

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FIFTIETH DAY

Bismarck, March 16, 1983

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

The prayer was offered by Rev. Dave Ewing, Century Baptist Church, Bismarck.

Our dear Heavenly Father, we bow before Your throne of grace this hour because we need You. We need Your strength to stay abreast of the volumes of bills, ideas, and words before us; we need Your wisdom to understand the fine points and discern the hidden implications of each bill; we need Your courage to defend that which is morally right and humanely benevolent.

O Lord, our Lord, in this chosen chamber today, help all of us, President Sands, and every senator to do Your will. In Jesus' name. Amen.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Forty-ninth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 1493, line 11, delete the numeral "1420" and insert in lieu thereof the numeral "1428"

SEN. TWETEN, Chairman

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

MESSAGES TO THE HOUSE
SENATE CHAMBER

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

HB 1057, HB 1060, HB 1425, HCR 3046,

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 1103, HB 1133, HB 1601, HB 1656, HB 1657

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1319

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

HB 1117, HB 1327, HB 1372, HB 1397, HB 1399, HB 1520,
HB 1588, HB 1707

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2216, SB 2234, SB 2464, SB 2492

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

SB 2131, SB 2133, SB 2152, SB 2181, SB 2198, SB 2241,
SB 2243, SB 2280, SB 2285, SB 2297, SB 2305, SB 2310,
SB 2311, SB 2353, SB 2359, SB 2387, SB 2419, SB 2424,
SB 2426, SB 2436, SB 2454, SB 2476, SB 2489, SCR 4017,
SCR 4041

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

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,
 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 2368

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 2056, SB 2064, SB 2070, SB 2176, SCR 4004, SCR 4029,
 SCR 4055

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2327 which the House has amended as follows:

HOUSE AMENDMENTS TO SB 2327

On page 1, line 12, remove the overstrike over the words
 "~~individual, partnership, corporation, joint stock~~"

On page 1, line 13, remove the overstrike over the words
 "~~company, or association, or insurance company, a
 resident~~"

On page 1, line 14, remove the overstrike over the words
 "~~of, or having a place of business in, this state~~",
 and delete the word "person"

On page 1, delete lines 15 through 19

On page 1, line 20, delete the words "Such returns shall be
 required of any person"

On page 2, line 8, delete the words "or credited"

On page 2, line 9, remove the overstrike over the words
 "~~taxpayer, shall make a~~", and delete the words
 "person. A"

On page 2, line 10, delete the words "shall be made"

On page 3, line 19, delete the word "shall" and insert in
 lieu thereof the word "may"

And renumber the lines accordingly

Very respectfully,
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

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

HB 1109, HB 1297, HB 1331, HB 1385, HB 1511, HCR 3032,
HCR 3040, HCR 3052, HCR 3054, HCR 3055, HCR 3056, HCR 3057,
HCR 3063, HCR 3065, HCR 3070, HCR 3085

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORTS 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 engrossed:

SCR 4053

SEN. FRITZELL, Chairman

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

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

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SCR 4033, SCR 4047

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SCR 4033, SCR 4047

LEO LEIDHOLM, Secretary

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1117, HB 1327, HB 1372, HB 1397, HB 1399, HB 1520,
HB 1588, HB 1707

LEO LEIDHOLM, Secretary

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1109, HB 1297, HB 1331, HB 1385, HB 1511, HCR 3032,
HCR 3040, HCR 3052, HCR 3054, HCR 3055, HCR 3056, HCR 3057,
HCR 3063, HCR 3065, HCR 3070, HCR 3085

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. WENSTROM MOVED that the amendments to SCR 4003 as recommended by the Joint Committee on Constitutional Revision as printed on pages 1500-1503 of the Senate Journal be adopted, which motion lost.

SEN. MUTCH MOVED that the amendments to HB 1167 as recommended by the Committee on Transportation as printed on pages 1503 and 1504 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1336 as recommended by the Committee on Transportation as printed on page 1504 of the Senate Journal be rereferred to the Committee on Transportation, which motion prevailed.

SEN. HOLBERG MOVED that the amendments to HB 1370 as recommended by the Committee on Political Subdivisions as printed on page 1505 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to HB 1406 as recommended by the Committee on Judiciary as printed on pages 1505 and 1506 of the Senate Journal be adopted, which motion prevailed.

SEN. REITEN MOVED that the amendments to HB 1473 as recommended by the Committee on Industry, Business, and Labor as printed on page 1506 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1526 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1506 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to HB 1528 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 1507 of the Senate Journal be adopted, which motion prevailed.

SEN. VOSPER MOVED that the amendments to HB 1551 as recommended by the Committee on Agriculture as printed on page 1507 of the Senate Journal be adopted, which motion prevailed. HB 1551 has committee recommendation of DO NOT PASS.

SEN. HOLMBERG MOVED that the amendments to HB 1589 as recommended by the Committee on Political Subdivisions as printed on page 1508 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HB 1666 as recommended by the Committee on Transportation as printed on page 1508 of the Senate Journal be adopted, which motion prevailed. HB 1666 has committee recommendation of DO NOT PASS.

SEN. CHRISTENSEN MOVED that the amendments to HB 1674 as recommended by the Committee on Judiciary as printed on pages 1509 and 1510 of the Senate Journal be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the amendments to HB 1680 as recommended by the Committee on Political Subdivisions as printed on pages 1510 and 1511 of the Senate Journal be adopted, which motion prevailed.

SEN. MUTCH MOVED that the amendments to HCR 3080 as recommended by the Committee on Transportation as printed on page 1512 of the Senate Journal be adopted, which motion prevailed. HCR 3080 has committee recommendation of DO NOT PASS.

REPORTS OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing at the hour of 1:36 p.m., March 16, 1983:

SCR 4014, SCR 4015, SCR 4019

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Secretary of State for his filing at the hour of 1:36 p.m., March 16, 1983:

SCR 4017, SCR 4041

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:41 p.m., March 16, 1983:

SB 2149, SB 2162, SB 2178, SB 2246, SB 2259, SB 2300,
SB 2301, SB 2432, SB 2437, SB 2449

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:41 p.m., March 16, 1983:

SB 2131, SB 2133, SB 2152, SB 2181, SB 2198, SB 2241,
 SB 2243, SB 2280, SB 2285, SB 2297, SB 2305, SB 2310,
 SB 2311, SB 2353, SB 2359, SB 2387, SB 2419, SB 2424,
 SB 2426, SB 2436, SB 2454, SB 2476, SB 2489

SEN. FRITZELL, Chairman

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

MR. PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 1:41 p.m., March 16, 1983:

SB 2216, SB 2234, SB 2464, SB 2492

SEN. FRITZELL, Chairman

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

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3087: A concurrent resolution directing the Legislative Council to study funding of regional airports.

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

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2066: Reps. Koski, Gerl, Black
 SB 2219: Reps. Koski, Gerl, Black
 SB 2350: Reps. Gerl, Lloyd, Vander Vorst
 SB 2446: Reps. Linderman, Vig, Gates

Very respectfully,
 CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2491: Reps. Laughlin, Sinner, Moore
 SCR 4025: Reps. Halmrast, DeMers, Gates

Very respectfully,
 CHARLES FLEMING, Chief Clerk

SECOND READING OF SENATE BILLS

SB 2494: A BILL for an Act to amend and reenact sections 26-01-11, 26-12-45, 26-16-10, 26-27-13, and 26-40-14 of the North Dakota Century Code, or in the alternative to amend and reenact sections 26.1-03-17, 26.1-09-10, 26.1-14-13, 26.1-15-47, and 26.1-17-10 of the North Dakota Century Code as created by House Bill 1054, as approved by the forty-eighth legislative assembly, relating to insurance premium taxes; to provide for retroactive application; and to declare an emergency.

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

ROLL CALL

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

YEAS: None

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

ABSENT AND NOT VOTING: Tweten

SB 2494 was declared lost.

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

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, 3 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;

Tallackson; Tennesfos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

NAYS: Miller Heinrich; Matchie; Wogsland

ABSENT AND NOT VOTING: None

SB 2496 passed, the title was agreed to, and the emergency clause carried.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4002: A concurrent resolution to create two new sections to article VIII of the Constitution of the State of North Dakota, relating to the establishment of a state board governing postsecondary and vocational education and to the fiscal affairs of agricultural experiment stations; to repeal section 6 of article VIII of the Constitution of the State of North Dakota, relating to the state board of higher education; and to provide an effective date.

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

MOTION

SEN. J. MEYER MOVED the previous question.

ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 18 YEAS, 33 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Dykshoorn; Lee; Lodoen; Mutch; Naaden; Nelson; Olson; Peterson; Streibel; Tennesfos; Todd; Tweten; Vosper; Wenstrom

NAYS: Barth; Berube; Christensen; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lips; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Nething; Parker; Redlin; Reiten; Satrom; Stenehjem; Stromme; Tallackson; Thane; Waldera; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Goodman; Leibhan

SCR 4002 was declared lost.

SCR 4008: A concurrent resolution for the amendment of sections 9 and 11 of article IV of the Constitution of the State of North Dakota, relating to the term of members and the apportionment of the house of representatives.

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

ROLL CALL

The question being on the final adoption of the resolution as amended, the roll was called and there were 13 YEAS, 36 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Holmberg; Lips; Maixner; Meyer, D.; Meyer, J.; Moore; Redlin; Stromme; Tallackson; Tennefos; Wogsland

NAYS: Adams; Berube; Christensen; David; Dykshoorn; Erickson; Fritzell; Grotberg; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lodoen; Matchie; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wright

ABSENT AND NOT VOTING: Bakewell; Barth; Goodman; Mutch

SCR 4008 was declared lost.

SECOND READING OF A SENATE RESOLUTION

SR 1: A resolution expressing the support of the Senate of the North Dakota Legislative Assembly for the construction of the Pembilier Dam Project.

Which has been read.

REQUEST

SEN. FRITZELL REQUESTED a recorded roll call vote on the adoption of SR 1, which request was granted.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Bakewell; Christensen; David; Dykshoorn; Erickson; Goodman; Kilander; Krauter; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wenstrom

NAYS: Adams; Barth; Berube; Dotzenrod; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kusler; Maixner; Matchie; Meyer, J.; Moore; Redlin; Satrom; Stenehjem; Walsh; Wogsland; Wright

ABSENT AND NOT VOTING: Waldera

SR 1 was declared adopted.

MOTION

SEN. NETHING MOVED that HB 1478 be placed at the head of the calendar, which motion prevailed.

SECOND READING OF A HOUSE BILL

HB 1478: A BILL for an Act to create and enact section 10-06-04.1 of the North Dakota Century Code, relating to the application of the corporate farming law to certain nonprofit organizations and trusts.

Which has been read and is placed on the calendar without recommendation.

MOTION

SEN. WOGSLAND MOVED that HB 1478 be amended as follows:

On page 1, line 10, delete the word "nonprofit" and insert in lieu thereof the words "church or other religious"

On page 1, line 15, after the second word "land" insert the words "was owned or leased by the church or other religious organization or trust prior to January 1, 1983 and"

And renumber the lines accordingly

MOTION

SEN. WOGSLAND MOVED that the proposed amendments be adopted, which motion lost on a division vote.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 31 YEAS, 22 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Heigaard; Holmberg; Kilander; Lee; Lips; Lodoen; Matchie; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Wright

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

ABSENT AND NOT VOTING: None

HB 1478 passed and the title was agreed to.

MOTION

SEN. NETHING MOVED that all bills on the Fourteenth order that have an "A" (amended) preceding the number be moved to the head of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILLS

HB 1432: A BILL for an Act to amend and reenact section 47-10-25 of the North Dakota Century Code, relating to the definition of "minerals" in deeds, grants, or conveyances of title to real property.

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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

HB 1432 passed and the title was agreed to.

HB 1479: A BILL for an Act to amend and reenact section 65-04-23 of the North Dakota Century Code, relating to penalties for default in the payment of workmen's compensation premiums.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; 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; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Grotberg

ABSENT AND NOT VOTING: Parker; Tennesfos

HB 1479 passed and the title was agreed to.

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 38 YEAS, 14 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Miller Heinrich; Holmberg; Kilander; Kusler; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Stenehjem; Tallackson; Tennesfos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Heigaard; Hilken; Krauter; Lee; Leibhan; Maixner; Meyer, J.; Moore; Mutch; Naaden; Parker; Satrom; Streibel; Vosper

ABSENT AND NOT VOTING: Stromme

HB 1482 passed, the title was agreed to, and the emergency clause carried.

HB 1585: A BILL for an Act to amend and reenact section 57-38-14 of the North Dakota Century Code, relating to the allocation and apportionment of income by corporations.

Which has been read and is placed on the calendar without recommendation.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 16 YEAS, 36 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Grotberg; Heigaard; Miller Heinrich; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Redlin; Stromme; Tallackson; Walsh; Wogsland

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Holmberg; Kilander; Krauter; Lee; Leibhan; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wright

ABSENT AND NOT VOTING: Wenstrom

HB 1585 was declared lost.

MOTIONS

SEN. NOTHING MOVED that all of the bills that were on the Sixth order today, be placed behind HCR 3086 on the calendar for tomorrow, which motion prevailed.

SEN. NOTHING MOVED that HB 1474 be laid over two legislative days, which motion prevailed.

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 2118, SB 2146, SB 2147, SB 2159, SB 2328, SB 2371,
SCR 4033, SCR 4047

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1117, HB 1327, HB 1372, HB 1397, HB 1399, HB 1520,
HB 1588, HB 1707

Very respectfully,
LEO LEIDHOLM, Secretary

SENATE CHAMBER

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

HB 1109, HB 1297, HB 1331, HB 1385, HB 1511, HCR 3032,
HCR 3040, HCR 3052, HCR 3054, HCR 3055, HCR 3056, HCR 3057,
HCR 3063, HCR 3065, HCR 3070, HCR 3085

Very respectfully,
LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education to which was referred SB 2495 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2495 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1011 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1011 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1014 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1014 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1015 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1015 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1019 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1019 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1021 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 numerals "252,838" and insert in lieu thereof the numerals "238,020"

On page 1, line 16, delete the numerals "418,428" and insert in lieu thereof the numerals "403,610"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the Milk Stabilization Board is reduced by \$14,818 from other funds. This reduction will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement.

SEN. LIPS, Chairman

HB 1021 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1022 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1022 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1023 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1023 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1024 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 12, delete the numerals "215,000" and insert in lieu thereof the numerals "200,000"

On page 1 of the engrossed bill, line 13, delete the numerals "215,000" and insert in lieu thereof the numerals "200,000"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

To reduce the amount of premiums for the State Fair Association from \$215,000 to \$200,000.

SEN. LIPS, Chairman

HB 1024 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1027 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 13, delete the numerals "1,628,620" and insert in lieu thereof the numerals "1,546,511"

On page 1, line 18, delete the numerals "2,335,010" and insert in lieu thereof the numerals "2,252,901"

And renumber the lines accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the State Seed Department is reduced by \$82,109 from other funds. Of the total, \$80,039 is a reduction that will allow no funds for salary increases the first year of the biennium and funds for a three percent contingent compensation adjustment in the second year. Funds are not provided for additional state contributions to retirement. The total also includes a reduction of \$2,070 for payroll adjustments.

SEN. LIPS, Chairman

HB 1027 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1031 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1031 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1032 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1032 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1036 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1036 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1038 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

HB 1038 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1079 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 9, delete the numerals "453,000,000" and insert in lieu thereof the numerals "700,000,000"

On page 1 of the engrossed bill, line 12, delete the numerals "27,534,330" and insert in lieu thereof the numerals "17,026,330"

On page 1 of the engrossed bill, line 13, delete the numerals "453,000,000" and insert in lieu thereof the numerals "700,000,000"

On page 1 of the engrossed bill, line 22, delete the numerals "27,534,330" and insert in lieu thereof the numerals "17,026,330"

On page 2 of the engrossed bill, delete lines 9 and 10

On page 2 of the engrossed bill, delete lines 14 through 20

On page 2 of the engrossed bill, delete lines 25 through 28 and insert in lieu thereof the following lines:

"State fair	Exhibition	1,394,730
association	building	_____ "

On page 2 of the engrossed bill, line 29, delete the numerals "27,534,330" and insert in lieu thereof the numerals "17,026,330"

On page 2 of the engrossed bill, line 32, delete the words "if more than"

On page 2 of the engrossed bill, line 33, delete the words "fifty percent of" and insert in lieu thereof the word "when"

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The amendment increases the amount of general fund revenues from \$453 million to \$700 million before transfers from the general fund to the capital construction fund can take place. The bill also changes the list of and the priority of projects.

SEN. LIPS, Chairman

HB 1079 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 1224 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1224 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 1289 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1289 was placed on the Fourteenth 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 1338 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. WRIGHT, Chairman

HB 1338 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 1349 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1349 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 1369 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 6, delete the word "and"
- On page 1 of the engrossed bill, line 7, after the word "redemption" and before the period insert the words "; to create and enact a new subsection to section 35-22-02 of the North Dakota Century Code, relating to prerequisites to foreclosure by advertisement; to amend and reenact section 32-19-38 of the North Dakota Century Code, relating to the requirements for the notification of foreclosure remedies; and to provide an expiration date"
- On page 1 of the engrossed bill, underscore lines 10 through 28
- On page 1 of the engrossed bill, after line 28, insert the following new section:

"SECTION 2. Mortgagee - Discovery rights. At any time after the notice to foreclose has been served, the mortgagor shall provide the mortgagee, through proper discovery under the North Dakota Rules of Civil Procedure, with information from the mortgagor or anyone else claiming relief from the mortgage of any facts which may establish the grounds for relief provided by this Act."

- On page 2 of the engrossed bill, underscore lines 1 through 35
- On page 2 of the engrossed bill, line 11, after the word "section" and before the comma insert the words "and demonstrates a lack of available financial resources to pay attorney's fees"
- On page 2 of the engrossed bill, line 12, after the word "accrued" insert the words "which are reasonable"
- On page 2 of the engrossed bill, line 26, after the comma insert the words "the court shall determine the reasonable value of the income on the property, or if the property has no income, then the reasonable rental value of the property involved in the foreclosure action, and shall direct the mortgagor to pay all or a reasonable part of the income or rental value toward the payment of taxes, insurance, interest, and mortgage indebtedness at the time and in the manner as ordered by the court. The court shall make and file its order directing the payment by the mortgagor of an amount at the time and in the

manner that the court deems just and equitable. The relief provided by this section may not be continued if the mortgagor or personal representative defaults in any payment or commits waste. Once a determination regarding the income value or reasonable rental value is established."

On page 3 of the engrossed bill, underscore lines 1 through 35

On page 4 of the engrossed bill, underscore lines 1 through 34

On page 5 of the engrossed bill, underscore lines 1 through 34

On page 5 of the engrossed bill, line 12, delete the words "Review by the supreme court may be had by" and insert in lieu thereof the words "In addition to all other rights of appeal provided by law, any party who is aggrieved by an interlocutory order granting or refusing relief under this Act may appeal the order to the supreme court."

On page 5 of the engrossed bill, delete lines 13 through 15

On page 5 of the engrossed bill, after line 29, insert the following new subsection:

"3. This Act does not apply to mortgages, loans, or other obligations entered into after April 1, 1983."

On page 6 of the engrossed bill, underscore lines 1 through 3

On page 6 of the engrossed bill, after line 3, insert the following new sections:

"SECTION 13. AMENDMENT. Section 32-19-38 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

32-19-38. What the summons is to contain. The summons mentioned in section 32-19-29 shall contain, or have appended ~~thereto~~ to it, a statement substantially as follows:

This action relates to the foreclosure of a mortgage or lien, as the case may be, upon (here describe the real estate involved in the action). Foreclosure remedies may be available including payment of attorneys' fees if the

conditions required by sections 1 through 12 of this Act are met.

SECTION 14. A new subsection to section 35-22-02 of the North Dakota Century Code is hereby created and enacted to read as follows:

That the parties being foreclosed against have been notified that foreclosure remedies may be available including the payment of their attorneys' fees if the conditions required by sections 1 through 12 of this Act are met.

SECTION 15. EXPIRATION DATE. This Act is effective through June 30, 1985, and after that date is ineffective."

And renumber the lines and pages accordingly

SEN. VOSPER, Chairman

HB 1369 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 1415 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. GOODMAN, Chairman

HB 1415 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 1417 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 11, delete the words "for the"

On page 1 of the engrossed bill, line 12, delete the words "purpose of installing it as a fixture"

On page 1 of the engrossed bill, after line 28, add the following new subsection:

"3. The tax imposed by this section shall not apply to medical equipment purchased as tangible personal property by a hospital and subsequently installed by a contractor into such hospital."

And renumber the lines and pages accordingly

SEN. GOODMAN, Chairman

HB 1417 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1421 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 4, delete the word "and"

On page 1 of the engrossed bill, line 4, after the word "appropriation" and before the period insert the words "; and to provide an effective date"

On page 2 of the engrossed bill, line 21, delete the numerals "75,560" and insert in lieu thereof the numerals "37,780"

On page 2 of the engrossed bill, after line 24, insert the following new section:

"SECTION 11. EFFECTIVE DATE. This Act becomes effective on July 1, 1984."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The appropriation for funding the North Dakota Centennial Commission is reduced by half to \$37,780, and an effective date of July 1, 1984, is provided.

SEN. LIPS, Chairman

HB 1421 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1439 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, delete the words "provide an appropriation to the superintendent" and insert in lieu thereof the words "defray the expenses of"

On page 1, delete line 2

On page 1, delete lines 7 through 14 and insert in lieu thereof the following:

"SECTION 1. TEXTBOOKS. The superintendent of public instruction shall defray the expenses of purchasing the new "History of North Dakota" textbook

for eighth-grade students in the state of North Dakota. The amount spent for this purpose shall be paid from moneys appropriated in Senate Bill No. 2002 to the Department of Public Instruction by the forty-eighth Legislative Assembly. The amount spent for this purpose shall not exceed \$100,000."

And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment provides that funds for the purchase of the "History of North Dakota" textbook are to be taken from moneys appropriated to the Department of Public Instruction in Senate Bill No. 2002 rather than moneys appropriated in a separate bill.

SEN. LIPS, Chairman

HB 1439 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 1443 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 for an Act", delete the remainder of the bill and insert in lieu thereof the following: "to create and enact a new section to chapter 57-35.2 of the North Dakota Century Code, relating to the deduction of a credit for charitable contributions from the tax on banks, trust companies, and savings and loan associations; and to provide an effective date.

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

SECTION 1. A new section to chapter 57-35.2 of the North Dakota Century Code is hereby created and enacted to read as follows:

1. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year to nonprofit private institutions of higher education located within the state or to the North Dakota independent college fund. The amount allowable as a credit under this

subsection for any taxable year shall not exceed twenty percent of the taxpayer's total tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.

2. At the election of the taxpayer, there shall be allowed, subject to the applicable limitations provided in this subsection, as a credit against the tax imposed by this chapter for the taxable year, an amount equal to fifty percent of the aggregate amount of charitable contributions made by the taxpayer during the year to nonprofit private institutions of secondary education located within the state. The amount allowable as a credit under this subsection for any taxable year shall not exceed twenty percent of the taxpayer's total tax under this chapter for the year, or two thousand five hundred dollars, whichever is less.
3. For the purpose of this section, the term "nonprofit private institution of higher education" shall mean only a nonprofit private educational institution located in the state of North Dakota which normally maintains a regular faculty and curriculum and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education at a level above the twelfth grade. The term "nonprofit private institution of secondary education" shall mean only a nonprofit private educational institution located in North Dakota which normally maintains a regular faculty and curriculum approved by the department of public instruction and which normally has a regularly organized body of students in attendance at the place where its educational activities are carried on, and which regularly offers education to students in the ninth through twelfth grades.
4. For purposes of this section, a taxpayer may elect to treat a contribution as made in the preceding taxable year if the contribution and election are made not later than the time prescribed in section

57-35.2-03 for filing the return for the taxable year.

SECTION 2. EFFECTIVE DATE. The provisions of this Act are effective for taxable years beginning after December 31, 1982."

And renumber the lines accordingly

SEN. GOODMAN, Chairman

HB 1443 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 1500 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1500 was placed on the Fourteenth 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 1538 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. WRIGHT, Chairman

HB 1538 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1617 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1617 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 1618 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HB 1618 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred HB 1619 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

HB 1619 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 rereferred HB 1641 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, delete the numeral "54-09-02" and insert in lieu thereof the numeral "11-18-01"

On page 1, line 2, delete the word "secretary" and insert in lieu thereof the words "register of deeds"

On page 1, line 3, delete the words "of state"

On page 1, line 4, delete the words "crops or cattle" and insert in lieu thereof the words "farm products"

On page 1, line 4, delete the words "and to amend and reenact"

On page 1, delete lines 5 and 6

On page 1, delete lines 9 through 28

On page 2, delete lines 1 through 15 and insert in lieu thereof the following new section:

"SECTION 1. A new subsection to section 11-18-01 of the North Dakota Century Code is hereby created and enacted to read as follows:

Furnish upon written or telephone request to merchants, as referred to in subsection 7 of section 41-09-28, the information contained in financing statements filed to perfect a security interest pursuant to chapter 41-09 when the collateral is farm products, and to provide written confirmation of the oral information provided upon receipt of a fee which shall be the same as for recording that instrument."

And renumber the lines, pages, and sections accordingly
SEN. VOSPER, Chairman

HB 1641 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 1705 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 2, line 23, delete the words "may charge a fee for the" and insert in lieu thereof the following: "shall assess charges for permits issued pursuant to this subsection, the revenue of which must be used in the jurisdiction's road construction or maintenance funds, as follows:

- a. One cent per pound [453.59 grams] for each pound [453.59 grams] of weight in excess of the legal limit, up to three thousand pounds [1360.77 kilograms] of excess weight;
- b. Four cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over three thousand [1360.77 kilograms] but is less than five thousand pounds [2267.96 kilograms] of excess;
- c. Eight cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over five thousand pounds [2267.96 kilograms], but is not more than ten thousand pounds [4535.92 kilograms];
- d. Ten cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by over ten thousand pounds [4535.92 kilograms] but is less than twenty thousand pounds [9071.84 kilograms] of excess weight; and
- e. Twenty cents per pound [453.59 grams] for each pound [453.59 grams] which exceeds the legal limit by more than twenty thousand pounds [9071.84 kilograms].

On page 2, delete lines 24 and 25

And renumber the lines and pages accordingly

SEN. MUTCH, Chairman

HB 1705 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 1724 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 word "to", insert the words "provide for distribution of certain education aid funds; to"
- On page 2 of the engrossed bill, line 5, after the word "to" insert the following words: "the sinking fund established for payment of the state of North Dakota water development bonds, southwest pipeline series, and any moneys in excess of the sum necessary to maintain the accounts within the sinking fund and for the payment of principal and interest on the bonds, shall be credited to"
- On page 2 of the engrossed bill, line 6, overstrike the second comma and the second word "to" and insert immediately thereafter the words "The resources trust fund shall"
- On page 2 of the engrossed bill, line 7, after the word "and" insert the words "the funds therein"
- On page 2 of the engrossed bill, line 10, overstrike the words "Provided, the first fifteen"
- On page 2 of the engrossed bill, overstrike lines 11 through 17
- On page 2 of the engrossed bill, line 18, overstrike the words "provided by the legislative assembly."
- On page 2 of the engrossed bill, line 22, overstrike the word "conservation"
- On page 2 of the engrossed bill, line 23, after the word "of" insert the word "comprehensive", and after the word "facilities" insert the words ", including rural water systems"
- On page 3 of the engrossed bill, after line 31, insert the following new section:

"SECTION 4. Distribution of education aid funds. If funds appropriated for distribution to school districts for per pupil and transportation aid become available after May first, the superintendent shall distribute the payments no later than June thirtieth."

And renumber the lines, sections, and pages accordingly
SEN. PETERSON, Chairman

HB 1724 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 HCR 3044 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HCR 3044 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 HCR 3068 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HCR 3068 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 HCR 3069 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HCR 3069 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 HCR 3073 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

HCR 3073 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that at the conclusion of the Fifth order of business, and after the reading of SB 2495, SCR 4003, HB 1011, HB 1014, HB 1015, HB 1019, HB 1022, HB 1023, HB 1031, HB 1032, HB 1036, HB 1038, HB 1167, HB 1224, HB 1289, HB 1338, HB 1349, HB 1370, HB 1406, HB 1415, HB 1473, HB 1500, HB 1526, HB 1528, HB 1538, HB 1551, HB 1589, HB 1617, HB 1618, HB 1619, HB 1666, HB 1674, HB 1680, HB 1693, HCR 3044, HCR 3068, HCR 3069, HCR 3073, and HCR 3080, the Senate adjourn and convene at 1:00 p.m., Thursday, March 17, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary