

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FOURTH DAY

The Senate convened at 12:30 p.m., with President Meiers presiding. Bismarck, January 11, 1985

The prayer was offered by Reverend Stan Knudson, Trinity Lutheran Church, Bismarck.

Let us pray.

Our Heavenly Father, on this Friday of the first legislative week we thank You for time, talents, and for the gift of life.

We ask Your blessing upon each Senator, be with them and their families.

Help us to realize that You have placed us upon this earth to help one another by word and deed.

May the power and peace, which You alone give, guide us and keep us open to opportunities to serve You and all people.

In Christ's Name, Amen.

ROLL CALL

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

A quorum was declared by the President.

REVISION AND CORRECTION OF THE JOURNAL

MADAM 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. DAVID, Chairman

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

CONSIDERATION OF AMENDMENTS

SEN. NELSON MOVED that the reading of the amendments on the Sixth Order be waived for the Session, which motion prevailed.

SEN. LIPS MOVED that the amendments to SB 2036 as recommended by the Committee on Appropriations as printed on page 122 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2083 as recommended by the **Committee on Judiciary** as printed on pages 122-123 of the Senate Journal be adopted, which motion prevailed.

SEN. PETERSON MOVED that the amendments to SB 2156 as recommended by the **Committee on Education** as printed on page 123 of the Senate Journal be adopted, which motion prevailed.

MOTIONS

SEN. LODOEN MOVED that SB 2154 be returned to the Senate floor from the **Committee on State and Federal Government**, which motion prevailed.

SEN. LODOEN MOVED that SB 2154 be rereferred to the **Committee on Education**, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2059: A BILL for an Act to amend and reenact subsection 1 of section 53-06.1-03 of the North Dakota Century Code, relating to licensing of certain games of chance by cities and counties.

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, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Heinrich

ABSENT AND NOT VOTING: Nething; Reiten

SB 2059 passed and the title was agreed to.

SB 2096: A BILL for an Act to amend and reenact section 61-16-08 of the North Dakota Century Code, relating to the term of office of water resource board managers.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing; Reiten

SB 2096 passed and the title was agreed to.

SB 2133: A BILL for an Act to amend and reenact sections 60-03-01 and 60-03-09.1 of the North Dakota Century Code, relating to definitions regarding roving grain and hay buyers and the procedure for complaints filed against roving grain and hay buyers.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Langley; Nothing; Reiten

SB 2133 passed and the title was agreed to.

SB 2148: A BILL for an Act to amend and reenact subsection 3 of section 49-22-21 of the North Dakota Century Code, relating

to civil penalties for violations of the North Dakota Energy Conversion and Transmission Facility Siting Act.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing; Reiten

SB 2148 passed and the title was agreed to.

SB 2165: A BILL for an Act to amend and reenact subsection 3 of section 39-27-05 of the North Dakota Century Code, relating to wheel rim diameters for motorcycles.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nothing; Reiten

SB 2165 passed and the title was agreed to.

SB 2168: A BILL for an Act to create and enact a new subsection to section 39-04-37 of the North Dakota Century Code, relating to violations of motor vehicle registration provisions.

Which has been read.

ROLL CALL

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

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething; Reiten

SB 2168 passed and the title was agreed to.

SB 2169: A BILL for an Act to amend and reenact subsection 3 of section 39-04-06 of the North Dakota Century Code, relating to the suspension of motor vehicle registration.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

SB 2169 passed and the title was agreed to.

SB 2185: A BILL for an Act to amend and reenact section 43-17-30 of the North Dakota Century Code, relating to reinstatement of physicians delinquent in the payment of registration fees.

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; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Nething; Redlin; Reiten

SB 2185 passed and the title was agreed to.

RECOGNITION

SEN. NELSON ANNOUNCED that Mr. Vern Wagner is in the chamber to deliver the report of the Legislative Compensation Commission and moved that the President appoint a committee of two to escort Mr. Wagner to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Senators Lodoen and Satrom. Mr. Wagner was escorted to the rostrum and addressed the Assembly.

MOTION

SEN. MOORE MOVED that SB 2231 be returned to the Senate floor from the Committee on Natural Resources, which motion prevailed.

REQUEST

SEN. MOORE REQUESTED the unanimous consent of the Senate to withdraw SB 2231. There being no objection, it was so ordered by the President.

REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SB 2104 has had the same under consideration and recommends that the same DO PASS and be rereferred to the Committee on Senate Appropriations.

SEN. HOLMBERG, Chairman

SB 2104 was rereferred to the Committee on Appropriations.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2112 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 13, overstrike the word "twelve" and insert immediately thereafter the word "fifteen"

On page 1, line 19, overstrike the word "and"

On page 1, line 20, after the word "(amvets)" insert the words ",and Vietnam veterans' of America"

On page 1, line 24, overstrike the word "twelve" and insert immediately thereafter the word "fifteen"

On page 1, line 25, overstrike the word "four" and insert immediately thereafter the word "five"

On page 1, line 26, overstrike the first word "four" and insert immediately thereafter the word "five" and overstrike the second word "four" and insert immediately thereafter the word "five"

On page 2, line 7, overstrike the word "four" and insert immediately thereafter the word "five"

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2112 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Natural Resources to which was referred SB 2136 has had the same under consideration and recommends that the same DO PASS.

SEN. MOORE, Chairman

SB 2136 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2161 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, delete the comma and the words ", or are in such condition that"

On page 1, line 18, delete the words and the comma "preservation is not feasible,"

And renumber the lines and pages accordingly

SEN. LODOEN, Chairman

SB 2161 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2166 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2166 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Transportation to which was referred SB 2167 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2167 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Political Subdivisions to which was referred SCR 4011 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SCR 4011 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

COMMUNICATION

North Dakota Medical Association

Doctor of the Day Schedule

January 14: Corey Nyhus, M.D. - Jamestown
 January 15: James Vook, M.D. - Minot
 January 16: Herbert J. Wilson, M.D. - New Town
 January 17: Robert Hankins, M.D. - Minot
 January 18: Kermit Leonard, M.D. - Garrison

FIRST READING OF SENATE BILLS

Sen. Redlin introduced:

SB 2261: A BILL for an Act to amend and reenact section 15-47-15 of the North Dakota Century Code, relating to bidding requirements for school contracts.

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

Sens. Christensen, Stenehjem and Rep. Wentz introduced:

SB 2262: A BILL for an Act to amend and reenact sections 14-07.1-01, 14-07.1-02, 14-07.1-03, 14-07.1-04, and 14-07.1-08 of the North Dakota Century Code, relating to adult abuse and protection orders.

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

Sen. Christensen and Reps. Melby, Hedstrom introduced:

SB 2263: A BILL for an Act to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to compulsory school attendance and providing exceptions for home school instruction.

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

Sens. Krauter, Wright and Reps. Martin, Riehl introduced:

SB 2264: A BILL for an Act to amend and reenact section 57-15-28 of the North Dakota Century Code, relating to county emergency fund levies.

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

Sens. Lodoen, Parker, Holmberg and Reps. Larson, Lindgren introduced:

SB 2265: A BILL for an Act to provide an appropriation of five million dollars to the state board of public school education for the state school construction fund.

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

Sens. Lodoen, Nething, Nelson and Reps. Hughes, Moore introduced:

SB 2266: A BILL for an Act to amend and reenact sections 61-04-02.1, 61-04-23, 61-04-24, and 61-04-25 of the North Dakota Century Code, relating to emergency or temporary authorization by the state engineer for use of water and forfeiture of water rights.

Was read the first time and referred to the Committee on Natural Resources.

Sens. Lodoen, Parker, Nelson and Reps. Larson, Lindgren introduced:

SB 2267: A BILL for an Act to amend and reenact section 15-60-04 of the North Dakota Century Code, relating to limitations on the amount of loans received by school districts from the state school construction fund.

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

Sens. Waldera, Holmberg, Matchie and Reps. Conmy, Kelly, Wentz introduced:

SB 2268: A BILL for an Act to amend and reenact sections 11-19.1-15, 11-19.1-16, and 11-19.1-17 of the North Dakota Century Code, relating to the duties of coroners to notify relatives and fee responsibilities of the counties.

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

Sen. Waldera and Rep. Conmy introduced:

SB 2269: A BILL for an Act to amend and reenact section 29-17-12 of the North Dakota Century Code, relating to the size of juries in criminal cases.
Was read the first time and referred to the **Committee on Judiciary**.

Sen. Lodoen and Rep. Stofferahn introduced:

SB 2270: A BILL for an Act to amend and reenact section 57-19-02 of the North Dakota Century Code, relating to the disposition of investment income from school district special reserve funds.
Was read the first time and referred to the **Committee on Education**.

Sen. Olson introduced:

SB 2271: A BILL for an Act to amend and reenact subsection 4 of section 12.1-20-02 of the North Dakota Century Code, relating to the definition of sexual contact.
Was read the first time and referred to the **Committee on Judiciary**.

MOTIONS

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

SEN. NELSON MOVED that at the conclusion of the Fifth order of business, the Ninth order of business and after the reading of SB 2036, SB 2083, SB 2104, SB 2136, SB 2156, SB 2166, SB 2167, and SCR 4011, the Senate adjourn and convene at 1:00 p.m., Monday, January 14, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary