

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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FIFTH DAY

Bismarck, January 10, 1983

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

The prayer was offered by Rev. Douglas Roberts, United Church of Christ, Bismarck.

Gracious God, sustain those gathered here under the burden of their responsibilities. Constantly renew their strength of body and spirit. Enable them in the press of so many concerns to make wise choices. Give them the ability to see the greater implication of their decisions and the courage to stand for that which is right and just against all odds. May You, Almighty God, go forth with them in strength and wisdom as they serve you and your people this day. Amen.

ROLL CALL

The roll was called and all members were present, except Senators Holmberg and Tallackson.

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 Fourth 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 2050, SB 2059, SB 2072, SB 2096, SB 2119, SB 2127,
SB 2193

Very respectfully,
LEO LEIDHOLM, Secretary

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on Education to which was referred SB 2043 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2043 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 2047 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2047 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 2048 has had the same under consideration and recommends that the same DO PASS.

SEN. PETERSON, Chairman

SB 2048 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 2051 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. REITEN, Chairman

SB 2051 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 2063 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2063 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 2064 has had the same under consideration and recommends that the same DO PASS.

SEN. LEE, Chairman

SB 2064 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 2075 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2075 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 2086 has had the same under consideration and recommends that the same DO PASS.

SEN. LODOEN, Chairman

SB 2086 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 2105 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2105 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 2107 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2107 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 2122 has had the same under consideration and recommends that the same DO PASS.

SEN. CHRISTENSEN, Chairman

SB 2122 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

CONSIDERATION OF AMENDMENTS

SEN. CHRISTENSEN MOVED that SB 2057 be referred to the Committee on Judiciary, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2060 as recommended by the Committee on Judiciary as printed on page 96 of the Senate Journal be adopted, which motion prevailed.

SEN. CHRISTENSEN MOVED that the amendments to SB 2117 as recommended by the Committee on Judiciary as printed on page 97 of the Senate Journal be adopted, which motion prevailed.

FIRST READING OF SENATE BILLS

Sen. Dykshoorn introduced:

SB 2278: A BILL for an Act to create and enact two new sections to chapter 12.1-30 of the North Dakota Century Code, relating to special rules for Sunday sales by certain establishments; to amend and reenact sections 12.1-30-01 and 12.1-30-03 of the North Dakota Century Code, relating

to business or labor on Sunday; and to repeal section 12.1-30-02 of the North Dakota Century Code, relating to personal property sales allowable on Sunday.

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

SECOND READING OF SENATE BILLS

SB 2018: A BILL for an Act making an appropriation for defraying the unforeseen expenses of the various agencies and institutions of the state 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tallackson

SB 2018 passed and the title was agreed to.

SB 2025: A BILL for an Act making an appropriation for defraying the expenses of the civil air patrol of the state 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 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

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

NAYS: None

ABSENT AND NOT VOTING: Holmberg; Tallackson

SB 2025 passed and the title was agreed to.

SB 2071: A BILL for an Act to amend and reenact sections 2-06-15, 4-02-26, 4-02-27.2, 4-02-37, 4-16-02, 11-11-24, 11-28.2-04.2, 15-08-18.1, 15-28-02, 15-39.1-28, subsection 1 of section 15-53.1-14, section 15-53.1-33, subsection 4.1 of section 21-03-06, subsection 1 of section 23-14-11, sections 23-18-01, 23-18-02, 23-18-03, 23-18.2-12, 24-05-01, 40-05-09.1, 40-05-09.2, 40-37-03, subsection 1 of section 40-38-02, sections 40-38.1-02, 40-40-11, 40-48-07, 40-55-08, 40-55-09, 40-57.1-03, 40-57.2-04, 40-59-01, subsection 3 of section 52-09-08, sections 54-24.2-03, subsections 7 and 16 of section 57-02-01, subsections 20, 22, and 26 of section 57-02-08, subsection 1 of section 57-02-08.1, sections 57-02-27, 57-02-28, 57-09-06, 57-12-09, 57-15-02, 57-15-06, subsection 1 of section 57-15-06.3, sections 57-15-06.4, 57-15-06.5, 57-15-06.6, 57-15-08, subsection 4 of section 57-15-10, sections 57-15-10.1, 57-15-12, subsection 1 of section 57-15-12.1, sections 57-15-14, 57-15-15, 57-15-18.1, 57-15-18.2, subsection 1 of section 57-15-19.4, sections 57-15-19.5, 57-15-19.6, 57-15-20, 57-15-22, 57-15-27.1, 57-15-27.2, 57-15-28, 57-15-36, 57-15-37, 57-15-37.1, 57-15-42, 57-15-48, 57-15-50, 57-15-51, 57-15-51.1, 57-15-53, 57-15-54, 57-15-55, subsection 1 of section 57-15-56, sections 57-15-57, 57-19-04, 57-20-02, 57-22-16, 57-44-03, 58-02-01, subsection 18 of section 58-03-07, section 58-17-02, subsection 3 of section 61-04.1-24, sections 61-04.1-26, 61-04.1-32, 61-09-20, 61-21-46, subsection 1 of section 63-01.1-06, section 63-01.1-06.3, and subsection 2 of section 63-01.1-10.1 of the North Dakota Century Code, relating to technical corrections and to make uniform the usage of the terms "assessed valuation" and "taxable valuation" without incorporating any substantive change in property tax law.

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; Fritzell; Goodman; 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: Holmberg

SB 2071 passed and the title was agreed to.

SB 2098: A BILL for an Act to create and enact a new subsection to section 20.1-02-05 of the North Dakota Century Code, relating to the power of the commissioner to issue duplicate licenses and permits; and to repeal section 20.1-03-28 of the North Dakota Century Code, relating to the issuance of duplicate licenses and permits.

Which has been read and has a 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 21 YEAS, 31 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Barth; Berube; Dotzenrod; Fritzell; Grotberg;
Heigaard; Miller Heinrich; Hilken; Lips; Matchie;
Nelson; Olson; Redlin; Satrom; Stenehjem; Stromme;
Thane; Waldera; Walsh; Wogsland; Wright

NAYS: Adams; Bakewell; Christensen; David; Dykshoorn;
Erickson; Goodman; Kilander; Krauter; Kusler;
Lashkowitz; Lee; Leibhan; Lodoen; Maixner; Meyer, D.;
Meyer, J.; Moore; Mutch; Naaden; Nething; Parker;
Peterson; Reiten; Streibel; Tallackson; Tennefos; Todd;
Tweten; Vosper; Wenstrom

ABSENT AND NOT VOTING: Holmberg

SB 2098 was declared lost.

SB 2170: A BILL for an Act to amend and reenact subsection 2 of section 39-04-18 of the North Dakota Century Code, relating to motor vehicles exempt from registration.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 40 YEAS, 12 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Grotberg; Heigaard; Miller Heinrich; Kilander; Lashkowitz; Lee; Leibhan; Lips; Lodoen; Matchie; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Waldera; Wenstrom; Wright

NAYS: Barth; Hilken; Krauter; Kusler; Maixner; Meyer, D.; Meyer, J.; Parker; Tweten; Vosper; Walsh; Wogsland

ABSENT AND NOT VOTING: Holmberg

SB 2170 passed and the title was agreed to.

SB 2203: A BILL for an Act to amend and reenact subsection 3 of section 11-11-53 of the North Dakota Century Code, relating to county historical societies.

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; Fritzell; Goodman; 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: Holmberg

SB 2203 passed and the title was agreed to.

SB 2209: A BILL for an Act to amend and reenact sections 21-05-01, 21-05-02, 21-05-07, 21-05-08, and 40-49-14 of the North Dakota Century Code, relating to claims against townships, counties, or park districts; and to repeal section 21-05-05 of the North Dakota Century Code, relating to the provision that all blank forms for bills, claims, accounts, or demands against a county or township shall have printed thereon the provisions of section 12.1-11-02.

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; Fritzell; Goodman; 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: Holmberg

SB 2209 passed and the title was agreed to.

SB 2237: A BILL for an Act to amend and reenact sections 14-03-17 and 14-03-20 of the North Dakota Century Code, relating to the requirement of a premarital serological test for syphilis; and to repeal sections 14-03-12, 14-03-13, 14-03-14, 14-03-15, and 14-03-16, relating to the requirement of a premarital serological test for syphilis.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 44 YEAS, 8 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Dykshoorn; Erickson; Fritzell; Goodman; Heigaard; Miller Heinrich; Kilander; Krauter; Lee; Leibhan; Lips; Lodoen; 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: Barth; Grotberg; Hilken; Kusler; Lashkowitz; Maixner; Matchie; Meyer, D.

ABSENT AND NOT VOTING: Holmberg

SB 2237 passed and the title was agreed to.

MONDAY, JANUARY 10, 1983

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MESSAGE 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 1107, HB 1108, HB 1123, HB 1171, HB 1212

Very respectfully,
CHARLES FLEMING, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

SB 2060, SB 2117

SEN. FRITZELL, Chairman

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

MOTIONS

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

SEN. NETHING MOVED that after the reading of SB 2043, SB 2047, SB 2048, SB 2051, SB 2060, SB 2063, SB 2064, SB 2075, SB 2086, SB 2105, SB 2107, SB 2117, and SB 2122, the Senate adjourn and convene at 1:00 p.m., Tuesday, January 11, 1983, which motion prevailed.

LEO LEIDHOLM, Secretary