations.
  - c. The school of science, at Wahpeton.
  - d. The state ~~normal schools and teachers~~ colleges, at Valley City, Mayville, Minot, and Dickinson.
  - e. The school of forestry, at Bottineau.
  - f. Bismarck junior college, at Bismarck.

- g. Lake Region community college, at Devils Lake.
- h. The university of North Dakota - Williston center, at Williston.
- i. And such other state institutions of higher education as may hereafter be established.

SECTION 2. AMENDMENT. Section 12 of article IX of the Constitution of the State of North Dakota is hereby amended and reenacted to read as follows:

Section 12. The following public institutions of the state are permanently located at the places hereinafter named, each to have the lands specifically granted to it by the United States in the Act of Congress approved February 22, 1889, to be disposed of and used in such manner as the legislative assembly may prescribe subject to the limitations provided in the ~~article on school and public lands contained in this constitution~~ this section and section 13 of this article.

1. The seat of government at the city of Bismarck in the county of Burleigh.
2. The state university and the school of mines at the city of Grand Forks, in the county of Grand Forks.
3. The North Dakota state university of agriculture and applied science at the city of Fargo, in the county of Cass.
4. A state ~~normal school~~ college at the city of Valley City, in the county of Barnes, and the legislative assembly, in apportioning the grant of eighty thousand acres of land for normal schools made in the Act of Congress referred to shall grant to the said normal school at Valley City, as aforementioned, fifty thousand (50,000) acres, and said lands are hereby appropriated to said institution for that purpose.
5. The school for the deaf ~~and dumb~~ of North Dakota at the city of Devils Lake, in the county of Ramsey.

6. A state ~~training~~ industrial school at the city of Mandan, in the county of Morton.
7. A state ~~normal school~~ college at the city of Mayville, in the county of Traill, and the legislative assembly in apportioning the grant of lands made by Congress in the Act aforesaid for state normal schools shall assign thirty thousand (30,000) acres to the institution hereby located at Mayville, and said lands are hereby appropriated for said purpose.
8. A state hospital for the ~~insane~~ mentally ill at the city of Jamestown, in the county of Stutsman. And the legislative assembly shall appropriate twenty thousand acres of the grant of lands made by the Act of Congress aforesaid for other educational and charitable institutions to the benefit and for the endowment of said institution, ~~and there shall be located.~~
9. An institution for the mentally deficient, on the grounds purchased by the secretary of the interior for a penitentiary building, at or near the city of Grafton, in the county of Walsh; an institution for the feebleminded, on the grounds purchased by the secretary of the interior for a penitentiary building."

And renumber the lines and pages accordingly

SEN. WENSTROM, Chairman

SCR 4003 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 SR 1 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SR 1 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred HB 1167 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 3 of the engrossed bill, line 10, after the word "weight" insert the following words: "except the weights shall be empty weights for all ultralight

vehicles which are not certificated for maximum permissible take-off weight"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1167 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 1316 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1316 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 1336 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 39-21-39 of the North Dakota Century Code, relating to unobstructed motor vehicle windshields.

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

SECTION 1. A new subsection to section 39-21-39 of the North Dakota Century Code is hereby created and enacted to read as follows:

A person may not operate a motor vehicle with any object or any material displayed, affixed, or applied on the front windshield or on any side window where that material alters the color or reduces the light transmittance, or reduces the driver's clear and unobstructed view through the windshield or window. This subsection does not apply to windows behind the driver or to factory installed tinted windows or windshields."

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1336 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 1356 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1356 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1370 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 30, after the word "home" insert the words "and accompanied by a statement from the county director of tax equalization that a current tax decal for the mobile home has been issued. No statement from the county director of tax equalization is required when title transfers under section 39-18-01"

And renumber the lines and pages accordingly

SEN. HOLMBERG, Chairman

HB 1370 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 1406 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 17, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 12, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 16, remove the overstrike over the overstruck word "~~one~~" and delete the word "two" and after the word "thousand" insert the words "five hundred"

On page 2 of the engrossed bill, line 19, delete the words "If equity"

On page 2 of the engrossed bill, delete line 20

On page 2 of the engrossed bill, delete the words "party incurred in either prosecuting or defending the claim."

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

HB 1406 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 1442 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

HB 1442 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 1473 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 13, delete the word "Areas" and insert in lieu thereof the words "Except for transmission lines in existence before July 1, 1983, areas"

And renumber the lines accordingly

SEN. REITEN, Chairman

HB 1473 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1526 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 24, delete the words "which may exist"

On page 1 of the engrossed bill, line 25, delete the words "in any facet of a person's life" and insert in lieu thereof the words "as outlined by axis V of the diagnostic and statistical manual of mental disorders of the American physicatric association"

On page 4 of the engrossed bill, line 33, after the word "a" insert the word "detailed"

On page 5 of the engrossed bill, line 3, remove the overstrike over the words "in detai"

And renumber the lines accordingly

SEN. WRIGHT, Chairman

HB 1526 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred HB 1528 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 28, after the word "communities" insert the word "to"

On page 2 of the engrossed bill, line 20, delete the words "or description of"

On page 2 of the engrossed bill, line 21, delete the word "services"

On page 3 of the engrossed bill, delete lines 5 through 8

On page 7 of the engrossed bill, delete lines 8 through 11

On page 7 of the engrossed bill, delete lines 31 through 34

On page 8 of the engrossed bill, delete lines 1 through 15

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

SEN. WRIGHT, Chairman

HB 1528 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was rereferred HB 1551 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 16, delete the word "lignite"

And renumber the lines accordingly

SEN. VOSPER, Chairman

HB 1551 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 1570 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 1570 was rereferred to the Committee on Appropriations.

MR. PRESIDENT: Your Committee on Judiciary to which was referred HB 1582 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1582 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred HB 1589 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 18, overstrike the second word "one" and insert immediately thereafter the word "four"

And renumber the lines and pages accordingly

SEN. HOLMBERG, Chairman

HB 1589 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 1616 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1616 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 1627 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

HB 1627 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 1666 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed bill, line 21, after the word "a" insert the word "notarized"

And renumber the lines accordingly

SEN. MUTCH, Chairman

HB 1666 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 1674 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 3 of the engrossed bill, line 4, delete the word "may" and insert in lieu thereof the word "need"
- On page 3 of the engrossed bill, line 5, after the word "majority" insert the words "or plurality"
- On page 3 of the engrossed bill, line 6, delete the words "depict, present, describe, or relate" and insert in lieu thereof the words "are distinguished or characterized by their emphasis on matter depicting, describing, or relating"
- On page 3 of the engrossed bill, line 8, delete the words "adult bookstore" and insert in lieu thereof the word "establishment"
- On page 3 of the engrossed bill, line 10, delete the words "depict, present, describe, relate to, and" and insert in lieu thereof the words "are so distinguished or characterized"
- On page 3 of the engrossed bill, delete line 11
- On page 3 of the engrossed bill, line 12, delete the words "anatomical areas"
- On page 3 of the engrossed bill, line 12, after the word "factfinder" insert the words "shall consider the totality of the circumstances and"
- On page 3 of the engrossed bill, line 13, delete the word "things" and insert in lieu thereof the word "factors" and after the second comma insert the words "any of"
- On page 3 of the engrossed bill, line 14, delete the word "factors"
- On page 3 of the engrossed bill, delete lines 15 through 25 and insert in lieu thereof the following:
  - "a. Dominant theme of the establishment.
  - b. Total impression of the emphasis placed on such materials by the establishment.
  - c. Externalities of the establishment including but not limited to the manner of packaging or display and advertising

which demonstrates the dominant theme or emphasis being placed on such materials by the establishment.

d. Obtrusive characteristics of the materials which tend to distract from and dominate the other classes of materials.

e. Manner of display of the materials.

f. Advertising emphasis.

g. Whether the establishment prohibits minors from entering the premises or any portion thereof."

And renumber the lines and pages accordingly

SEN. CHRISTENSEN, Chairman

HB 1674 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 1680 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 "works" and before the period insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 23, overstrike the words "any state agency or institution"

On page 1 of the engrossed bill, overstrike line 24

On page 1 of the engrossed bill, line 25, overstrike the words "dollars without", delete the word "the", and overstrike the words "plans, drawings, and specifications, shall"

On page 1 of the engrossed bill, overstrike line 26

On page 1 of the engrossed bill, line 27, overstrike the words "and that"

On page 2 of the engrossed bill, line 5, overstrike the words "Any type or class of engineering"

On page 2 of the engrossed bill, overstrike lines 6 through  
8

- On page 2 of the engrossed bill, line 9, overstrike the words "bid requirements of this section", delete the word "are", and overstrike the words "waived upon"
- On page 2 of the engrossed bill, overstrike lines 10 through 12
- On page 2 of the engrossed bill, line 13, delete the words "of a building" and overstrike the words "owned by the state, and a contract may be made"
- On page 2 of the engrossed bill, line 14, overstrike the word "for", delete the word "the", and overstrike the words "prompt destruction, demolition, or repair without"
- On page 2 of the engrossed bill, overstrike lines 15 through 17
- On page 2 of the engrossed bill, after line 17, insert the following new section:

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

And renumber the lines and pages accordingly

SEN. HOLMBERG, Chairman

HB 1680 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 1696 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

HB 1696 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 1712 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1712 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HCR 3071 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3071 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HCR 3076 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3076 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HCR 3077 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3077 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 HCR 3080 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1 of the engrossed resolution, line 3, after the second comma insert the words: "Aeronautics Commission,"

On page 1 of the engrossed resolution, line 10, after the third comma insert the words: "Aeronautics Commission,"

On page 1 of the engrossed resolution, line 15, delete the word "and"

On page 1 of the engrossed resolution, delete lines 16 through 24

On page 2 of the engrossed resolution, line 1, after the second comma insert the words: "Aeronautics Commission,"

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HCR 3080 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 HCR 3082 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

HCR 3082 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF A HOUSE BILL

HB 1564: A BILL for an Act to amend and reenact subsections 2, 5, and 6 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of county officials.

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

#### MOTION

SEN. NETHING MOVED that Senate Rule 402, Section 4, which states that resolutions which propose amendments to the Constitution be reported out of committee on the Forty-fourth Legislative day, be amended, that resolutions be reported out of committee on the Forty-ninth Legislative day, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President, I guess what I'm going to be talking about is that there was a basketball tournament last week and, in five sessions, I don't think I've ever asked that my remarks be recorded in the Journal and sometimes I don't know what I say when I get up here and I'd like to read it sometime. So, I'd like to request that my remarks be printed in the Journal, if they would please.

But, at any rate, I am from West Fargo. That's a small town of ten thousand some people, just to the west of Fargo, North Dakota. A lot of people don't know where it is, but we ended up in the state basketball tournament last week. Nobody thought we had a chance to do anything, including myself, and they made a believer out of me. But, at any rate, we started in the regional tournament losing the first game, winning the next two games, we went to the state last week, and faced a very prime Bismarck team, Bismarck Century, I believe was the first one, and ended up winning that game 68-63. Everybody thought that was a fluke. The next night they played Fargo North and that game went into overtime, and I believe the score of that game was 73-60. They won that game. The next night they played another Bismarck team, and believe it or not, after being behind 21-7 at the early part of the second quarter, they came from behind and won that game 54-53.

So we're pretty proud of this and I guess along with the team that we've got, I think there are probably no better fans and cheerleaders than, if any of you were at the tournament, we have from West Fargo. I am certainly very proud of them when they were given the best spirit award, both the cheerleaders and the team, and on Sunday afternoon they had a recognition day for West Fargo Packers, and they

were lined for ten to twelve miles waiting for them to come in Sunday afternoon. Had a big event for them in the school and over three thousand people showed up Sunday afternoon.

So, I think we in West Fargo are very proud of this and I just wanted everybody to know that West Fargo is the class "A" state champs and I, as the mayor of West Fargo, am very proud of them. Thank you.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4053: A concurrent resolution directing the Legislative Council to conduct a study of state laws governing the possession, sale, and use of weapons.

Which has been read.

#### MOTIONS

SEN. HOLMBERG MOVED that the amendments to SCR 4053 as printed on page 1456 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that SCR 4053 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4053: A concurrent resolution directing the Legislative Council to conduct a study of state laws governing the possession, sale, and use of weapons.

Which has been read.

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

SCR 4053 was declared adopted on a voice vote.

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#### SECOND READING OF A HOUSE BILL

HB 1688: A BILL for an Act to amend and reenact section 28-01-25 of the North Dakota Century Code, relating to disabilities extending the limitations on actions.

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 30 YEAS, 22 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dykshoorn; Erickson; Goodman; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wright

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

ABSENT AND NOT VOTING: David

HB 1688 passed and the title was agreed to.

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SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3027: A concurrent resolution urging Congress to remove the time limitations for veterans to use their education benefits under the G.I. bill.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3027 was declared adopted on a voice vote.

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3035 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3043 was declared adopted on a voice vote.

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3045 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3049 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3051 was declared adopted on a voice vote.

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

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

The question being on the final adoption of the resolution.

HCR 3058 was declared lost on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3059 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3060 was declared adopted on a voice vote.

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

Which has been read.

The question being on the final adoption of the resolution.

HCR 3061 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3064 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3074 was declared adopted on a voice vote.

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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.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3081 was declared adopted on a voice vote.

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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.

Which has been read.

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

HCR 3084 was declared adopted on a voice vote.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do concur in the House amendments to SB 2088 as printed on page 1385 of the Senate Journal, which motion prevailed.

MOTION

SEN. PETERSON MOVED that the rules be suspended, that SB 2088 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2088: A BILL for an Act to amend and reenact subsections 4 and 6 of section 15-39.1-04, and sections 15-39.1-18, 15-39.1-19.1, 15-39.1-22, and 15-39.1-27 of the North Dakota Century Code, relating to the definitions of "interest" and "teacher", disability retirement, discontinuance of annuities on resumption of teaching, the annual report of the board of trustees, and computing service credit for members.

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

NAYS: None

ABSENT AND NOT VOTING: Christensen; Leibhan

SB 2088 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to SB 2101 as printed on page 1451 of the Senate Journal, which motion prevailed.

MOTION

SEN. LEE MOVED that the rules be suspended, that SB 2101 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2101: A BILL for an Act to create and enact a new subsection to section 20.1-03-12 of the North Dakota Century Code, relating to a nonresident husband and wife fishing license; and to amend and reenact subsections 7 and 8 of section 20.1-03-12 of the North Dakota Century Code, relating to the fees for a nonresident fishing license; and declaring an emergency or, in the alternative, 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 42 YEAS, 9 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; 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; Reiten; Satrom; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Vosper; Waldera; Wenstrom; Wogsland; Wright

NAYS: Barth; Berube; David; Grotberg; Heigaard; Redlin; Stromme; Tweten; Walsh

ABSENT AND NOT VOTING: Goodman; Maixner

SB 2101 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2139 as printed on page 1452 of the Senate Journal, which motion prevailed.

## MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2139 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2139: A BILL for an Act to create and enact a new section to chapter 44-08 of the North Dakota Century Code providing for additional powers for peace officers when acting outside the jurisdiction of the law enforcement agency by which they are employed.

Which has been read.

ROLL CALL

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

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

NAYS: None

ABSENT AND NOT VOTING: Goodman; Heigaard; Maixner; Parker

SB 2139 passed and the title was agreed to.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LODOEN MOVED that the Senate do concur in the House amendments to SB 2164 as printed on page 1385 of the Senate Journal, which motion prevailed.

MOTION

SEN. LODOEN MOVED that the rules be suspended, that SB 2164 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2164: A BILL for an Act to amend and reenact subsections 1, 2, and 3 of section 54-17-07.3 and section 54-17-07.7 of the North Dakota Century Code, relating to the power of the industrial commission, acting as the state housing finance agency, to enter into such agreements and establish such lending terms as are necessary to implement the agency's housing finance programs; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan;

Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2164 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do concur in the House amendments to SB 2192 as printed on page 1385 of the Senate Journal, which motion prevailed.

MOTION

SEN. PETERSON MOVED that the rules be suspended, that SB 2192 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2192: A BILL for an Act to amend and reenact sections 15-22-02, 15-22-10, 15-22-11, 15-22-13, 15-22-16, 15-22-20, 15-22-23, 15-36-10, and 15-38-02 of the North Dakota Century Code, relating to changes in the powers and duties of the county superintendents.

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; 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: Nething

SB 2192 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. PETERSON MOVED that the Senate do concur in the House amendments to SB 2201 as printed on page 1358 of the Senate Journal, which motion prevailed.

## MOTION

SEN. PETERSON MOVED that the rules be suspended, that SB 2201 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2201: A BILL for an Act to create and enact a new section to chapter 15-40 of the North Dakota Century Code, relating to school aid appropriation for alternative programs for dropout students age sixteen through eighteen.

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

NAYS: None

ABSENT AND NOT VOTING: Peterson

SB 2201 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to SB 2214 as printed on page 1452 of the Senate Journal, which motion prevailed.

## MOTION

SEN. LEE MOVED that the rules be suspended, that SB 2214 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2214: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to the payment of fees for services performed by the industrial commission.

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; 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: Goodman

SB 2214 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. LEE MOVED that the Senate do concur in the House amendments to SB 2217 as printed on page 1385 of the Senate Journal, which motion prevailed.

## MOTION

SEN. LEE MOVED that the rules be suspended, that SB 2217 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2217: A BILL for an Act to amend and reenact sections 61-04-02, 61-04-06, 61-04-09, 61-04-15, and 61-04-15.1 of the North Dakota Century Code, relating to water permits for the appropriation of water.

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

SB 2217 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WRIGHT MOVED that the Senate do concur in the House amendments to SB 2229 as printed on page 1452 of the Senate Journal, which motion prevailed.

#### MOTION

SEN. WRIGHT MOVED that the rules be suspended, that SB 2229 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2229: A BILL for an Act to provide immunity from civil and criminal liability in certain cases when food is donated for charitable purposes; to provide a penalty; 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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

SB 2229 passed, the title was agreed to, and the emergency clause carried.

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CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. HOLMBERG MOVED that the Senate do concur in the House amendments to SB 2282 as printed on page 1385 of the Senate Journal, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SB 2282 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE BILL

SB 2282: A BILL for an Act to amend and reenact sections 4-08-02, 4-08-04, 4-08-15, and 4-08-15.1 of the North Dakota Century Code, or in the alternative to amend and reenact subsections 4 and 5 of section 55 of Senate Bill No. 2065, as approved by the forty-eighth legislative assembly, relating to county mill levys for county agent work.

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, 3 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Moore; Mutch; Tennefos

ABSENT AND NOT VOTING: David

SB 2282 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GOODMAN MOVED that the Senate do concur in the House amendments to SB 2295 as printed on pages 1419 and 1420 of the Senate Journal, which motion prevailed.

## MOTION

SEN. GOODMAN MOVED that the rules be suspended, that SB 2295 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A SENATE BILL

SB 2295: A BILL for an Act to create and enact two new subsections to section 57-02-08 of the North Dakota Century Code, providing exemptions from property taxes for new single family residential property and condominiums and townhouses which meet certain qualifications; and to provide an effective date and an expiration 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 50 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; 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: Miller Heinrich; Lodoen

ABSENT AND NOT VOTING: David

SB 2295 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. VOSPER MOVED that the Senate do concur in the House amendments to SB 2316 as printed on page 1420 of the Senate Journal, which motion prevailed.

## MOTIONS

SEN. VOSPER MOVED that the rules be suspended, that SB 2316 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SEN. REDLIN MOVED that SB 2316 be laid over three legislative days, which motion prevailed.

SEN. CHRISTENSEN MOVED that the Senate do concur in the House amendments to SB 2318 as printed on page 1453 of the Senate Journal, which motion prevailed.

SEN. CHRISTENSEN MOVED that the rules be suspended, that SB 2318 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

#### SECOND READING OF A SENATE BILL

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

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill 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; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Heigaard

SB 2318 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. REITEN MOVED that the Senate do not concur in the House amendments to SB 2350 as printed on page 1420 of the Senate Journal and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF A CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2350:

Sens. Kilander, Reiten, Wogsland

MOTION

SEN. PARKER MOVED that SB 2382 be rereferred to the Committee on Industry, Business, and Labor, which motion prevailed.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. VOSPER MOVED that the Senate do concur in the House amendments to SCR 4032 as printed on page 1385 of the Senate Journal, which motion prevailed.

MOTION

SEN. VOSPER MOVED that the rules be suspended, that SCR 4032 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4032: A concurrent resolution urging the President of the United States to negotiate a long-term grain trade agreement with the Soviet Union.

Which has been read.

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

SCR 4032 was declared adopted on a voice vote.

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PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA  
EXECUTIVE OFFICE  
BISMARCK

March 15, 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 15, 1983, I signed the following Senate Bills:

## JOURNAL OF THE SENATE

SB 2081, SB 2094, SB 2115, SB 2171, SB 2188, SB 2247,  
 SB 2279, SB 2323, SB 2400, SB 2405, SB 2461, SB 2071,  
 SB 2275, SB 2284, SB 2320, SB 2360, SB 2391, SB 2396,  
 SB 2399, SB 2403, SB 2406, SB 2434, SB 2058, SB 2102,  
 SB 2105, SB 2141, SB 2154, SB 2161, SB 2210, SB 2212,  
 SB 2215, SB 2230, SB 2333, SB 2363, SB 2450, SB 2471.

Sincerely,

ALLEN I. OLSON  
 Governor

MESSAGES TO THE HOUSE  
 SENATE CHAMBER

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

SB 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,  
 SB 2301, SB 2432, SB 2437, SB 2449, SCR 4014, SCR 4015,  
 SCR 4019

Very respectfully,  
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1054, HB 1056, HB 1317, HB 1318, HB 1467, HB 1608,  
 HB 1711, HCR 3053, HCR 3067

Very respectfully,  
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has concurred in the House amendments to SB 2088, SB 2164, SB 2192, SB 2201, SB 2217, SB 2282, SB 2295, and SCR 4032 and subsequently passed the same, but has refused to concur in the House amendments to SB 2350, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2350: Sens. Kilander, Reiten, Wogsland

Very respectfully,  
 LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

SB 2101, SB 2139, SB 2214, SB 2229, SB 2318

Very respectfully,  
 LEO LEIDHOLM, Secretary

## MOTION

SEN. NETHING MOVED that after the reading of SB 2494, SB 2496, SCR 4002, SCR 4008, SR 1, HB 1003, HB 1159, HB 1189, HB 1228, HB 1254, HB 1432, HB 1435, HB 1478, HB 1479, HB 1482, HB 1493, HB 1566, HB 1568, HB 1585, HB 1586, HB 1643, HB 1681, HB 1683, HB 1695, HB 1706, HCR 3014, HCR 3015, HCR 3016, HCR 3079, HB 1182, HB 1246, HB 1316, HB 1356, HB 1404, HB 1408, HB 1442, HB 1445, HB 1447, HB 1458, HB 1474, HB 1518, HB 1523, HB 1582, HB 1616, HB 1627, HB 1696, HB 1712, HB 1718, HCR 3038, HCR 3071, HCR 3076, HCR 3077, HCR 3082, HCR 3083, and HCR 3086, the Senate adjourn and convene at 1:00 p.m., Wednesday, March 16, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary