

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

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FIFTH DAY

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

The prayer was offered by Reverend H. E. Hendrickson, Pastor, Trinity Lutheran Church, Bismarck.

Let us pray.

Dear Heavenly Father, as we begin this week we ask Your continued help, protection, and guidance.

We thank You for a weekend of rest, change of pace, and for the privilege of worship.

We ask You to lead and guide the motives, motions, and actions of the Senate today.

We thank You for our place of living here in the state of North Dakota.

We pray that Your love which is shown in so many ways may once again be reflected as we continue to deal with issues which affect people.

In Jesus' Name, Amen.

ROLL CALL

The roll was called and all members were present, except Senators Maixner, Nething, and Tennefos.

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 Fourth day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 133, delete lines 8 and 9 and insert in lieu thereof the following: "SB 2104 was rereferred to the Committee on Appropriations."

SEN. DAVID, Chairman

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

## REPORT OF PROCEDURAL COMMITTEE

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

SB 2036, SB 2083, SB 2156

SEN. BAKEWELL, Chairman

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

## CONSIDERATION OF AMENDMENTS

SEN. STENEHJEM MOVED that the amendments to SB 2112 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 133 of the Senate Journal be adopted, which motion prevailed.

SEN. LODOEN MOVED that the amendments to SB 2161 as recommended by the Committee on State and Federal Government as printed on pages 133-134 of the Senate Journal be adopted, which motion prevailed.

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2051 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2051 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 2052 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2052 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2057 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

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

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2058 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2058 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Judiciary to which was referred SB 2060 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. CHRISTENSEN, Chairman

SB 2060 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 2074 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2074 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2081 has had the same under consideration and recommends that the same DO PASS.

SEN. STENEHJEM, Chairman

SB 2081 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Social Services and Veterans Affairs to which was referred SB 2082 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the word "a" and insert in lieu thereof the word "two" and delete the word "section" and insert in lieu thereof the word "sections"

On page 1, line 3, after the word "contributions" insert the comma and words ", and the filing of charitable solicitation agreements with the secretary of state"

On page 1, line 6, delete the word "A" and insert in lieu thereof the word "Two" and delete the word "section" and insert in lieu thereof the word "sections"

On page 1, line 7, delete the word "is" and insert in lieu thereof the word "are"

On page 1, after line 14, insert the following:

"Filing. Every contract, written agreement, or written statement of the nature of the arrangement to prevail in the absence of a contract between a professional fundraiser or professional solicitor and a charitable organization shall be filed by the professional fundraiser and the charitable organization with the secretary of state within ten days after such contract, written agreement, or written statement is concluded."

And renumber the lines and pages accordingly

SEN. STENEHJEM, Chairman

SB 2082 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2106 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2106 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2157 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2157 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 2162 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2162 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2199 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2199 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Education to which was referred SB 2218 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. PETERSON, Chairman

SB 2218 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MESSAGES FROM THE HOUSE  
HOUSE CHAMBER

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

HB 1042, HB 1110, HB 1117, HB 1190, HB 1193

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE  
SENATE CHAMBER

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

SB 2117, SB 2118, SB 2131, SB 2134, SB 2142, SB 2153,  
SB 2155, SB 2186, SCR 4004, SCR 4012

LEO LEIDHOLM, Secretary

FIRST READING OF SENATE BILLS

Sens. Heinrich, Thane and Reps. Martinson, Oban introduced:

SB 2272: A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to partial service retirement under the teachers' fund for retirement.

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

Sen. Parker and Rep. W. Williams introduced:

SB 2273: A BILL for an Act to amend and reenact section 55-11-04, 55-11-05, and 55-11-10 of the North Dakota Century Code, relating to advisers to the state parks and recreation department on the nature preserve program and acquisition of nature preserves and natural areas.

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

Sen. Moore introduced:

SB 2274: A BILL for an Act to create and enact two new sections to chapter 26-17.1 of the North Dakota Century Code, or in the alternative to create and enact two new sections to chapter 26.1-26 of the North Dakota Century Code as created in Senate Bill No. 2078, as approved by the forty-ninth legislative assembly, relating to insurance agent designation or title and continuing education.

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

Sen. Olson introduced:

SB 2275: A BILL for an Act to amend and reenact sections 11-17-01, 11-17-05, 11-17-09, 11-19-17, 15-29-10, subsection 2 of section 27-02-05.1, sections 27-07.1-12, 27-07.1-24, 27-08.1-06, 27-08.1-07, 28-20-12, 28-20-13, 28-20-16, 28-20-20, subsection 4 of section 28-20-21, sections 28-20-22, 28-20-25, 29-01-26, 32-28-02, 32-28-03, 35-15-05, 35-18-04, 35-21-05, 35-24-12, and 57-22-31 of the North Dakota Century Code, relating to the duties and recordkeeping functions of the clerks of district courts and clerks of county courts; and to repeal sections 28-20-10 and 28-20-19 of the North Dakota Century Code, relating to recordkeeping requirements of the clerks of district courts and the clerks of county courts.

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

## SECOND READING OF SENATE BILLS

SB 2036: A BILL for an Act to transfer a portion of motor vehicle fuel tax revenue to the general fund for the purpose of defraying the cost of administering the motor vehicle fuel tax laws.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 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; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner; Nething; Redlin

SB 2036 passed and the title was agreed to.

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SB 2083: A BILL for an Act to create and enact a new section to chapter 28-21 of the North Dakota Century Code, relating to levying of executions; and to amend and reenact section 28-21-08 of the North Dakota Century Code, relating to property subject to execution.

Which has been read.

## MOTION

SEN. OLSON MOVED that SB 2083 be amended as follows:

On page 2 of the engrossed bill, line 17, delete the word and numeral "or 3"

And renumber the lines and pages accordingly

## MOTIONS

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

SEN. OLSON MOVED that the rules be suspended, that SB 2083 be deemed properly reengrossed and placed on the calendar, as

amended, for second reading and final passage, which motion prevailed.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Nothing

SB 2083 passed and the title was agreed to.

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SB 2136: A BILL for an Act to amend and reenact sections 61-16.1-06 and 61-16.1-25 of the North Dakota Century Code, relating to the fiscal year of water resource districts.

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; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: Maixner; Nothing;

SB 2136 passed and the title was agreed to.

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SB 2156: A BILL for an Act to create and enact a new subsection to section 15-10-17 of the North Dakota Century Code, relating to early retirement of faculty and officers of the board of higher education; and to amend and reenact subsection 1 of section 54-14-04.3 and section 54-52.1-03 of the North Dakota Century Code, relating to severance pay and contributions to the uniform group insurance program.

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

NAYS: None

ABSENT AND NOT VOTING: Maixner; Nothing

SB 2156 passed and the title was agreed to.

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SB 2166: A BILL for an Act to amend and reenact sections 39-04-08 and 39-04-11, relating to issuance and display of license plates.

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; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None



ABSENT AND NOT VOTING: Maixner; Nething;

SB 2166 passed and the title was agreed to.

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SB 2167: A BILL for an Act to create and enact a new subsection to section 39-22-04 of the North Dakota Century Code, relating to grounds for denial, suspension, cancellation, or revocation of dealer's license; and to amend and reenact section 39-21-51 of the North Dakota Century Code, relating to alteration of odometers.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 32 YEAS, 19 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Berube; David; Dotzenrod; Ereborg; Heigaard; Heinrich; Holmberg; Kelly; Kelsh; Kilander; Krauter; Lashkowitz; Lodoen; Matchie; Moore; Mutch; Nelson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Streibel; Tennefos; Thane; Todd; Waldera; Wenstrom; Wogsland; Wright

NAYS: Bakewell; Christensen; Hilken; Ingstad; Kusler; Langley; Lips; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Naaden; Olson; Stenehjem; Stromme; Tallackson; Tweten; Vosper; Walsh

ABSENT AND NOT VOTING: Maixner; Nething

SB 2167 passed and the title was agreed to.

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SECOND READING OF A SENATE CONCURRENT RESOLUTION

SCR 4011: A concurrent resolution urging the Board of University and School Lands to grant title to or an easement in land located east of Bismarck for the purposes of a county fairground for Burleigh County.

Which has been read.

The question being on the final adoption of the resolution.

SCR 4011 was declared adopted on a voice vote.

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MOTION

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

SEN. NELSON MOVED that after the reading of SB 2051, SB 2052, SB 2057, SB 2058, SB 2060, SB 2074, SB 2081, SB 2106, SB 2112, SB 2157, SB 2161, SB 2162, SB 2199, and SB 2218, the Senate adjourn and convene at 1:00 p.m., Tuesday, January 15, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary