

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

* * * * *

THIRD DAY

Bismarck, January 6, 1983

The Senate convened at 1:30 p.m., with President Sands presiding.

The prayer was offered by Rev. Einar Unseth, Calvary Lutheran Church, Bismarck.

Gracious Father in Heaven, thank You that You are a great God, and greatly to be praised. Thank You for Your great mercy to us, in being willing to be our refuge and strength, a very present help in trouble. Thank You for Your helping us in our nation as we deal with internal and international problems.

Thank You for our president, our governor, and all of our leaders. Give wisdom and spiritual understanding to these leaders of our state who have the awesome responsibility of making the laws by which we are to live. Give to each citizen a desire to obey the laws of our land and especially Your perfect Law.

Grant to us Americans a deep desire to become people of greater courage, morality, and faith. Fill us with a concern for ennobling, enriching, and protecting life. Help us to become citizens who feel it a privilege to do something constructive for our great nation and to serve it no matter what sacrifices are necessary. In the Name of Your Son, Jesus 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 Second day and finds the same to be correct.

SEN. TWETEN, Chairman

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

FIRST READING OF SENATE BILLS

Sens. Goodman, Tennefos, Stenehjem and Reps. Hughes, Strinden, Hausauer introduced:

SB 2264: A BILL for an Act to amend and reenact sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code, relating to sales and use taxes on heating fuels used for residential and commercial purposes.

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

Sen. Wright introduced:

SB 2265: A BILL for an Act to create and enact two new sections to chapter 24-02 of the North Dakota Century Code, relating to sale by the state highway department of certain inventories to local governments and to provide a continuing appropriation for the disposition of the proceeds from these sales.

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

Sens. Holmberg, Stenehjem introduced:

SB 2266: A BILL for an Act to amend and reenact subsections 1 and 2 of section 16.1-01-01, sections 16.1-06-03, 16.1-06-04, subsection 5 of section 16.1-06-07.1, sections 16.1-06-08, 16.1-06-09, 16.1-06-09.1, 16.1-07-13, subsection 2 of section 16.1-11-27, sections 16.1-13-22, 16.1-13-29, 16.1-13-32, 16.1-13-33, 16.1-15-06, 16.1-15-08, 16.1-15-09, subsection 4 of section 16.1-16-01, and section 16.1-16-07 of the North Dakota Century Code, relating to electronic voting systems; and to repeal sections 16.1-06-11, 16.1-06-12, 16.1-06-14, 16.1-06-15, 16.1-06-17, 16.1-06-20, 16.1-06-25, 16.1-13-24, and 16.1-15-10 of the North Dakota Century Code, relating to electronic voting systems.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Wenstrom, Redlin and Reps. Kelly, Kretschmar introduced:

SCR 4005: A concurrent resolution directing the Legislative Council to conduct a study of the caseload of the North Dakota Supreme Court.

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

Sen. Holmberg and Rep. Kretschmar introduced:

SCR 4006: A concurrent resolution directing the Legislative Council to study and determine the powers and rights to be granted to political subdivisions under article VII of the Constitution of the State of North Dakota.

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

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Appropriations to which was referred SB 2029 has had the same under consideration and recommends that the same DO PASS.

SEN. LIPS, Chairman

SB 2029 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 2065 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2065 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 2085 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2085 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 2103 has had the same under consideration and recommends that the same DO PASS.

SEN. HOLMBERG, Chairman

SB 2103 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 2110 has had the same under consideration and recommends that the same DO PASS.

SEN. MUTCH, Chairman

SB 2110 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 2113 has had the same under consideration and recommends that the same DO PASS.

SEN. VOSPER, Chairman

SB 2113 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 2121 has had the same under consideration and recommends that the same DO PASS.

SEN. WRIGHT, Chairman

SB 2121 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MOTION

SEN. NETHING MOVED that SB 2225 be moved to the head of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2225: A BILL for an Act making a transfer from the lands and minerals trust for distribution to school districts and providing limitations; and declaring an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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

So the bill passed, the title was agreed to and the emergency clause carried.

SEN. NETHING MOVED that the vote by which SB 2225 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SB 2028: A BILL for an Act providing for an appropriation of funds from the lands and minerals trust fund to the superintendent of public instruction for the purpose of making foundation aid payments; providing an effective date; and declaring an emergency.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Maixner

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

ABSENT AND NOT VOTING: None

SB 2028 was declared lost.

SB 2045: A BILL for an Act to transfer moneys from the lands and minerals trust to the general fund; and to declare an emergency.

Which has been read and has committee recommendation of DO NOT PASS.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 0 YEAS, 53 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: None

NAYS: 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; Nothing; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2045 was declared lost.

SB 2050: A BILL for an Act to amend and reenact subsection 1 of section 6-01-03 of the North Dakota Century Code, relating to membership of the state banking board.

Which has been read.

ROLL CALL

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; Nothing; 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

So the bill passed and the title was agreed to.

SB 2059: A BILL for an Act to amend and reenact subsection 2 of section 12.1-08-03 of the North Dakota Century Code, relating to the penalty for hindering law enforcement; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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; Nothing; 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

So the bill passed, the title was agreed to and the emergency clause carried.

SB 2072: A BILL for an Act to amend and reenact section 57-02-03, and subsections 1, 2, 3, 6, 8, 9, 10, 11, and 16 of section 57-02-08 of the North Dakota Century Code, relating to taxation and deleting obsolete references to the personal property tax; and to repeal sections 10-12-03, 57-02-06, 57-02-07, and subsections 12, 18, 19, 21, and 24 of section 57-02-08 of the North Dakota Century Code, relating to the exemption of property of the rural rehabilitation corporation, definitions of merchants and manufacturers, and obsolete references to specific items of personal property exempt from taxation.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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; Stenehjelm; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

So the bill passed and the title was agreed to.

SB 2096: A BILL for an Act to amend and reenact section 10-22-11 of the North Dakota Century Code, relating to amendment of articles of incorporation of foreign corporations.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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

So the bill passed and the title was agreed to.

SB 2119: A BILL for an Act to repeal section 15-11-20 of the North Dakota Century Code, relating to annual inventory report sent to the secretary of state by the university of North Dakota law library.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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

So the bill passed and the title was agreed to.

SB 2127: A BILL for an Act to amend and reenact sections 54-29-02 and 54-29-03 of the North Dakota Century Code, relating to the cancellation and destruction of state bonds.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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

So the bill passed and the title was agreed to.

SB 2193: A BILL for an Act to amend and reenact section 6-09-04 of the North Dakota Century Code, relating to the powers of the industrial commission to appoint the president and other officers, employees, and agents of the Bank 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 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

So the bill passed and the title was agreed to.

SB 2204: A BILL for an Act to create and enact subsection 17 to section 52-06-02 and sections 52-06-06.1 and 52-07.1-08.3 of the North Dakota Century Code, relating to disqualification for unemployment compensation benefits,

deductions from unemployment compensation benefits for child support obligations, and reduction of extended unemployment compensation benefits on account of trade readjustment allowances; to amend and reenact sections 52-06-30, 52-06-31, subsections 4, 8, 11, and 12 of section 52-07.1-03, and section 52-07.1-08 of the North Dakota Century Code, relating to assignment of unemployment compensation benefits, waiver of rights to unemployment compensation benefits, extended unemployment compensation benefit definitions, and announcements of extended benefit periods; to repeal subsections 6 and 7 of section 52-07.1-03 of the North Dakota Century Code, relating to extended unemployment compensation benefit definitions; to provide an effective date; and to declare an emergency.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, 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; 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: Fritzell

So the bill passed, the title was agreed to and the emergency clause carried.

SEN. NOTHING MOVED that the vote by which SB 2204 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NOTHING MOVED that after the reading of SB 2029, SB 2065, SB 2085, SB 2103, SB 2110, SB 2113, and SB 2121, the Senate adjourn and convene at 12:30 p.m., Friday, January 7, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary