

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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SIXTY-FIRST DAY

Bismarck, March 31, 1983

The Senate convened at 9:00 a.m., with President Sands presiding.

The prayer was offered by Senator Malcolm Tweten.

Our Gracious Heavenly Father, You have promised whatsoever we ask in Your name believing we will receive. Lord, we ask Your divine guidance for all in this assembly who would call upon Your name. We ask for Your Holy Spirit to fill our hearts with the love, joy, and peace that only You can give. Give us the wisdom that we may know and do Your will. And may Your peace which passes all understanding fill our hearts through Christ Jesus, our Lord. In His Holy name, we pray. Amen.

ROLL CALL

The roll was called and all members were present, except Senator Goodman.

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 Sixtieth 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 transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2497

Very respectfully,  
LEO LEIDHOLM, Secretary

SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed Senator Todd to replace Senator Reiten on the Conference Committee on SB 2350.

Very respectfully,  
LEO LEIDHOLM, Secretary

## MOTION

SEN. NETHING MOVED that the Senate stand in recess until 10:30 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sands presiding.

## CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that the amendments to HB 1643 as recommended by the Committee on Judiciary as printed on pages 1965-1968 of the Senate Journal be adopted, which motion prevailed.

## MOTION

SEN. NETHING MOVED that the rules be suspended, that HB 1643 be placed on the Fourteenth order of business, as amended, for second reading and final passage, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1643: A BILL for an Act to amend and reenact subsection 3 of section 16.1-08-02 of the North Dakota Century Code and sections 16.1-08.1-02 and 16.1-08.1-03 of the North Dakota Century Code as amended by sections 3 and 4 of Senate Bill No. 2268, as approved by the forty-eighth legislative assembly, relating to the reporting of campaign contributions.

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 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Dotzenrod; Erickson; Goodman; Matchie; Mutch

HB 1643 passed and the title was agreed to.

SEN. NETHING MOVED that the vote by which HB 1643 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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## MOTIONS

SEN. ADAMS MOVED that Senator Lee be replaced by Senator Wright on the conference committee on SB 2049, which motion prevailed.

SEN. NETHING MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sands presiding.

## REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred HB 1005 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 "Dakota" and before the period insert the words "; and declaring an emergency"
- On page 1 of the engrossed bill, line 16, delete the numerals "53,838,655" and insert in lieu thereof the numerals "54,606,817"
- On page 1 of the engrossed bill, line 19, delete the numerals "73,255,555" and insert in lieu thereof the numerals "74,023,717"
- On page 1 of the engrossed bill, after line 19, insert the following new line:
 

"Less budget adjustment	881,365"
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- On page 1 of the engrossed bill, line 20, delete the numerals "16,766,070" and insert in lieu thereof the numerals "18,132,310"
- On page 1 of the engrossed bill, line 21, delete the numerals "56,489,485" and insert in lieu thereof the numerals "55,010,042"
- On page 1 of the engrossed bill, line 23, delete the numerals "57,989,485" and insert in lieu thereof the numerals "56,510,042"
- On page 1 of the engrossed bill, line 26, delete the numerals "14,520,099" and insert in lieu thereof the numerals "14,220,099"
- On page 1 of the engrossed bill, line 28, delete the numerals "40,548,986" and insert in lieu thereof the numerals "40,248,986"

- On page 1 of the engrossed bill, after line 28, insert the following new line:
- "Less budget adjustment 377,102"
- On page 2 of the engrossed bill, line 2, delete the numerals "25,440,163" and insert in lieu thereof the numerals "24,763,061"
- On page 2 of the engrossed bill, line 5, delete the numerals "46,464,448" and insert in lieu thereof the numerals "47,232,610"
- On page 2 of the engrossed bill, line 6, delete the numerals "16,500,944" and insert in lieu thereof the numerals "16,222,248"
- On page 2 of the engrossed bill, line 7, delete the numerals "1,715,341" and insert in lieu thereof the numerals "1,361,295"
- On page 2 of the engrossed bill, line 8, delete the numerals "64,680,733" and insert in lieu thereof the numerals "64,816,153"
- On page 2 of the engrossed bill, after line 8, insert the following new line:
- "Less budget adjustment 775,485"
- On page 2 of the engrossed bill, line 9, delete the numerals "14,617,173" and insert in lieu thereof the numerals "15,984,373"
- On page 2 of the engrossed bill, line 10, delete the numerals "50,063,560" and insert in lieu thereof the numerals "48,056,295"
- On page 2 of the engrossed bill, line 12, delete the numerals "51,563,560" and insert in lieu thereof the numerals "49,556,295"
- On page 2 of the engrossed bill, after line 17, insert the following new line:
- "Less budget adjustment 291,820"
- On page 2 of the engrossed bill, line 18, delete the numerals "4,994,989" and insert in lieu thereof the numerals "5,490,989"
- On page 2 of the engrossed bill, line 19, delete the numerals "19,038,197" and insert in lieu thereof the numerals "18,250,377"

- On page 2 of the engrossed bill, line 21, delete the numerals "19,454,697" and insert in lieu thereof the numerals "18,666,877"
- On page 2 of the engrossed bill, after line 26, insert the following new line:
- "Less budget adjustment 135,281"
- On page 2 of the engrossed bill, line 27, delete the numerals "1,331,323" and insert in lieu thereof the numerals "1,475,323"
- On page 2 of the engrossed bill, line 28, delete the numerals "8,840,931" and insert in lieu thereof the numerals "8,561,650"
- On page 2 of the engrossed bill, line 30, delete the numerals "9,018,713" and insert in lieu thereof the numerals "8,739,432"
- On page 2 of the engrossed bill, after line 35, insert the following new line:
- "Less budget adjustment 92,206"
- On page 3 of the engrossed bill, line 1, delete the numerals "1,109,609" and insert in lieu thereof the numerals "1,204,009"
- On page 3 of the engrossed bill, line 2, delete the numerals "6,064,282" and insert in lieu thereof the numerals "5,877,676"
- On page 3 of the engrossed bill, line 4, delete the numerals "6,147,082" and insert in lieu thereof the numerals "5,960,476"
- On page 3 of the engrossed bill, line 8, delete the numerals "361,124" and insert in lieu thereof the numerals "301,124"
- On page 3 of the engrossed bill, line 9, delete the numerals "17,065,425" and insert in lieu thereof the numerals "17,005,425"
- On page 3 of the engrossed bill, after line 9, insert the following new line:
- "Less budget adjustment 191,354"
- On page 3 of the engrossed bill, line 10, delete the numerals "4,626,295" and insert in lieu thereof the numerals "5,006,615"

- On page 3 of the engrossed bill, line 11, delete the numerals "12,439,130" and insert in lieu thereof the numerals "11,807,456"
- On page 3 of the engrossed bill, line 13, delete the numerals "12,816,930" and insert in lieu thereof the numerals "12,185,256"
- On page 3 of the engrossed bill, after line 18, insert the following new line:
- "Less budget adjustment 109,898"
- On page 3 of the engrossed bill, line 19, delete the numerals "1,647,316" and insert in lieu thereof the numerals "1,786,996"
- On page 3 of the engrossed bill, line 20, delete the numerals "7,122,516" and insert in lieu thereof the numerals "6,872,938"
- On page 3 of the engrossed bill, line 22, delete the numerals "7,326,516" and insert in lieu thereof the numerals "7,076,938"
- On page 3 of the engrossed bill, line 25, delete the numerals "2,700,231" and insert in lieu thereof the numerals "2,678,933"
- On page 3 of the engrossed bill, line 26, delete the numerals "825,455" and insert in lieu thereof the numerals "776,655"
- On page 3 of the engrossed bill, line 28, delete the numerals "3,581,655" and insert in lieu thereof the numerals "3,511,557"
- On page 3 of the engrossed bill, after line 28, insert the following new line:
- "Less budget adjustment 47,353"
- On page 3 of the engrossed bill, line 29, delete the numerals "491,218" and insert in lieu thereof the numerals "539,218"
- On page 3 of the engrossed bill, line 30, delete the numerals "3,090,437" and insert in lieu thereof the numerals "2,924,986"
- On page 3 of the engrossed bill, line 31, delete the numerals "128,995" and insert in lieu thereof the numerals "136,495"

- On page 3 of the engrossed bill, line 32, delete the numerals "3,219,432" and insert in lieu thereof the numerals "3,061,481"
- On page 3 of the engrossed bill, line 34, delete the numerals "1,159,018" and insert in lieu thereof the numerals "1,102,702"
- On page 4 of the engrossed bill, line 1, delete the numerals "355,986" and insert in lieu thereof the numerals "344,986"
- On page 4 of the engrossed bill, line 3, delete the numerals "1,580,312" and insert in lieu thereof the numerals "1,512,996"
- On page 4 of the engrossed bill, after line 3, insert the following new line:
- |                         |         |
|-------------------------|---------|
| "Less budget adjustment | 13,496" |
|-------------------------|---------|
- On page 4 of the engrossed bill, line 5, delete the numerals "936,053" and insert in lieu thereof the numerals "855,241"
- On page 4 of the engrossed bill, line 7, delete the numerals "967,074" and insert in lieu thereof the numerals "886,262"
- On page 4 of the engrossed bill, after line 12, insert the following new line:
- |                         |        |
|-------------------------|--------|
| "Less budget adjustment | 4,662" |
|-------------------------|--------|
- On page 4 of the engrossed bill, line 14, delete the numerals "310,811" and insert in lieu thereof the numerals "306,149"
- On page 4 of the engrossed bill, line 20, delete the numerals "194,296,063" and insert in lieu thereof the numerals "187,712,269"
- On page 4 of the engrossed bill, line 21, delete the numerals "79,712,561" and insert in lieu thereof the numerals "83,748,401"
- On page 4 of the engrossed bill, line 22, delete the numerals "274,008,624" and insert in lieu thereof the numerals "271,460,670"
- On page 4 of the engrossed bill, delete lines 27 through 34
- On page 5 of the engrossed bill, after line 26, insert the following new sections:

"SECTION 7. EMERGENCY. Two hundred fifty thousand dollars of the line item entitled "capital improvements" in section 1 of this Act for the university of North Dakota is hereby declared an emergency measure and shall be in full force and effect upon its passage and approval.

SECTION 8. TRANSFERS. Each institution upon approval from the board of higher education may make such transfers between line items in its appropriation as may be necessary."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

University of North Dakota

The salaries and wages line item is increased by \$768,162 from the general fund to provide funds for 11.3 FTE positions which were approved by the Emergency Commission.

The general fund appropriation is also decreased by \$881,365 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$1,366,240, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

A new section is also added declaring \$250,000 of the capital improvements line item to be an emergency measure.

UND-Medical Center

The operating expenses line item is reduced by \$300,000 from the general fund to delete funds provided by the House for lease costs of additional space at the north unit of the medical school.

The general fund appropriation is also decreased by \$377,102 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

North Dakota State University

The salaries and wages line item is increased by \$768,162 from the general fund to provide funds for 11.3 FTE positions which were approved by the Emergency Commission.

The operating expenses line item is reduced by \$278,696 from the general fund to delete funds provided by the House to provide increases for such items as library books and periodicals, classroom and office supplies, travel, repairs, and maintenance contracts.

The equipment line item is reduced by \$354,046 from the general fund to delete funds provided by the House to restore the equipment budget to the 1983-1985 requested level.

The general fund appropriation is also decreased by \$775,485 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$1,367,200, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### State School of Science

The general fund appropriation is decreased by \$291,820 (1.5 percent), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$496,000, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the increases included in the executive budget.

#### Dickinson State College

The general fund appropriation is decreased by \$135,281 (1.5 percent), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$144,000, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### Mayville State College

The general fund appropriation is decreased by \$92,206 (1.5 percent), which is to be allocated to individual line

items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$94,400, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to tuition increases included in the executive budget.

#### Minot State College

The equipment line item is reduced by \$60,000 from the general fund to delete funds provided by the House for a reconditioned high lift to be used campuswide.

The general fund appropriation is also decreased by \$191,354 (1.5 percent after the above adjustment), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$380,320, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### Valley City State College

The general fund appropriation is decreased by \$109,898 (1.5 percent), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by \$139,680, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### NDSU-Bottineau Branch

The salaries and wages line item is reduced by \$21,298 from the general fund to delete funds provided by the House for one custodian for operations of the U.S. Shelterbelt Research Station.

The operating expenses line item is reduced by \$48,800 from the general fund to delete funds provided by the House for operations of the U.S. Shelterbelt Research Station.

The capital improvements line item is increased by \$7,500 from the general fund to restore funds deleted by the House for greenhouse roof repair and headhouse cooling.

The general fund appropriation is also decreased by \$47,353 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

The general fund appropriation is also decreased by the \$48,000, with a corresponding increase in estimated income, which is equivalent to an \$80 tuition increase per FTE student in addition to the tuition increases included in the executive budget.

#### North Dakota Forest Service

The salaries and wages line item is reduced by \$56,316 from the general fund to delete funds provided by the House for 1.25 FTE tree improvement specialist positions.

The operating expenses line item is reduced by \$11,000 from the general fund to delete funds provided by the House as operating funds for the 1.25 FTE tree improvement specialists positions.

Section 3 of the bill is deleted which provided \$41,600 from the general fund to replace an estimated reduction in federal fund receipts.

The general fund appropriation is also decreased by \$13,496 (1.5 percent after the above adjustments), which is to be allocated to individual line items by the institution with the approval of the Board of Higher Education.

#### NDSU State Toxicologist

The general fund appropriation is decreased by \$4,662 (1.5 percent), which is to be allocated to individual line items by the State Toxicologist.

This amendment also includes a new section authorizing the institutions to make necessary transfers between line items in their appropriation upon approval of the Board of Higher Education.

SEN. LIPS, Chairman

HB 1005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was 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 NOT PASS:

In addition to the amendments to HB 1473 as adopted by the Senate and found on page 1506 of the Senate Journal, HB 1473 is amended as follows:

On page 1 of the engrossed bill, line 15, delete the word "exclusion" and insert in lieu thereof the word "avoidance"

On page 1 of the engrossed bill, line 17, delete the word "exclusion" and insert in lieu thereof the word "avoidance"

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.

#### CONSIDERATION OF CONFERENCE COMMITTEE REPORTS

SEN. HOLMBERG MOVED that the Senate adopt the conference committee report on SB 2219 as printed on page 1984 of the Senate Journal and that a new 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 2219:

Sens. Lodoen, Reiten, Matchie

#### MESSAGES TO THE HOUSE SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2219, and the President has appointed as a new conference committee to act with a like committee from the House on:

SB 2219: Sens. Lodoen, Reiten, Matchie

Very respectfully,  
LEO LEIDHOLM, Secretary

#### SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the President has appointed Senator Wright to replace Senator Lee on the Conference Committee on SB 2049.

Very respectfully,  
LEO LEIDHOLM, Secretary

#### MESSAGES FROM THE HOUSE HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1003, HB 1269, HB 1333, HB 1627, and HB 1701 and subsequently passed the same.

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 1725

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 2260, SB 2331

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## REPORTS OF CONFERENCE COMMITTEES

MR. PRESIDENT: Your Conference Committee to which was referred SB 2122 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1494 of the Senate Journal and that SB 2122 be amended as follows:

On page 2, line 24, overstrike the word "and", delete the word "unless" and insert in lieu thereof the word "Unless".

On page 2, line 26, overstrike the word "at"

On page 2, line 27, overstrike the words "least fourteen days prior to the hearing"

On page 2, line 29, after the period, insert the sentence "All rules must provide for at least fourteen days' notice before the hearing except in cases of emergency."

And renumber the lines accordingly

For the Senate: Sens. Holmberg, Christensen, Maixner

For the House: Reps. Vig, Kent, Keller

SB 2122 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2322 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1809 of the Senate Journal and that SB 2322 be amended as follows:

On page 2 of the engrossed bill, line 10, after the word "area" insert the following new language "unless said hunters have received permission to carry their weapon while recovering their wounded game"

And renumber the lines accordingly

For the Senate: Sens. Parker, Moore, Maixner

For the House: Reps. Gullickson, W. Williams, Schindler

SB 2322 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Conference Committee to which was referred SB 2491 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on page 1388 of the Senate Journal.

For the Senate: Sens. Olson, Lodoen, Matchie

For the House: Reps. Laughlin, Sinner, Moore

SB 2491 was placed on the Seventh order of business on the calendar for the succeeding legislative day.

#### MOTION

SEN. NOTHING MOVED that the Senate stand in recess until 2:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Sands presiding.

#### MOTION

SEN. NOTHING MOVED that SB 2500 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF A SENATE BILL

SB 2500: A BILL for an Act to amend and reenact subsection 20 of section 12.1-30-03 of the North Dakota Century Code, relating to operation of certain businesses on Sunday; 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 43 YEAS, 9 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; Christensen; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Hilken; 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; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Barth; David; Heigaard; Miller Heinrich; Holmberg; Peterson; Tennefos; Tweten

ABSENT AND NOT VOTING: Goodman

SB 2500 passed, the title was agreed to, and the emergency clause carried.

SEN. NETHING MOVED that the vote by which SB 2500 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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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 2196, SCR 4053, SCR 4054

SEN. FRITZELL, Chairman

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

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2500

Very respectfully,  
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4056

Very respectfully,  
CHARLES FLEMING, Chief Clerk

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 3091, HCR 3092, HCR 3093

Very respectfully,  
CHARLES FLEMING, Chief Clerk

HOUSE CHAMBER

MR. PRESIDENT: I have the honor to return herewith SB 2027, SB 2172, SB 2342, and SB 2499 which the House has amended as follows:

## HOUSE AMENDMENTS TO SB 2027

In lieu of the amendments to engrossed Senate Bill No. 2027 as found on pages 2163 and 2164 of the House Journal, engrossed Senate Bill No. 2027 is amended as follows:

On page 1 of the engrossed bill, line 3, after the word "Dakota" and before the period insert the words "; and to declare an emergency"

On page 1 of the engrossed bill, line 17, delete the numerals "2,068,155" and insert in lieu thereof the numerals "2,113,259"

On page 1 of the engrossed bill, line 23, delete the numerals "3,578,467" and insert in lieu thereof the numerals "3,623,571"

On page 1 of the engrossed bill, line 25, delete the numerals "3,178,467" and insert in lieu thereof the numerals "3,223,571"

On page 1 of the engrossed bill, after line 27, insert the following new line:

"Capital improvements \$157,000"

On page 1 of the engrossed bill, line 28, delete the dollar sign

On page 2 of the engrossed bill, line 1, delete the numerals "342,000" and insert in lieu thereof the numerals "499,000"

On page 2 of the engrossed bill, line 2, delete the numerals "3,520,467" and insert in lieu thereof the numerals "3,722,571"

On page 2 of the engrossed bill, line 4, delete the numerals "3,920,467" and insert in lieu thereof the numerals "4,122,571"

On page 2 of the engrossed bill, after line 13, insert the following new section:

"SECTION 3. APPROPRIATION. The superintendent of the North Dakota state historical board shall be authorized to offer up to \$50,000 of the operating expenses line item appropriated in subdivision 1 of section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and match from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby

appropriated to the state historical board for the development of the exhibits at the heritage center."

On page 2 of the engrossed bill, after line 20, insert the following new section:

"SECTION 5. EMERGENCY. The capital improvement funds in the amount of \$157,000 as appropriated in subdivision 2 of section 1 of this Act is hereby declared to be an emergency measure and is in effect from and after its passage and approval."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

State Historical Board

The salaries and wages line item is increased by \$45,104 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$18,941 is to be provided in a separate appropriation bill.

The amendment also authorizes the superintendent to offer \$50,000 to the North Dakota Humanities Council, Inc., in anticipation of receiving matching moneys from the National Endowment for the Humanities to be used for the development of exhibits at the Heritage Center.

International Peace Garden

To add \$157,000 from the general fund for a new sewage line at the International Peace Garden. An emergency clause is also added.

HOUSE AMENDMENTS TO SB 2027

- On page 1 of the engrossed bill, line 17, delete the numerals "2,068,155" and insert in lieu thereof the numerals "2,113,259"
- On page 1 of the engrossed bill, line 23, delete the numerals "3,578,467" and insert in lieu thereof the numerals "3,623,571"
- On page 1 of the engrossed bill, line 25, delete the numerals "3,178,467" and insert in lieu thereof the numerals "3,223,571"
- On page 2 of the engrossed bill, after line 13, insert the following new section:

"SECTION 3. APPROPRIATION. The superintendent of the North Dakota state historical board shall be authorized to offer up to \$50,000 of the operating expenses line item appropriated in subdivision 1 of section 1 of this Act to the North Dakota humanities council, inc., in expectation of return of the appropriation and match from the national endowment for the humanities. Any such funds that may be received by the superintendent are hereby appropriated to the state historical board for the development of the exhibits at the heritage center."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

The salaries and wages line item for the State Historical Board is increased by \$45,104 from the general fund. This increase will allow funds for four percent salary increases the first year of the biennium and no salary increases in the second year. A contingent salary increase of two percent in the second year amounting to \$18,941 is to be provided in a separate appropriation bill.

The amendment also authorizes the superintendent to offer \$50,000 to the North Dakota Humanities Council, Inc., in anticipation of receiving matching moneys from the National Endowment for the Humanities to be used for the development of exhibits at the Heritage Center.

HOUSE AMENDMENTS TO SB 2172

In addition to the amendments to Senate Bill No. 2172 adopted by the House as found on page 1974 of the House Journal, engrossed Senate Bill No. 2172 is amended as follows:

On page 1 of the engrossed bill, line 4, delete the words "sections 65-05-14 and" and insert in lieu thereof the words "section 65-05-14"

On page 1 of the engrossed bill, line 5, delete the numerals "65-05-15".

On page 1 of the engrossed bill, line 6, after the first comma insert the words "and to", and delete the second comma and insert in lieu thereof a period

On page 1 of the engrossed bill, delete line 7

On page 3 of the engrossed bill, delete lines 11 through 35

On page 4 of the engrossed bill, delete lines 1 through 5

And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SB 2172

- On page 1 of the engrossed bill, line 1, delete the word "two" and insert in lieu thereof the word "one" and delete the word "subsections" and insert in lieu thereof the word "subsection"
- On page 1 of the engrossed bill, line 2, delete the word "definitions" and insert in lieu thereof the words "a definition"
- On page 1 of the engrossed bill, line 3, delete the words "and preexisting condition"
- On page 1 of the engrossed bill, line 10, delete the word "Two" and insert in lieu thereof the word "One" and delete the word "subsections" and insert in lieu thereof the word "subsection"
- On page 1 of the engrossed bill, delete lines 15 through 19
- And renumber the lines and pages accordingly

## HOUSE AMENDMENTS TO SB 2342

- On page 1 of the engrossed bill, line 7, delete the words "; and to provide an"
- On page 1 of the engrossed bill, line 8, delete the words "effective date"
- On page 5 of the engrossed bill, line 4, overstrike the words "Sixty percent shall be allocated to the state school aid"
- On page 5 of the engrossed bill, overstrike lines 5 through 22
- On page 5 of the engrossed bill, line 23, overstrike the numeral "2.", remove the overstrike over the word "Ten" and delete the word "Fifteen"
- On page 5 of the engrossed bill, line 24, delete the words "by this Act"
- On page 6 of the engrossed bill, line 22, overstrike the numeral "3." and insert immediately thereafter the numeral "2.", and delete the word "Twenty-five" and insert in lieu thereof the word "Ninety"
- On page 6 of the engrossed bill, delete lines 24 and 25
- And renumber the lines and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

This amendment would leave the Resources Trust Fund allocation at 10 percent and removes the conflict that this bill had with HB 1724. HB 1724 eliminates the 60 percent dedication of the oil extraction tax for education and places it instead in the general fund.

## HOUSE AMENDMENTS TO SB 2499

On page 10 of the engrossed bill, delete lines 24 through 28

And renumber the lines, sections, and pages accordingly

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## MOTION

SEN. NOTHING MOVED that HB 1539 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1539: A BILL for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.2-02 of the North Dakota Century Code as created by House Bill No. 1072, as approved by the forty-eighth legislative assembly; and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to motor fuel taxes; and to provide for distribution of the increased revenue.

Which has been read.

SEN. ADAMS MOVED that HB 1539 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1539 adopted by the Senate as found on pages 1831-1833 of the Senate Journal, engrossed House Bill No. 1539 is amended as follows:

On page 1 of the engrossed bill, line 26, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed", and delete the words "less than"

On page 1 of the engrossed bill, line 27, delete the words "the tax imposed"

On page 2 of the engrossed bill, line 24, overstrike the words "four cents" and insert immediately thereafter the words "fifty percent of the tax imposed"

On page 2 of the engrossed bill, line 25, delete the words "less than the tax imposed"

- On page 3 of the engrossed bill, line 22, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 3 of the engrossed bill, line 23, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, line 17, delete the word "is", and overstrike the words "four cents" and insert immediately thereafter the words "is fifty percent of the tax imposed"
- On page 4 of the engrossed bill, line 18, delete the words "less than the tax imposed"
- On page 4 of the engrossed bill, delete lines 28 through 35 and insert in lieu thereof the following:

"SECTION 5. Partial distribution to townships. The tax commissioner shall transfer the proceeds of one cent per gallon [3.79 liters] of the tax imposed by this Act to the state treasurer who shall deposit the proceeds in a township highway aid fund in the state treasury. The state treasurer shall quarterly allocate and distribute all moneys in the township highway aid fund to the counties of the state based on the miles [kilometers] of township roads in each county compared to the miles [kilometers] of all township roads in the state. To receive any funds under this section, organized townships must provide equal matching funds. The county treasurer shall allocate the funds received to the organized townships in the county which provide equal matching funds based on the miles [kilometers] of township roads in each such organized township compared to the miles [kilometers] of all township roads in the county. The funds received must be deposited in the township road and bridge fund and used for highway and bridge purposes. If a county has no organized townships, or has some organized and some unorganized townships, the county shall retain a pro rata portion of the funds received based on the number of miles [kilometers] of roads in unorganized townships compared to the number of miles [kilometers] of township roads in organized townships in the county. Moneys retained by a county for the benefit of unorganized townships under this section must be deposited in the county road and bridge fund. Moneys retained by the county treasurer due to the failure of organized townships to provide equal matching funds shall be returned to the state treasurer who shall deposit such funds in the highway tax distribution fund."

On page 5 of the engrossed bill, delete lines 1 through 10

And renumber the lines and pages accordingly

SEN. ADAMS MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. ADAMS MOVED that the rules be suspended, that HB 1539 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HB 1539: A BILL for an Act to amend and reenact section 57-52-04 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.2-02 of the North Dakota Century Code as created by House Bill No. 1072, as approved by the forty-eighth legislative assembly; and to amend and reenact section 57-54-08 of the North Dakota Century Code, or in the alternative to amend and reenact section 57-43.1-02 of the North Dakota Century Code as created by House Bill No. 1073, as approved by the forty-eighth legislative assembly, relating to motor fuel taxes; and to provide for distribution of the increased revenue.

#### 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; David; Dotzenrod; Dykshoorn; Erickson; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lee; Leibhan; Lips; Lodoen; Maixner; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Fritzell; Lashkowitz; Matchie

ABSENT AND NOT VOTING: Goodman

HB 1539 passed and the title was agreed to.

SEN. NOTHING MOVED that the vote by which HB 1539 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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#### MOTION

SEN. NOTHING MOVED that HB 1001 be placed at the head of the calendar, which motion prevailed.

## SECOND READING OF A HOUSE BILL

HB 1001: A BILL for an Act to appropriate money for the expenses of the legislative branch of government; and declaring an emergency.

Which has been read.

SEN. DAVID MOVED that HB 1001 be amended as follows:

In lieu of the amendments to engrossed House Bill No. 1001 as found on pages 1901 and 1902 of the Senate Journal, engrossed House Bill No. 1001 is amended as follows:

- On page 1 of the engrossed bill, line 15, delete the numerals "1,724,645" and insert in lieu thereof the numerals "1,603,920"
- On page 1 of the engrossed bill, line 16, delete the numerals "2,643,642" and insert in lieu thereof the numerals "2,458,587"
- On page 1 of the engrossed bill, line 17, delete the numerals "25,830" and insert in lieu thereof the numerals "24,022"
- On page 1 of the engrossed bill, line 18, delete the numerals "55,316" and insert in lieu thereof the numerals "51,444"
- On page 1 of the engrossed bill, line 20, delete the numerals "4,449,433" and insert in lieu thereof the numerals "4,137,973"
- On page 1 of the engrossed bill, line 23, delete the numerals "1,938,972" and insert in lieu thereof the numerals "1,803,244"
- On page 1 of the engrossed bill, line 24, delete the numerals "1,465,964" and insert in lieu thereof the numerals "1,363,347"
- On page 1 of the engrossed bill, line 25, delete the numerals "10,300" and insert in lieu thereof the numerals "9,579"
- On page 1 of the engrossed bill, line 26, delete the numerals "3,415,236" and insert in lieu thereof the numerals "3,176,170"
- On page 1 of the engrossed bill, line 27, delete the numerals "7,864,669" and insert in lieu thereof the numerals "7,314,143"

And renumber the lines accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

This amendment reduces all line items contained in House Bill No. 1001 by seven percent as follows:

	Amount in Engrossed House Bill <u>No. 1001</u>	Amount Provided in <u>this Amendment</u>	<u>(Decrease)</u>
<u>Legislative Assembly</u>			
Salaries and Wages	\$1,724,645	\$1,603,920	\$(120,725)
Operating Expenses	2,643,642	2,458,587	(185,055)
Equipment	25,830	24,022	(1,808)
NCSL	<u>55,316</u>	<u>51,444</u>	<u>(3,872)</u>
Total	<u>\$4,449,433</u>	<u>\$4,137,973</u>	<u>\$(311,460)</u>
<u>Legislative Council</u>			
Salaries and Wages	\$1,938,972	\$1,803,244	\$(135,728)
Operating Expenses	1,465,964	1,363,347	(102,617)
Equipment	<u>10,300</u>	<u>9,579</u>	<u>(721)</u>
Total	<u>\$3,415,236</u>	<u>\$3,176,170</u>	<u>\$(239,066)</u>
Total HB 1001	\$7,864,669	\$7,314,143	\$(550,526)

SEN. DAVID MOVED that the proposed amendments be adopted, which motion lost.

## ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 46 YEAS, 6 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: Adams; Bakewell; David; Dykshoorn; Mutch; Todd

ABSENT AND NOT VOTING: Goodman

HB 1001 passed, the title was agreed to, and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which HB 1001 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House requests the return of SB 2026.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## HOUSE CHAMBER

MR. PRESIDENT: I have the honor to inform you that the House has reconsidered its action whereby it did not concur in the Senate amendments to HCR 3050, and now wishes to inform you that it does now concur in the Senate amendments to HCR 3050, and subsequently failed to pass the same. Also, the House has dissolved the House Conference Committee on HCR 3050.

Very respectfully,  
CHARLES FLEMING, Chief Clerk

## MOTION

SEN. NETHING MOVED that the Senate return SB 2026 to the House, which motion prevailed.

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to transmit SB 2026 which the House has requested.

Very respectfully,  
LEO LEIDHOLM, Secretary

## REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills has examined two concurrent resolutions, one urging Congress to amend federal laws to limit federal court jurisdiction on cases involving state prison systems, and one expressing thanks of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program and has approved their introduction by a unanimous vote.

SEN. NELSON, Chairman

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

## FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Holmberg and Rep. Kingsbury introduced:  
(Approved by the Committee on Delayed Bills)

SCR 4060: A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program.

Was read the first time.

## MOTION

SEN. NELSON MOVED that the rules be suspended, that SCR 4060 not be printed, not be referred to committee, but be read in its entirety, printed in the Journal and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Holmberg and Rep. Kingsbury introduced:

## SENATE CONCURRENT RESOLUTION NO. 4060

A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to the North Dakota Medical Association Doctor of the Day Program.

WHEREAS, many practicing physicians from throughout the state, as well as resident physicians from the University of North Dakota School of Medicine Family Medicine and Internal Medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, have volunteered their services as the Doctor of the Day during the Forty-eighth Legislative Session; and

WHEREAS, more than 300 legislators, legislative employees, family members, lobbyists, and visitors to the Capitol have received treatment, counseling, and medications at no charge; and

WHEREAS, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Hospital Pharmacy, The Bismarck Pharmacy, The Quain and Ramstad Clinic, and the State Department of Health have all provided services, equipment, or supplies to the Doctor of the Day medical services room;

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

That thanks and appreciation be expressed to the physicians and other personnel, and to the health care groups and businesses which have volunteered their professional services, expertise, supplies, and equipment in the operation of the 1983 Doctor of the Day Program; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the University of North Dakota School of Medicine Family Medicine and Internal Medicine residency programs in Minot, Grand Forks, Fargo, and Bismarck, the North Dakota Medical Association, the North Dakota State Board of Pharmacy, the Bismarck Family Practice Center, the Bismarck Hospital Pharmacy, the Bismarck Pharmacy, the Quain and Ramstad Clinic, and the State Department of Health.

## SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4060: A concurrent resolution expressing the thanks and appreciation of the Forty-eighth Legislative Assembly to

the North Dakota Medical Association Doctor of the Day Program.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4060 was declared adopted on a voice vote.

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#### FIRST READING OF A SENATE CONCURRENT RESOLUTION

Sen. Thane introduced:

(Approved by the Committee on Delayed Bills)

SCR 4061: A concurrent resolution urging Congress to amend federal laws to limit federal court jurisdiction on cases involving state prison systems.

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

#### MOTION

SEN. NETHING MOVED that HCR 3028, HCR 3029, and HCR 3090 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3028: A concurrent resolution to create eight new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

Which has been read.

SEN. HOLMBERG MOVED that HCR 3028 be amended as follows:

On page 1, line 26, delete the word "general" and insert in lieu thereof the word "primary"

SEN. HOLMBERG MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that HCR 3028 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HCR 3028: A concurrent resolution to create eight new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 1 through 13, sections 16 through 18, and sections 22 through 24 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

## ROLL CALL

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

YEAS: Adams; Bakewell; Berube; 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: Barth; Christensen; Goodman

HCR 3028 was declared adopted.

SEN. NOTHING MOVED that the vote by which HCR 3028 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HCR 3029: A concurrent resolution to create five new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 20 and 21 and sections 25 through 45 of article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; and to provide an effective date.

Which has been read.

SEN. STENEHJEM MOVED that HCR 3029 be amended as follows:

On page 4 of the engrossed resolution, line 1, after the first word "any" insert the word "other"

SEN. STENEHJEM MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. HOLMBERG MOVED that the rules be suspended, that HCR 3029 be placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

HCR 3029: A concurrent resolution to create five new sections to article IV of the Constitution of the State of North Dakota, relating to the legislative assembly; to repeal sections 20 and 21 and sections 25 through 45 of article IV of the Constitution of the State of North Dakota, relating

to the legislative assembly; and to provide an effective date.

#### ROLL CALL

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

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

HCR 3029 was declared adopted.

SEN. NOTHING MOVED that the vote by which HCR 3029 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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HCR 3090: A concurrent resolution directing the Legislative Council to study bonds authorized for issuance by the agencies, institutions, and departments of the state.

Which has been read.

The question being on the final adoption of the resolution.

HCR 3090 was declared adopted on a voice vote.

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#### MOTION

SEN. NOTHING MOVED that SCR 4058 and SCR 4059 be placed at the head of the calendar, which motion prevailed.

#### SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4058: A concurrent resolution directing the Legislative Council to conduct a study of state laws on small claims court.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4058 was declared adopted on a voice vote.

SEN. NOTHING MOVED that the vote by which SCR 4058 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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SCR 4059: A concurrent resolution directing the Legislative Council to study the ownership of real property in this state by nonprofit organizations and the relation of nonprofit organizations to taxation and discrimination in housing.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4059 was declared adopted on a voice vote.

SEN. NOTHING MOVED that the vote by which SCR 4059 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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CONFIRMATION SESSION

SEN. NOTHING MOVED that the Senate resolve itself into a confirmation session, which motion prevailed.

REPORTS OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee appointed to consider the nomination for membership on the State Board of Higher Education do advise and consent to the appointment of:

Mr. Jack H. Olin, Dickinson  
SEN. RUSSELL T. THANE, Chairman

SEN. THANE MOVED that the report be adopted.

ROLL CALL

The question being on the motion to adopt the report to advise and consent to the nomination of Mr. Jack Olin to the State Board of Higher Education, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Grotberg; Heigaard; Miller Heinrich; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme;

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

NAYS: None

ABSENT AND NOT VOTING: Goodman; Leibhan; Wenstrom

The report was adopted.

MR. PRESIDENT: Your select committee appointed to consider the nomination for membership on the Council on the Arts do advise and consent to the appointment of:

Mrs. Pat Froelich, Dickinson

SEN. TODD, Chairman

SEN. TODD MOVED that the report be adopted.

#### ROLL CALL

The question being on the motion to adopt the report to advise and consent to the nomination of Mrs. Pat Froelich, Dickinson to the Council on the Arts, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

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

The report was adopted.

MR. PRESIDENT: Your select committee appointed to consider the nominations for membership on the Council on the Arts do advise and consent to the appointments of the following:

Ms. Anne-Marit Bergstrom, Devils Lake  
Mrs. Mary Ellen Berning, Minot  
Mrs. Marjorie Mattson, Minot  
Ms. Catherine Mulligan, Fargo  
Mr. Charles Stroup, Hazen  
Mrs. Kathie Anderson, Grand Forks  
Mrs. Susan Freeman, Fargo

Mrs. Audrey Kloubec, Fargo  
 Mrs. Arlene Saugstad, Minot  
 Mrs. Patricia O'Hara Smith, Bismarck  
**SEN. LODOEN, Chairman**

SEN. LODOEN MOVED that the report be adopted.

#### ROLL CALL

The question being on the motion to adopt the report to advise and consent to the nominations of Ms. Anne-Marit Bergstrom, Devils Lake; Mrs. Mary Ellen Berning, Minot; Mrs. Marjorie Mattson, Minot; Ms. Catherine Mulligan, Fargo; Mr. Charles Stroup, Hazen; Mrs. Kathie Anderson, Grand Forks; Mrs. Susan Freeman, Fargo; Mrs. Audrey Kloubec, Fargo; Mrs. Arlene Saugstad, Minot; Mrs. Patricia O'Hara Smith, Bismarck, to the Council on the Arts, 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; Heigaard; Miller Heinrich; Hilken; Kilander; 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: Goodman; Holmberg; Krauter; Leibhan

The report was adopted.

SEN. NOTHING MOVED that the Senate dissolve itself from the confirmation session, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

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

Mr. President and members of the Senate: In an article which appeared in the March 29, 1983, edition of the Minot Daily News, written by Carl Flagstad, the most recent protest of the Garrison Diversion Project in the Province of Manitoba was reported. Copies of the article have been distributed to your desks.

All of us, especially those of us who are privileged to serve in a legislative body, respect divergence of opinion and acknowledge that it is one of the bench marks of our governmental system and lawmaking process. We also recognize the right of our friendly Canadian neighbors to

the north, the Province of Manitoba, to resist and actively participate in lobbying efforts in the Congress of the United States against the Garrison Diversion Project.

Mr. President, and my fellow Senators, what we should not tolerate are public demonstrations such as occurred last week at the United States Consulate in Winnipeg, Manitoba. Permit me to read excerpts from the aforementioned article. In a telephone conversation with Mr. Flagstad this morning I received permission to use any part, or all, of the article for distribution or republication.

In part it reads as follows, and I quote, "Because of a protest last week at the United States Consulate in Winnipeg, Manitoba, which included the burning of our American flag, Garrison Diversion has been thrust into the limelight of legislative outbursts there."

The article continues, "Among the protesters at the Consulate were two provincial cabinet ministers, officials of the New Democratic Party government for the province."

"And these two cabinet members were among those who will form an official Manitoba delegation to Washington, D.C., next month to once again lobby against Garrison."

Mr. Flagstad further reports that, "Lillian Mullen, American Consul at Winnipeg, confirmed that the protest had taken place and that the two cabinet members were present, at least for a time. 'It was by a group for Central America or something,' she said, 'A group protesting about Nicaragua. About 150 of them marched around the Consulate, and yes, an American flag was burned.'

Besides the two cabinet ministers, the protest group also included seven 'back-benchers', the consul said, meaning individuals who are members of the legislature. Assumedly they also are members of the ruling NDP.

Manitoba is sending the delegation, the consul said, in anticipation that Congress may start debate, perhaps in May, on President Reagan's proposed fiscal 1984 budget for water projects. That budget includes \$22.3 million recommended for Garrison work in the fiscal year beginning October 1."

Mr. President, and members of the Senate, history, dramatically and forcefully, reminds us of innumerable international confrontations that flag burnings have precipitated, even wars. I pose the question, "Should our state, and, yes, our nation stand idly by and tolerate such despicable acts as the burning of our American flag?" I think not. Such contemptible demonstrations, and more especially those who participate in them, must not be

allowed to influence any governmental policies of our country, at any level.

A United States Congressman from the State of Massachusetts, continues to give these demonstrators credibility when he delivers despicable verbal diatribes from the well of the United States House of Representatives such as North Dakota being nothing more than a "barren frozen wasteland".

Mr. President, and members of the Senate, it matters not whether you are a proponent or an opponent of the Garrison Diversion Project, whenever a foreign country flaunts us with utter disdain, burns the flag of our country at the same time it lobbies in the halls of our Congress, it is incumbent that someone speak out and condemn actions of this kind. This is the very purpose of my comments this afternoon.

#### POINT OF PERSONAL PRIVILEGE

SEN. REDLIN: Mr. President: I rise on a point of personal privilege and ask that my remarks be recorded in the Journal.

As chairman of the Garrison Diversion Overview Committee, I am surprised and disappointed that some of our neighbors in Canada have chosen to desecrate our national flag. I am confident that this action reflects the attitude of an extremely small group of Canadian citizens. I assure our Canadian friends that our respect for the Maple Leaf flag is undiminished. I will continue my zeal to protect the legitimate interests of our Canadian neighbors and maintain lines of communication in an atmosphere of respect. The Garrison Diversion Project contains the potential of great benefits to people on both sides of a border distinguished by a Peace Garden between nations. My desire to bring these benefits to greater numbers of people in cities, towns, and countryside through the building of Garrison Diversion is as strong as ever.

#### MOTION

SEN. NETHING MOVED that a copy of the remarks of Senator Streibel and Senator Redlin be forwarded to each United States Congressman and each United States Senator with an accompanying letter from the Majority Leader and the Minority Leader of the North Dakota Senate, which motion prevailed.

#### CONSIDERATION OF MESSAGES FROM THE HOUSE

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2020 as printed on pages 1974-1979 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 2020:

Sens. Lips, Thane, Grotberg

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2037 as printed on pages 1979 and 1980 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 2037:

Sens. Nething, Lips, Heigaard

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2039 as printed on pages 1980 and 1981 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 2039:

Sens. Lips, Thane, Tallackson

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2040 as printed on page 1981 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 2040:

Sens. Nelson, Fritzell, Walsh

SEN. LIPS MOVED that the Senate do not concur in the House amendments to SB 2044 as printed on page 1981 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 2044:

Sens. Thane, Streibel, Heigaard

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MADAM SPEAKER: I have the honor to inform you that the Senate has refused to concur in the House amendments to SB 2020, SB 2037, SB 2039, SB 2040, and SB 2044, and the President has appointed as a conference committee to act with a like committee from the House on:

- SB 2020: Sens. Lips, Thane, Grotberg
- SB 2037: Sens. Nething, Lips, Heigaard
- SB 2039: Sens. Lips, Thane, Tallackson
- SB 2040: Sens. Nelson, Fritzell, Walsh
- SB 2044: Sens. Thane, Streibel, Heigaard

Very respectfully,  
 LEO LEIDHOLM, Secretary

MOTIONS

SEN. ERICKSON MOVED that the record show that Senators Dotzenrod, Mutch, and Erickson were at a conference committee meeting when HB 1643 was acted upon, and were unable to vote, which motion prevailed.

SEN. NELSON that the absent Senator be excused, which motion prevailed.

SEN. NETHING MOVED that the Senate adjourn and convene at 8:00 a.m., Tuesday, April 5, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary