

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

* * * * *

NINETEENTH DAY

Bismarck, January 28, 1983

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

RECOGNITION

President Sands: Seventeen-year-old Margaret Tweten of rural Buxton in June, 1982, was named "Miss North Dakota National Teenager" at the scholastically oriented state pageant held at Bismarck Junior College. Margaret was also the talent winner in the North Dakota pageant in which she competed as a vocalist.

In August, she represented North Dakota in national competition at Lehigh Acres, Florida, against fifty-one other state contestants. Though she was not one of the five finalists, she received the scholarship awarded to the contestant who showed the most potential in computer science. This four-year tuition scholarship is from Johnson and Wales College of Providence, Rhode Island.

Margaret is a senior at Central Valley High School, Buxton-Reynolds, and is the daughter of Senator and Mrs. Malcolm Tweten.

Margaret will sing for us "Be Thou My Guide" by Bach. Her accompanist is Sondra Nygaard of Buxton.

Draw near to me, Thee would I follow.
Wherever Thou shalt lead me, Lord
My mind and heart are stayed on Thee.
Though storms arise, Thou are beside me.
No darkness can dispel Thy light
Through Thee alone my eyes shall see.
In Thee I dwell - my God and Father.
Though raging tempests surge around me
My joy and shelter Thou shalt be.
Then would I die - dying victorious!
In death or life I shall not fear
I know my soul shall rest in Thee.

ROLL CALL

The roll was called and all Senators were present.

A quorum was declared by the President.

JOURNAL OF THE SENATE

REVISION AND CORRECTION OF THE JOURNAL

MR. PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Eighteenth day and finds the same to be correct.

SEN. TWETEN, Chairman

SEN. DAVID 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 2148, SB 2196, SB 2256, SB 2360, SB 2392, SB 2408,
SCR 4007, SCR 4009, SCR 4013, SCR 4014, SCR 4015

Very respectfully,
LEO LEIDHOLM, Secretary

MESSAGES FROM THE HOUSE

HOUSE CHAMBER

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

HB 1053, HB 1128, HB 1223, HB 1283, HB 1290, HB 1292,
HB 1300, HB 1304, HB 1313, HB 1316, HB 1320, HB 1361,
HB 1381, HB 1382, HB 1411, HB 1560, HCR 3001

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 2086, SB 2096, SB 2130

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 1197

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:

SB 2095, SB 2189, SB 2368

SEN. FRITZELL, Chairman

SEN. KRAUTER 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 2089, SB 2090

SEN. FRITZELL, Chairman

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

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2089, SB 2090, HB 1197

LEO LEIDHOLM, Secretary

CONSIDERATION OF AMENDMENTS

SEN. LIPS MOVED that the amendments to SB 2032 as recommended by the Committee on Appropriations as printed on page 371 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2070 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 372 of the Senate Journal be adopted, which motion prevailed.

SEN. WRIGHT MOVED that the amendments to SB 2229 as recommended by the Committee on Social Services and Veterans Affairs as printed on pages 372 and 373 of the Senate Journal be adopted, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2342 as recommended by the Committee on Appropriations as printed on page 373 of the Senate Journal be adopted.

SEN. MAIXNER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2342, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2342, the roll was called and there were 32 YEAS, 20 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Holmberg; Kilander; Lee; Leibhan; Lips; Lodoen; Moore; Mutch;

Naaden; Nelson; Nething; Olson; Parker; Peterson;
Reiten; Stenehjelm; Streibel; Tennefos; Thane; Todd;
Vosper; Wenstrom; Wright

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

ABSENT AND NOT VOTING: Tweten

The proposed amendments to SB 2342 were adopted.

CONFIRMATION SESSION

SEN. NETHING MOVED that the Senate resolve itself into a confirmation session, which motion prevailed.

REPORTS OF PROCEDURAL 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:

Dr. Jack H. Pfister, Wahpeton

SEN. PETERSON, Chairman

POINT OF PERSONAL PRIVILEGE

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

Ladies and Gentlemen of the Senate: It is with great pleasure that I rise to comment on the nomination of Dr. Pfister to the State Board of Higher Education. Yesterday, I had the honor to introduce Dr. Pfister to the select committee reviewing the appointment. I also listened to the proceedings and was pleased with the direct and thoughtful answers given by Dr. Pfister to the fair and tough questions asked by committee members. I am certain that Dr. Pfister will provide new direction and future leadership in the very important role the Board of Higher Education will continue to provide for all of higher education.

SEN. PETERSON 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 Dr. Jack H. Pfister to the State Board of Higher Education, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

The report was adopted.

MR. PRESIDENT: Your select committee appointed to consider the nominations for membership on the State Historical Board do advise and consent to the appointments of:

Ms. Mabel Olson, Velva
Mrs. Sheila Robinson, Coleharbor
Mr. Alois Spielman, Fargo

SEN. DYKSHOORN, Chairman

SEN. DYKSHOORN 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. Mabel Olson, Mrs. Sheila Robinson, and Mr. Alois Spielman to the State Historical Board, 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; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Goodman; Holmberg

The report was adopted.

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

Mr. Harold Anderson, Bismarck

SEN. TENNEFOS, Chairman

SEN. TENNEFOS 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. Harold Anderson to the Postsecondary Education Commission, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: None

The report was adopted.

MR. PRESIDENT: Your select committee appointed to consider the nominations for membership on the State Board of Public School Education do advise and consent to the appointments of:

Dr. Vernon Bennett, Fargo

Mr. Ralph Kingsbury, Grafton

SEN. OLSON, Chairman

SEN. OLSON 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 Dr. Vernon Bennett and Mr. Ralph Kingsbury to the State Board of Public School Education, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Goodman

The report was adopted.

MOTION

SEN. NETHING MOVED that the Senate dissolve itself from the confirmation session, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2044 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2044 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 2068 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2068 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 SB 2191 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. MUTCH, Chairman

SB 2191 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2270 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2270 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education to which was referred SB 2274 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 10, insert immediately following the second comma the words "who shall be a nonvoting member,"

On page 1, line 11, overstrike the word "three" and insert immediately thereafter the word "four"

On page 1, line 14, insert immediately following the comma the words "one of the appointees shall be a person selected by the governor from a list of three candidates submitted by the North Dakota retired teachers association, and two of the appointees shall be persons selected by the governor from lists of three candidates for each position to be filled submitted by the North Dakota education association,"

And renumber the lines and pages accordingly

SEN. PETERSON, Chairman

SB 2274 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 SB 2277 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 34, after the word "of" insert the words "their fourth year of"

And renumber the lines accordingly

SEN. PETERSON, Chairman

SB 2277 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 2303 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 17, after the word "of" remove the overstrike over the word "~~twelve~~" and delete the word "six"

On page 1, line 18, remove the overstrike over the comma, after the word "the" insert the words "state and the defendant stipulate that the case may be tried to a jury of six", and delete the words "defendant makes a timely written demand"

On page 1, line 19, delete the words "for a jury of twelve"

On page 1, line 21, delete the words "and the"

On page 1, line 22, delete the words "request is approved by the court"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2303 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 2310 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2310 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 SB 2317 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and be rereferred to the Committee on Finance and Taxation.

SEN. MUTCH, Chairman

SB 2317 was rereferred to the Committee on Finance and Taxation.

MR. PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2330 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2330 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 2348 has had the same under consideration and recommends that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. LEE, Chairman

SB 2348 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Agriculture to which was referred SB 2353 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2353 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 SB 2377 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2377 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2378 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2378 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2396 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2396 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business, and Labor to which was referred SB 2397 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2397 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 2411 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LEE, Chairman

SB 2411 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 2413 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 8, overstrike the word "wife" and immediately thereafter insert the word "spouse"

On page 1, delete lines 23 and 24

On page 1, line 25, delete the word "wife" and insert in lieu thereof the word "spouse"

And renumber the lines accordingly

SEN. CHRISTENSEN, Chairman

SB 2413 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 2416 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2416 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 2423 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2423 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1045: A BILL for an Act to amend and reenact sections 36-09-04, 36-09-13, and 36-09-14 of the North Dakota Century Code, relating to brand recording fees, fees for rerecording brands, and brand book pricing; and to provide an effective date.

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

HB 1058: A BILL for an Act to amend and reenact sections 2-04-05, 2-06-10, 4-10-20, subsection 2 of section 4-14-09, subsection 1 of section 4-18.1-04, section 4-18.1-13, subsection 14 of section 4-35-05, section 10-15-23, subsection 4 of section 11-10-10, subsection 6 of section 11-11-14, sections 11-12-02, 11-15-24, 12-60-19, 14-02-10, 14-06.1-12, subsection 4 of section 14-09-09.1, sections 14-10-07, 14-13-03, 15-10-12, 15-10-12.1, 15-10-18, 15-20.1-03, 15-20.4-04, 15-21-13, 15-28-10, 15-34.2-02, 15-34.2-16, 15-40.2-03, 15-40.2-08, 15-40.2-09, 15-41-04, 15-47-06, 15-47-17, 15-52-03, 15-60-01, subsections 4 and 5 of section 15-62.3-01, section 15-62.3-02, subsection 4 of section 15-65-03, section 16.1-03-11, subsection 2 of section 16.1-05-03, sections 16.1-12-09, 20.1-01-22.1, 20.1-01-25.1, 21-03-07, 21-11-08, 23-16-08, 24-08-01, 24-08-05, 25-01.1-17, 25-01.2-03, 25-02-02, 26-21.2-10, 27-01-01.1, 27-05-01, 27-05-08, 27-05-22, 27-09.1-21, 27-19-08, subsection 5 of section 27-20-02, section 27-20-04, subsection 2 of sections 28-32-03 and 29-06-15, sections 29-30.1-04, 30.1-02-02, 30.1-28-02, subdivision a of subsection 1 of section 30.1-28-12, sections 31-01-06.3, 32-35-04, 34-05-01.2, 37-25-06, 38-09-15, 38-11-04, 39-04-18, 39-06-19, 39-06-29.1, 39-06-50, subsection 1 of section 39-26-02, sections 40-11-06, 40-11-13, 40-18-06, 40-21-13, 40-24-09, 40-24-16, 40-38.1-09, 40-45-16, subsection 1 of section 41-09-40, sections 43-07-22, 44-08-04, 45-05-03, 47-16-17, 47-18-28, 47-19-14.8, 48-03-03, subsections 18 and 20 of section 50-06-05.1, sections 50-06.2-02, 50-06.2-03, 50-19-01, 50-19-09,

50-20-01, 50-20-02, 50-20-04, 50-20-05, 50-22-02.1, subsection 3 of section 50-25.1-02, sections 51-13-07, 52-01-03, 52-04-13, 52-04-17, subdivision b of subsection 3 of section 52-06-04, sections 52-06-14, 52-06-15, 52-06-16, 52-06-17, 52-06-22, 52-06-37, 52-10-02, 52-10-03, 52-10-04, 52-10-05, 52-10-07, 52-11-01, 54-01-05.2, subsections 4 and 5 of section 54-01-05.5, sections 54-03-10, subsections 1 and 3 of section 54-06-04, section 54-06-04.1, subsections 14, 15, 16, and 17 of section 54-12-01, sections 54-14-01.1, 54-17.1-02, 54-23-24, 54-23-25, 54-27-10, 54-27-11, 54-35-01, 54-35-02.1, 54-35-02.7, 54-48-05, 54-48-06, 55-08-02.1, subsection 1 of sections 57-15-16 and 57-15-17, section 57-51.1-05, subsection 1 of section 57-55-10, sections 57-58-05, 61-07-24, 61-08-12, 61-21-43.1, 61-21-67, 61-24.2-03, 61-24.2-14, and 61-31-09 of the North Dakota Century Code, relating to inaccurate or obsolete references; and to repeal sections 10-18.1-10, 10-28-17, 14-10-18, 14-12.1-41, 15-38.1-15, 19-03.1-42, 23-06.1-08, 26-21.1-14, chapter 26-40.1, sections 27-09.1-19, 27-11-03, 27-11-05, 27-11-16, 27-11-18, 27-11-25, 27-11-26, 27-11-27, 27-20-58, 28-20.1-07, 34-12-13, 38-08-09.14, 40-51.2-19, 43-29-18, 43-33-19, 50-06-05, 54-34.1-06, 59-04.1-15, 61-16-16, 61-16-45, and 61-16-47.1 of the North Dakota Century Code, relating to statutory interpretation, blood donation, medical malpractice, admission to practice of law, the social service board, the state planning division, and water and flood control and culverts; and to provide an effective date.

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

HB 1188: A BILL for an Act to amend and reenact sections 39-20-01, 39-20-02, 39-20-04, 39-20-05, 39-20-07, 39-20-08, 39-20-09, and 39-20-11 of the North Dakota Century Code, relating to chemical tests for intoxication, implied consent.

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

HB 1270: A BILL for an Act to provide for a North Dakota Athletic Trainers Act, defining terms, requiring a license for certain athletic trainer activities, granting the state board of medical examiners certain authority relating to such licensing, providing for a North Dakota board of athletic trainers, providing for license terms and fees, providing for the authorization, denial, suspension, or revocation of licenses; and to provide a penalty.

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

HB 1271: A BILL for an Act to amend and reenact section 15-28-01 of the North Dakota Century Code, relating to decreasing the size of a school board.

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

HB 1287: A BILL for an Act to amend and reenact section 54-52-02.6 of the North Dakota Century Code, relating to the repurchase of past service under the public employees retirement system.

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

HB 1291: A BILL for an Act to amend and reenact subsection 3 of section 14-17-11 of the North Dakota Century Code, relating to evidence concerning paternity.

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

HB 1303: A BILL for an Act to amend and reenact section 10-21-13 of the North Dakota Century Code, relating to involuntary dissolution of corporations for failure to commence business and issue shares within two years after the date of the issuance of its certificate of incorporation or certificate of organization.

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

HB 1310: A BILL for an Act to amend and reenact subsection 3 of section 57-39.2-01 of the North Dakota Century Code, relating to definition of "retail sale" for sales tax purposes.

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

MOTION

SEN. WRIGHT MOVED that SB 2069 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2095: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-02, 4-14.1-03, 57-50-01, 57-50-03.1, 57-50-05, and 57-54-08 of the North Dakota Century Code, relating to the agriculturally derived alcohol motor vehicle fuel tax fund.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Barth; Berube; Christensen; David; Dotzenrod; 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; Tennefos; Thane; Todd; Tweten; Vosper;
Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Dykshoorn; Tallackson

SB 2095 passed and the title was agreed to.

SB 2189: A BILL for an Act to create and enact chapter 37-12.1 of the North Dakota Century Code, relating to the state defense force; to repeal section 37-04-05 and chapter 37-12 of the North Dakota Century Code, relating to bonds of officers, and the North Dakota state guard.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 32 YEAS, 18 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Christensen; David; Dotzenrod; Erickson; Fritzell; Goodman; Holmberg; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Reiten; Stenehjem; Streibel; Tennefos; Thane; Todd; Tweten; Wenstrom; Wright

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

ABSENT AND NOT VOTING: Dykshoorn; Tallackson; Vosper

SB 2189 passed and the title was agreed to.

MOTION

SEN. VOSPER MOVED that SB 2239 be rereferred to the Committee on Agriculture, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2335: A BILL for an Act to repeal subsection 5 of section 14-03-17 of the North Dakota Century Code, relating to an application for a marriage license.

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, 8 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Bakewell; Dotzenrod; Heigaard; Maixner; Matchie; Redlin; Vosper; Wogsland

ABSENT AND NOT VOTING: Dykshoorn; Tallackson

SB 2335 passed and the title was agreed to.

SB 2368: A BILL for an Act to amend and reenact section 44-08-04.2 of the North Dakota Century Code, relating to travel advances for state officers and employees.

Which has been read.

ROLL CALL

The question being on the final passage of the bill as amended, the roll was called and there were 49 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: Lashkowitz; Walsh

ABSENT AND NOT VOTING: Dykshoorn; Tallackson

SB 2368 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution expressing thanks and appreciation to the Levis family for its efforts in

preserving a portion of the unique natural and cultural heritage of the Missouri River Valley.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4024 was declared adopted on a voice vote.

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President: I rise on a point of personal privilege.

Mr. President, ladies and gentlemen of the Senate:

Earlier today I rose to object to the reading of papers on the floor in the Senate. This is not a rule that is arbitrarily enforced, it's a rule that needs to be enforced on a constant basis. Section 112 of Mason's Rules discusses the readings of the papers. I do want to apologize to the senator from District 10, if I created any embarrassment for him because of that. It was not my intention to do so; however, any embarrassment, even the slightest, should be apologized for. The reason that we have the rule on reading of the papers is to prevent anyone who is not a senator, who is not a member of this body to testify; and if we did let opinions in through the readings of papers, be they letters, be they magazine articles or be they newspaper articles, you then are letting someone who is not a member of the body have an opinion in the debate which could ultimately affect the decision that you might make. In addition to that, and I know that many times when bills are explained, that the committee decision is announced, and I think that is satisfactory because you are a committee of the Senate. However, I do want to point out that at no time in debate can the outcome of the vote of the other body be presented. In other words you cannot tell us that this bill passed the House by a vote of 103 to 3. The reason for that is, is because then the other house is having an influence in the debate process and each body is to debate each issue on its own merits as it's submitted from the committee who has had that responsibility. Whether or not you should receive letters or communications in the committees is up to you as individuals, but you do not have an opportunity to ask questions of the person that is submitting that letter and consequently it seems that you are not receiving, then, the full benefit of that individual's testimony. Personally, letters are opinions; in my opinion, they are opinions of what the person has written about and should be treated as such; but those are the reasons and I do want to point them out to the body at

FRIDAY, JANUARY 28, 1983

401

this time, and I do want again to apologize to the senator from District 10 for any embarrassment.

MOTIONS

SEN. PARKER MOVED that SB 2165 be returned to the Senate floor from the **Committee on Industry, Business, and Labor**, which motion prevailed.

SEN. PARKER REQUESTED the unanimous consent of the Senate to withdraw SB 2165. There being no objection, it was so ordered by the President.

SEN. NELSON MOVED that SB 2380 be returned to the Senate floor from the **Committee on Agriculture**, which motion prevailed.

SEN. NELSON REQUESTED the unanimous consent of the Senate to withdraw SB 2380. There being no objection, it was so ordered by the President.

PRESENTATION OF PETITIONS AND COMMUNICATIONS

Allen I. Olson
Governor

January 28, 1983

The Honorable Ernest M. Sands
President of the Senate
Senate Chambers
Bismarck, North Dakota 58505

Dear Mr. President:

This is to inform you that on January 28, 1983, I signed the following:

SB 2059, SB 2072, SB 2085, SB 2110, SB 2113.

Sincerely,

ALLEN I. OLSON
Governor

MOTION

SEN. NETHING MOVED that after the reading of SB 2032, SB 2044, SB 2068, SB 2069, SB 2070, SB 2191, SB 2229, SB 2270, SB 2310, SB 2330, SB 2342, SB 2348, SB 2353, SB 2377, SB 2378, SB 2396, SB 2397, SB 2411, SB 2416, and SB 2423, the Senate adjourn and convene at 1:00 p.m., Monday, January 31, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary