

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FOURTH DAY

Bismarck, January 7, 1983

The Senate convened at 12:30 p.m., with President Sands presiding.

The prayer was offered by Rev. Walter Schott, Good Shepherd United Methodist Church, Mandan.

Our heavenly Father, we are grateful to You, that at the outset of this session we can pause for a few moments to relax and rest our thoughts upon You. I thank You for this body of legislators, for their time, effort and availability to be our representation of, by and for the people across this great State. We give thanks to God for your commitment, concentrated hours of hard work, and a consciousness to keep in mind the interests and concerns of all our people. May selfish motives and desires never be a part of our thinking or action. When physical, emotional, and mental tiredness sets in, may there be that extra strength to reach for, because of the presence of our Lord.

Thank You, Lord, for Your counsel, wisdom, love, and directive for each of our lives. We cherish and count with joy the numerous blessings and benefits we have realized through You. It is with hope, optimism and a positive attitude that we look to You for the future and the meeting of those needs essential and necessary to living of a life of meaning and fulfillment. I pray it all in the name of Jesus, our Lord and Savior. Amen.

ROLL CALL

The roll was called and all Senators were present, except Senators Holmberg, Stromme, and Tallackson.

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 Third day and finds the same to be correct.

SEN. TWETEN, Chairman

SEN. J. MEYER 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 2204, SB 2225

Very respectfully,
LEO LEIDHOLM, Secretary

FIRST READING OF SENATE BILLS

Sen. Olson introduced:

SB 2267: A BILL for an Act to amend and reenact sections 62-01-04 and 62-01-20 of the North Dakota Century Code, relating to persons prohibited from possessing pistols; and to provide a penalty.

Was read the first time and referred to the Committee on Judiciary.

Sens. Stenehjem, Holmberg introduced:

SB 2268: A BILL for an Act to amend and reenact subsection 3 of section 16.1-08-02, subsection 1 of section 16.1-08.1-01, and sections 16.1-08.1-02, 16.1-08.1-03 and 16.1-08.1-04 of the North Dakota Century Code, relating to the reporting of campaign contributions.

Was read the first time and referred to the Committee on Judiciary.

Sens. Naaden, Thane introduced:

SB 2269: A BILL for an Act to amend and reenact subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to impoundment of number plates of persons convicted of driving while intoxicated, and issuance of DWI number plates.

Was read the first time and referred to the Committee on Judiciary.

Sen. Lips introduced:

SB 2270: A BILL for an Act to amend and reenact subsection 11 of section 26-30-04 of the North Dakota Century Code, or in the alternative to amend and reenact subsection 11 of section 26.1-04-03 of the North Dakota Century Code, relating to the definition of unfair methods of competition and unfair or deceptive acts or practices with respect to insurance; and to declare an emergency.

Was read the first time and referred to the Committee on Industry, Business, and Labor.

Sen. Lips introduced:

SB 2271: A BILL for an Act to provide minimum conditions for a dual choice option between nonprofit health service corporations or insurance companies and health maintenance organizations; to determine the payment of benefits for persons with continuous coverage; and to declare an emergency.

Was read the first time and referred to the Committee on Industry, Business, and Labor.

Sen. Naaden introduced:

SB 2272: A BILL for an Act to amend and reenact subsection 8 of section 57-37.1-01 of the North Dakota Century Code, relating to coordinating state and federal estate tax provisions; providing an effective date; and declaring an emergency.

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

Sens. Wright, Thane and Reps. Laughlin, Goetz introduced:

SB 2273: A BILL for an Act to create and enact a new section to chapter 12.1-30 of the North Dakota Century Code, relating to special rules for Sunday sales by certain establishments; to amend and reenact sections 12.1-30-01 and 12.1-30-03 of the North Dakota Century Code, relating to business or labor on Sunday; and to repeal section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

Was read the first time and referred to the Committee on Industry, Business, and Labor.

Sen. Leibhan introduced:

SB 2274: A BILL for an Act to amend and reenact section 15-39.1-05 of the North Dakota Century Code, relating to the board of trustees of the teachers' fund for retirement.

Was read the first time and referred to the Committee on Education.

Sen. Wright introduced:

SB 2275: A BILL for an Act to amend and reenact section 15-38.1-11.1 of the North Dakota Century Code, relating to payroll deduction for dues of representative organizations for teachers.

Was read the first time and referred to the Committee on Education.

Sens. Peterson, Nelson and Rep. Swiontek introduced:

SB 2276: A BILL for an Act to amend and reenact subsections 2 and 3 of section 15-40.1-06, and subsection 1 of section 15-40.1-16 of the North Dakota Century Code, relating to educational support per pupil and aid for transportation.

Was read the first time and referred to the Committee on Education.

Sen. Matchie introduced:

SB 2277: A BILL for an Act to amend and reenact section 15-40.1-07 of the North Dakota Century Code, relating to high school per-pupil payments.

Was read the first time and referred to the Committee on Education.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2018 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2018 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 SB 2025 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2025 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2057 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "sections" delete the number and comma "15-20.3-01,"

On page 1, line 4, delete the words "postsecondary education commission,"

On page 1, delete lines 9 through 28

On page 2, delete lines 1 through 3

And renumber the lines, sections and pages accordingly

SEN. CHRISTENSEN, Chairman

SB 2057 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2060 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 15, after the word "to" overstrike the word "keep" and insert in lieu thereof the word "place" and after the word "in" overstrike the word "sustained"

SEN. CHRISTENSEN, Chairman

SB 2060 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 SB 2071 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Natural Resources to which was referred SB 2098 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2098 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary to which was referred SB 2117 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, after the word "less" delete the word "the" and in lieu thereof insert the word "than"

SEN. CHRISTENSEN, Chairman

SB 2117 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 SB 2170 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2170 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2203 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2203 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2209 has had the same under consideration and recommends that the same DO PASS.

SEN. OLSON, Vice Chairman

SB 2209 was placed on the Eleventh 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 SB 2237 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2237 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Transportation to which was referred SCR 4001 has had the same under consideration and

recommends that the same DO PASS and BE REREFERRED to the Committee on Appropriations.

SEN. MUTCH, Chairman

SCR 4001 was rereferred to the Committee on Appropriations.

SECOND READING OF SENATE BILLS

SB 2029: A BILL for an Act making an appropriation for defraying the expenses of the soil conservation committee and soil conservation districts of the state of North Dakota.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson

SB 2029 passed and the title was agreed to.

SB 2065: A BILL for an Act to create and enact thirteen new sections to chapter 57-15 of the North Dakota Century Code, relating to tax levies and limitations; to amend and reenact sections 2-06-15, 4-02-26, 4-02-27, 4-02-27.1, 4-02-27.2, 4-02-32, 4-02-37, 4-08-15, 4-08-15.1, 4-16-02, 4-33-11, 11-11-24, 11-11-46, 11-11-53, 11-11-60, 11-28-06, 11-28.2-04.2, 11-28.3-03, 15-18-04.2, 15-18-05, 15-20.1-08, 15-34.2-06, 15-39.1-28, 15-47-21, 15-59-08, 18-06-10, 18-07-01, 18-10-07, 18-10-14, subsection 4.1 of section 21-03-06, sections 23-18-01, 23-18.2-12, subsection 10 of section 23-24-08, sections 23-24-09, 23-30-07, 24-05-01, 32-12.1-08, 32-12.1-11, 40-05-09.1, 40-05-09.2, subsection 1 of section 40-38-02, sections 40-38.1-02, 40-43-01, 40-45-01, 40-45-02, 40-46-02, 40-46-02.1, 40-48-07, 40-49-22, 40-57.2-04, 40-59-01, 49-17.2-21, 49-17.2-23, subsection 3 of section 52-09-08, subsection 3 of section 57-15-06, subsection 1 of section 57-15-06.3, sections 57-15-06.4, 57-15-06.5, 57-15-06.6, 57-15-10, 57-15-10.1, 57-15-15, 57-15-18.1, 57-15-18.2, 57-15-19.4, 57-15-19.5,

57-15-19.6, 57-15-28, 57-15-36, 57-15-37, 57-15-37.1, 57-15-38, 57-15-42, 57-15-43, 57-15-44, 57-15-48, 57-15-49, 57-15-50, 57-15-51.1, 57-15-52, 57-15-52.1, 57-15-53, 57-15-54, 57-15-55, 57-15-56, 57-15-57, 57-19-04, 57-47-04, 58-17-02, 61-16.1-06, and 61-24.2-08 of the North Dakota Century Code, relating to tax levies and limitations of political subdivisions.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 49 YEAS, 1 NAY, 3 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson

SB 2065 passed and the title was agreed to.

SB 2085: A BILL for an Act to amend and reenact sections 4-30-02, 4-30-12, 4-30-52, and 4-30-53 of the North Dakota Century Code, relating to violations of dairy products regulations.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; 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; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson

SB 2085 passed and the title was agreed to.

SB 2103: A BILL for an Act to amend and reenact section 61-24-03 of the North Dakota Century Code, relating to election of directors of the Garrison Diversion Conservancy Districts.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nothing; Olson; Parker; Redlin; Reiten; Satrom; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Peterson; Stromme; Tallackson

SB 2103 passed and the title was agreed to.

SB 2110: A BILL for an Act to amend and reenact subsection 5 of section 39-10-03 of the North Dakota Century Code, relating to the use of emergency lights when stopped upon a highway for the purpose of controlling traffic.

Which has been read.

ROLL CALL

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

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

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson

SB 2110 passed and the title was agreed to.

SB 2113: A BILL for an Act to amend and reenact sections 4-22-17 and 4-22-22 of the North Dakota Century Code, relating to nominating petitions for supervisors of soil conservation districts and terms of office of soil conservation district supervisors.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotherg; Heigaard; Miller Heinrich; Hilken; 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; Stenehjsem; Streibel; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson

SB 2113 passed and the title was agreed to.

SB 2121: A BILL for an Act to amend and reenact section 37-18.1-01 of the North Dakota Century Code, relating to the membership of the administrative committee on veterans' affairs.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman;

Grotberg; Heigaard; Miller Heinrich; Hilken; Kilander;
Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips;
Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore;
Mutch; Naaden; Nelson; Nothing; Olson; Parker;
Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel;
Tennefos; Thane; Todd; Vosper; Waldera; Walsh;
Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Stromme; Tallackson;
Tweten

SB 2121 passed and the title was agreed to.

MOTION

SEN. LODOEN MOVED that the SB 2054 be returned to the Senate floor from the Committee on Industry, Business, and Labor, which motion prevailed.

SEN. LODOEN REQUESTED the unanimous consent of the Senate to withdraw SB 2054. There being no objection, it was so ordered by the President.

MOTION

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

SEN. NOTHING MOVED that after the reading of SB 2018, SB 2025, SB 2071, SB 2098, SB 2170, SB 2203, SB 2209, and SB 2237, the Senate adjourn and convene at 1:00 p.m., Monday, January 10, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary