

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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SECOND DAY

Bismarck, January 5, 1983

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

The prayer was offered by Reverend James Kloster, First Lutheran Church, Bismarck.

Almighty God, look as a Father upon this assembly of honorable elected officials. Thank you for giving to them a desire to serve and act on behalf of the citizens of this state. We are thankful for our form of government and the two-party system. Help each political persuasion to work together in cooperation toward a righteous, just, and life-giving common goal for all.

Graciously grant these servants strength and wisdom in their varied tasks and your guidance in all the details they tend to. We realize the weight of their decisions to bring about true and diligent deliberations which make for effective state government.

We also pray that the people they represent may show honor, respect, and appreciation for their tireless service. Often their burdens are difficult, and tiresome. So we would ask that you give to each one grace, strength, and courage in all of their deliberations for just legislative actions.

In the name of Christ. Amen.

ROLL CALL

The roll was called and all Senators were present.

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 First day and finds the same to be correct.

SEN. TWETEN, Chairman

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

PRESENTATION OF PETITIONS AND COMMUNICATIONS

STATE OF NORTH DAKOTA
 Robert O. Wefald
 ATTORNEY GENERAL
 State Capitol
 Bismarck, North Dakota 58505

January 3, 1983

Lieutenant Governor Ernest Sands
 President of the Senate
 State Capitol
 Bismarck, North Dakota 58505

Dear Lieutenant Governor Sands:

In order that my office may efficiently handle opinion requests from members of the Senate, I would appreciate it if we could use the policy that has been followed in the past. If any member of the Senate would like to receive an opinion from the Attorney General, I believe that the opinion request should be sent through the party leadership and through the President of the Senate to this office. In that way you and the other members of the leadership will know what opinions have been requested so that you can take that fact into consideration in your deliberations or committee work.

I would appreciate it if you would announce to the Senate that all requests for an opinion from the Attorney General should be routed through the party leadership and the President of the Senate who will in turn transmit any request to the Attorney General for his prompt action.

Please contact me if you have any questions or concerns about this request.

Sincerely,

Robert O. Wefald

cc: Senator Dave Nething
 Senator Rolland Redlin

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural committee appointed to act as a Committee on Employment recommends the following employees:

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| J. Vernon Asheim | Assistant Secretary of the Senate |
| Sandra Boehler | Bill Clerk |
| Erma Hauglie | Chief Stenographer and Payroll Clerk |
| Pearl Berget | Chief Committee Clerk |
| Kitty Steidler | Appropriations Committee Clerk |
| Jan Burgad | Assistant Appropriations Committee Clerk |

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| Jan Mumma | Committee Clerk |
| Sonja Jossart | Committee Clerk |
| Melinda Wold | Committee Clerk |
| Darlyne Clausnitzer | Committee Clerk |
| Jackie Burke | Committee Clerk |
| Kevin Pifer | Committee Clerk |
| Winnie Schuch | Committee Clerk |
| Connie Johnsen | Committee Clerk |
| Alice Zako | Committee Clerk |
| Dorothy Johnsen | Assistant Committee Clerk |
| Helen Hertz | Chief Page and Bill Book Clerk |
| Lois J. Scherr | Secretary to Majority Leader |
| Mary Ebach | Secretary to Minority Leader |
| John Clement | Deputy Sergeant-at-Arms |
| Wade Williamson | Assistant Sergeant-at-Arms |
| Jack Roth | Assistant Sergeant-at-Arms |
| Gary Foss | Assistant Sergeant-at-Arms |
| Robin Thompson | Assistant Sergeant-at-Arms |
| Al Larson | Bill Room Clerk |
| LeDores Robey | Bill Room Clerk |
| Eugene Grenz | Bill Room Clerk |
| Patrick Nasi | Bill Room Clerk |
| Fred Schulz | Journal Room Clerk |
| Heinz Sengpiel | Journal Room Clerk |
| Flo Feland | Chief Telephone Attendant |
| Linda Kennedy | Telephone Page |
| Thelma Harvey | Telephone Attendant |
| Adele Leingang | Telephone Attendant |
| Janet Britton | Telephone Attendant |
| Kristine Law | Desk Page |
| Lisa Loftsgard | Journal Page |
| Dorene Kainz | Stenographer |
| Judy Lies | Stenographer |
| Mary Schmidt | Stenographer |
| Shelly Sauers | Stenographer |
| Esther Davis | Information Desk Attendant |
| Brad Symington | Bill Book Clerk |
| Robert Windefeldt | Bill Book Clerk |
| Todd Aleshire | Bill Book Clerk |
| Gail Beck | Page |
| JaniRae Orvik | Page |
| Valerie Lovdahl | Page |
| Anna Miller | Page |
| Jeri Kurlle | Page |
| Frank LaQua | Parking Lot Attendant |
| Lucas Giesinger | Janitor |
| Jacob Cramer | Janitor |
| Eddy Keller | Janitor |
| Dick Lang | Janitor |

SEN. THANE, Chairman

SEN. NELSON MOVED that the report be adopted.

ROLL CALL

The question being on the motion to adopt the report of the procedural **Committee on Employment**, 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; Hilken; Holmberg; Kilander; Krauter; Kusler; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Miller Heinrich; 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 and President Sands then administered the Oath of Office to the Senate employees.

FIRST READING OF SENATE BILLS

Sens. Holmberg, Redlin, Nething and Reps. Kelly, Swiontek, Martinson introduced:

SB 2254: A BILL for an Act to create and enact two new sections to chapter 10-19 and a new subsection to section 10-24-05 of the North Dakota Century Code, relating to establishing foreign trade zones; and to declare an emergency.

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

Sen. Goodman introduced:

SB 2255: A BILL for an Act to amend and reenact section 36-21.1-07 of the North Dakota Century Code, relating to the prohibition on cockfights, dogfights, and other exhibitions; and to provide penalties.

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

Sens. Tweten, Thane and Rep. Kent introduced:

SB 2256: A BILL for an Act to amend and reenact subsection 1 of section 21-03-06 of the North Dakota Century Code, relating to bond issues by counties for construction or maintenance of highways; and to declare an emergency.

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

Sen. Tweten introduced:

SB 2257: A BILL for an Act to amend and reenact section 61-21-46 of the North Dakota Century Code, relating to the maximum levies allowed for cleaning and repairing drains.

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

Sen. Matchie and Rep. Swiontek introduced:

SB 2258: A BILL for an Act to amend and reenact subsection 22 of section 57-02-08 of the North Dakota Century Code, relating to property tax exemption for blind persons.

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

Sen. Stenehjem and Rep. Hamerlik introduced:

SB 2259: A BILL for an Act to amend and reenact section 32-09.1-02 of the North Dakota Century Code, relating to who may be garnishees.

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

Sen. Tweten introduced:

SB 2260: A BILL for an Act to amend and reenact section 63-05-03 of the North Dakota Century Code, relating to penalties for failure to cut weeds and grasses.

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

Sen. Lips introduced:

SB 2261: A BILL for an Act to amend and reenact subsection 3 of section 15-40.1-06, sections 15-40.1-07, 15-40.1-08, and 57-15-27 of the North Dakota Century Code, relating to state support for public elementary and secondary education and interim funds of school districts.

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

Sen. Lashkowitz and Reps. Hausauer, B. Larson, Peterson introduced:

SB 2262: A BILL for an Act to amend and reenact sections 16.1-11-01, 16.1-11-02, 16.1-11-03, 16.1-11-04, 16.1-11-05, 16.1-11-07, and 16.1-11-23 of the North Dakota Century Code, relating to presidential preference and primary elections.

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

Sen Lodoen introduced:

SB 2263: A BILL for an Act to amend and reenact section 21-09-05 of the North Dakota Century Code, relating to the validation of bonds and other evidences of indebtedness issued by public bodies of the state prior to July 1, 1983.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Holmberg, Stenehjem, Lips, Redlin introduced:

SCR 4004: A concurrent resolution requesting the Congress of the United States to again propose for ratification by the states an amendment to the federal constitution to provide that equality of rights under the law would not be denied or abridged by the United States or by any state on account of sex, and that the Congress would have the power to enforce, by appropriate legislation, the provisions of such an article.

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

REPORT OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2028 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2028 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 2045 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LIPS, Chairman

SB 2045 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 2050 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2050 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 2059 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2059 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2072 has had the same under consideration and recommends that the same DO PASS.

SEN. GOODMAN, Chairman

SB 2072 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 2096 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2096 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 2119 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2119 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2127 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2127 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government to which was referred SB 2193 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2193 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 2204 has had the same under consideration and recommends that the same DO PASS.

SEN. REITEN, Chairman

SB 2204 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 2225 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2225 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. PARKER MOVED that SB 2083 be returned to the Senate floor from the Committee on State and Federal Government, which motion prevailed.

SEN. PARKER REQUESTED the unanimous consent of the Senate to withdraw SB 2083. There being no objection, it was so ordered by the President.

MOTION

SEN. NETHING MOVED that the Senate adjourn and convene at 1:30 p.m. Thursday, January 6, 1983, which motion prevailed

LEO LEIDHOLM, Secretary