

Third Day of
Legislative Organizational Session

JOURNAL OF THE SENATE

Forty-eighth Legislative Assembly

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Bismarck, December 9, 1982

The Senate convened at 9:00 a.m., with President Sands presiding.

The prayer was offered by Senator William Parker.

Let us pray.

Our Father in heaven, we ask your guidance for our actions as we start this new day. We thank you for the opportunity of the responsibility that you have placed before us. As you led your people out of the bondage in Egypt, we ask that same guidance daily as we make the decisions for our state. May all our actions and decisions be to the benefit of our great state, and to your glory. We ask that you be with each of us today for a safe journey to our homes and families to enjoy the preparation of celebrating the birth of your Son. In Jesus' name, Amen.

The roll was called and all Senators were present.

A quorum was declared by the President.

SEN. NETHING ANNOUNCED there will be a joint session in the House to hear the report by the State Budget Officer.

SEN. NETHING MOVED that the Senate stand in recess until 2:30 p.m., which motion prevailed.

The Senate reconvened, pursuant to recess, President Sands presiding.

REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your Committee on Rules, appointed to recommend legislative rules, has had the same under consideration and recommends that the Senate and Joint Rules of the Forty-seventh Legislative Assembly, with the following amendments, be adopted as the permanent rules of the Senate during the Forty-eighth Legislative Assembly, and that the reading of this report be dispensed with:

SECTION 1. AMENDMENT. Senate Rules 302, 315, 316, 341, 402, 404, 501, and 503 are hereby amended to read as follows:

302. PRESENTATION OF PETITIONS AND COMMUNICATIONS

Petitions and communications addressed to the Senate or to the President shall be presented by the President under the fourth order of business, but petitions and communications shall not be printed in the journal except on motion of the Senate.

315. VOTES REQUIRED FOR CERTAIN QUESTIONS

1. The following questions require a majority of vote of the members of the Senate present and voting:
 - a. Adoption of amendments, as provided in Senate Rule 601.
 - b. ~~Reconsideration if before end of next legislative day, as provided in Senate Rule 341.~~
 - e. Order to a chairman to report a measure back from committee, as provided in Senate Rule 508.
 - d. c. Action, other than referrals or rereferrals to Appropriations Committee on certain measures, as authorized in Senate Rule 326.
 - e. d. To have President refuse to sign any bill which the House refuses to return, as provided in Senate Rule 343.
 - f. e. Any question for which another vote is not required by the Constitution or another rule.
2. The following questions require a majority vote of the members-elect of the Senate:
 - a. Passage of bills, as provided in Section 39, Article IV, of the Constitution and Senate Rule 333.
 - b. Ratification of amendments to the Constitution of the United States, as provided in Senate Rule 333.
 - c. Passage of proposed amendments to the Constitution of North Dakota, as provided in Section 45, Article IV, of the Constitution.
 - d. To constitute a quorum, as provided in Senate Rule 103.
 - e. Suspension of further proceedings under a call of the Senate, as provided in Senate Rule 303.
 - f. Election of certain Senate employees, as provided in Senate Rule 206.

- g. Reconsideration if before end of legislative day, as provided in Senate Rule 341.
3. The following questions require a two-thirds vote of the members of the Senate present and voting, but in no event shall these questions be decided by the affirmative vote of less than a quorum which two-thirds shall in no event constitute fewer than a majority of the members-elect of the Senate:
- a. Emergency clauses, as provided in Section 41, Article IV, of the Constitution.
 - b. Introduction of bills after deadline, as provided in Senate Rule 402.
 - c. Previous question.
 - d. Return of measures to other house after action taken, as provided in Joint Rule 204.
4. The following questions require a two-thirds vote of the members-elect of the Senate:
- a. Initiated and referred measures amended or repealed within seven years after enactment or approval, as provided in Section 8, Article III, of the Constitution and Senate Rule 333.
 - b. Reconsideration after clincher motion, as provided in Senate Rule 342.
 - c. Reconsideration after next legislative day, as provided in Senate Rule 341.
 - d. Second reading same day as report, as provided in Senate Rule 332.
 - e. Suspension of requirement that copies of amendments be distributed before acted on, as provided in Senate Rule 601.
 - f. Suspension of rules, as provided in Senate Rule 321.
 - g. Vetoed measures, reconsideration, as provided in Section 9, Article V, of the Constitution.

316. DIVISION OF QUESTION

If a question before the Senate contains more than one proposition, any member may have the same divided, except there shall be no division of the question on the adoption of a conference committee report or on the second reading and final

passage of a bill or resolution resulting from the adoption of a conference committee report.

341. MOTION FOR RECONSIDERATION

Any member who votes on the prevailing side of a question, ("prevailing side of a question" shall be that side which voted "aye" on a question that passed, and "nay" on a question that failed), or who did not vote on the question, or who voted on a question on which the ayes and nays were not recorded, may move a reconsideration of the question, which motion shall be decided by a majority vote of ~~these present and voting on the question the~~ members-elect. In case of a bill, resolution, or amendment to the Constitution, the motion to reconsider, if made after the end of the next legislative day, shall require a two-thirds vote of the members-elect. ~~No question shall~~ The vote by which any measure passed or failed to pass may not be reconsidered more than once in any natural day. No motion to reconsider may be made unless the matter is in possession of the Senate.

402. WHEN INTRODUCED

1. No bill shall be introduced after the fifteenth legislative day and no member shall introduce more than three bills as prime sponsor after the tenth legislative day, nor shall any resolution, except those resolutions hereinafter provided for, be introduced after the eighteenth legislative day, except upon the approval of a majority of the Committee on Delayed Bills or upon two-thirds vote of the Senate.
2. No bill introduced at the request of an executive agency or the Supreme Court shall be introduced after December fifteenth prior to the ensuing regular session, except upon approval of a majority of the Committee on Delayed Bills.
3. Resolutions which propose amendments to the United States Constitution ~~or the Constitution of North Dakota,~~ and resolutions directing the Legislative Council to carry out a study, shall not be introduced after the thirty-third legislative day, and shall be reported back from the standing committee, if referred, no later than the forty-fourth legislative day in the case of resolutions proposing constitutional amendments, and no later than the thirty-seventh legislative day in the case of resolutions directing a Legislative Council study.
4. Resolutions which propose amendments to the Constitution of North Dakota shall not be introduced after the eighteenth legislative day, and shall be reported back from the Joint Constitutional Revision

Committee no later than the forty-fourth legislative day.

5. A resolution proposing a constitutional amendment or directing a Legislative Council study which is not reported back as provided in this rule shall automatically be placed on the calendar without recommendation.
404. FORM OF BILLS, NUMBER OF COPIES
1. Every bill and resolution shall be in typewritten form and eleven copies shall be filed with the Secretary of the Senate.
 2. Each bill and resolution shall have typed on it the name of the member, or members, but no more than five from the Senate, nor more than three from each house on jointly sponsored bills, or committee introducing the same.
 3. The enacting clause of a bill shall be as follows: "BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE STATE OF NORTH DAKOTA".
 4. No bill shall embrace more than one subject, which shall be expressed in its title.
 5. If a bill amends a present statute, the portion thereof constituting the amendment or amendments shall be underscored. In all bills which contain both sections amending existing statutes and sections which will be new law, the portion containing the amendment to the existing statute and all of each section containing new law shall be underscored. Any matter contained in the present statute but deleted in the proposed amended statutes shall be contained in the typewritten bill, but shall be set off from the remainder of the text by typing a line through the deleted matter. Where bills sponsored by the Legislative Council do not use the above devices, such bills must be accompanied by appropriate explanatory notations outlining the changes to be effected. All bills and resolutions to be introduced in the Senate shall be in such form and style as the Legislative Council shall prescribe.
 6. The Secretary of the Senate, upon receiving ~~eleven~~ the copies of a bill or resolution as provided by this rule, shall proceed as follows: (1) If the original copy of the bill or resolution has attached to it a notation that the bill or resolution was drafted, retyped, or approved as to form and style by the Legislative Council staff, the Secretary shall number the bill or resolution as provided in Senate Rule 401

and, after first reading and referral, shall distribute the copies as provided in this rule; or (2) If the original copy of the bill does not have a notation of drafting, retyping, or approval as to form and style by the Legislative Council staff attached, the Secretary shall proceed as provided in Senate Rule 405.

7. The Secretary shall, after compliance with this rule and after first reading, distribute the ~~eleven~~ copies of a bill or resolution received as follows: The original shall be delivered to the chairman of the committee to which the measure is referred; one copy shall be delivered to the President of the Senate; ~~one copy~~ three copies shall be delivered to the Legislative Council; one copy shall remain in the custody of the Secretary until otherwise directed by the Senate; one copy shall, except in the case of bills or resolutions printed on order of the Legislative Council pursuant to Senate Rule 406, be delivered to the printer having the contract for the printing of bills; ~~one copy shall be delivered to the printer having the contract for printing the Senate journal for use in setting of the bill title;~~ and three copies shall be available for representatives of news media; ~~one copy shall be available to the Greater North Dakota Association; and one copy shall be given to the prime sponsor. Any statewide organization or association may be provided a copy of each introduced bill or resolution for the payment of a subscription fee established by the director of the Legislative Council for the 1983 session and by the Legislative Procedure and Arrangements Committee for subsequent legislative sessions. Orders and payments for such bills or resolutions must be placed with the Council prior to January third for the 1983 session and prior to December fifteenth for subsequent sessions.~~
8. The original of each bill or resolution filed with the Secretary shall be prepared in the form prescribed by the Legislative Council.

501. STANDING COMMITTEES

1. The Senate shall elect a Committee on Committees consisting of eight members. The Majority Leader, by virtue of his office, shall be a member of the committee and shall serve as its chairman. The committee shall appoint the following standing committees classified in accordance with the usual amount of work and concerned with matters in the field fields as indicated:
- a. Agriculture- (7 members)

Agriculture, Livestock, Drainage and Irrigation,
Warehouse and Grain Grading-

- b. Appropriations: (14 members)

All bills calling for appropriations in excess of five thousand dollars. All bills and resolutions proposing a change in the audit or fiscal procedures of state agencies or institutions.

- e- b. Education: (Group A-1
7 members)

Public Schools; Libraries; and Institutions of Higher Learning.

- d- c. Finance and Taxation: (7 8 members)

Public Debt; Taxes, and Tax Laws.

- e- d. Judiciary: (7 members)

Elections and Election Privileges; Judiciary.

- e. Industry, Business, and Labor: (8 members)

Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

- f. State and Federal Government: (7 members)

State and Federal Affairs; Director of Institutions and Industrial Commission and institutions under their supervision; State Historical Society and State Parks; Immigration and Statistics.

- g- Industry, Business, and Labor: (7 members)

Banks and Banking; Corporations; Insurance; Matters pertaining to Private Business and Industry; Workmen's Compensation; Unemployment Compensation; Labor Laws and kindred subjects.

- g. Agriculture: (7 members)
Group A-2

Agriculture; Livestock; Drainage and Irrigation; Warehouse and Grain Grading.

- h. Natural Resources: (7 8 members)

Game and Fish; Public Lands; Mines and Mining; Gas and Oil; Forestry.

i. Political Subdivisions: (7 members)

Cities; Counties; Townships; Park Districts; Apportionment.

j. Social Services and Veterans Affairs: (7
8 members)

Social Services; Public Health; Public Safety; Temperance; Matters affecting the Military and Veterans.

k. Transportation: (7 members)

Highways and Bridges; Railroads; Motor Vehicles; Airlines and Airports.

PROCEDURAL COMMITTEES

l. Delayed Bills, to consist of five members.

m. Employment, to consist of five members.

n. Enrolled and Engrossed Bills, to consist of five members.

o. Revision and Correction of Journal, to consist of three members.

p. Rules to consist of nine members.

2. When an executive nomination is received, the Committee on Committees shall appoint a select committee to consider it. Each such committee shall meet and consider the nominee forthwith, and shall report its recommendations to the Senate.

503. LIMITATIONS ON COMMITTEE MEMBERSHIP

Each member shall serve on not more than two standing committees except the Majority Leader, who shall not serve on any standing committee, and all members of the Appropriations Committee, who shall serve on no other standing committee. No member of the Senate shall be appointed to more than one committee in each of the Groups A-1 and A-2. The Majority Leader and Minority Leader shall be permitted to participate in all standing committees but shall not be permitted to vote therein except that the Minority Leader may vote on the committees to which he has been appointed.

SECTION 2. AMENDMENT. Joint Rule 302 is hereby amended to read as follows:

302. JOINT COMMITTEES

For the convenience of the public and the information of members, so far as practicable, like committees of both houses may meet in joint session. The chairman shall be the chairman of the committee of the house before which the bill or resolution under consideration is then pending. The report to the house before which the bill measure is pending shall be made by the members of the committee of such house. If the measure passes the house of introduction after a joint hearing, the members of the joint committee from the second house may report the measure to that house and another hearing is not necessary unless the measure was amended in the first house.

SECTION 3. Joint Rule 502 is hereby created to read as follows:

502. FISCAL NOTES FOR BILLS IMPACTING COUNTIES AND CITIES.

1. All bills and resolutions introduced into either house of the Legislative Assembly which mandate changes in the revenues, expenditures, or fiscal liability of counties or cities shall have a fiscal note attached reflecting the statewide impact of the bill or resolution on counties or cities.
2. If no state agency has primary responsibility for compiling and maintaining the information necessary for the proper preparation of a fiscal note otherwise required by this rule, a statement to that effect must be attached to the bill or resolution by the party responsible for requesting the fiscal note pursuant to subsection 2 of Joint Rule 501, and a statement attached pursuant to this subsection meets the fiscal note requirement.
3. The same requirements and procedures provided in Joint Rule 501 for state fiscal notes, including but not limited to preparation, deadlines, forms, and reading of fiscal notes on second reading and final passage, shall apply to fiscal notes for counties and cities except as provided in this rule.

SECTION 4. REPEAL. Joint Rule 305 and Joint Rule 901 are hereby repealed.

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

REPORT OF PROCEDURAL COMMITTEES

MR. PRESIDENT: Your Procedural Committee on Committees submits the following report as to proposed Chairmen, Vice Chairmen, and members of Standing Committees:

APPOINTMENT OF STANDING COMMITTEES
SENATE

Appropriations (9-5)

| | |
|----------------------|------------|
| Lips, Chairman | Walsh |
| Thane, Vice Chairman | Tallackson |
| Wenstrom | Stromme |
| Naaden | Grotberg |
| Fritzell | Heigaard |
| Streibel | |
| Twetén | |
| Tennefos | |
| Nelson | |

Education (4-3)

| | |
|------------------------|-----------------|
| Peterson, Chairman | Berube |
| Leibhan, Vice Chairman | Miller Heinrich |
| Erickson | Waldera |
| Bakewell | |

Finance and Taxation (5-3)

| | |
|----------------------|-----------|
| Goodman, Chairman | Barth |
| Adams, Vice Chairman | Dotzenrod |
| Wright | Matchie |
| Lee | |
| Moore | |

Industry, Business, and Labor (5-3)

| | |
|-----------------------|----------|
| Reiten, Chairman | Krauter |
| Parker, Vice Chairman | Wogsland |
| Mutch | Kusler |
| Kilander | |
| Todd | |

Judiciary (4-3)

| | |
|--------------------------|------------|
| Christensen, Chairman | Lashkowitz |
| Stenehjem, Vice Chairman | Meyer, J. |
| Holmberg | Maixner |
| Olson | |

State and Federal Government (4-3)

| | |
|--------------------------|-----------|
| Lodoen, Chairman | Satrom |
| Dykshoorn, Vice Chairman | Meyer, D. |
| Vosper | Hilken |
| David | |

Agriculture (4-3)

| | |
|-------------------------|--------|
| Vosper, Chairman | Barth |
| Bakewell, Vice Chairman | Hilken |

Leibhan
Adams

Wogsland

Natural Resources (5-3)

Lee, Chairman
Moore, Vice Chairman
Goodman
Parker
David

Meyer, D.
Maixner
Krauter

Political Subdivisions (4-3)

Holmberg, Chairman
Olson, Vice Chairman
Lodoen
Reiten

Berube
Waldera
Matchie

Social Services and Veterans Affairs (5-3)

Wright, Chairman
Todd, Vice Chairman
Stenehjem
Christensen
Peterson

Miller Heinrich
Meyer, J.
Kusler

Transportation (4-3)

Mutch, Chairman
Erickson, Vice Chairman
Dykshoorn
Kilander

Lashkowitz
Satrom
Dotzenrod

Joint Constitutional Revision (3-2)

Wenstrom, Chairman
Holmberg
David

Lashkowitz
Matchie

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

REPORT ON PROCEDURAL COMMITTEES

MR. PRESIDENT: Your Procedural Committee on Senate Committee Rooms has met and examined potential meeting rooms and other rooms and makes the following recommendations:

SENATE COMMITTEE ROOM ASSIGNMENTS

1983 Session

| Committee | Meeting | |
|---------------------------------|----------------|----------------------|
| | Days | Room |
| Appropriations | M, T, W, Th, F | Harvest (16) |
| Finance and Taxation | M, T, W | Lewis and Clark (14) |
| Judiciary | M, T, W | Fort Lincoln (9) |
| Industry, Business, and Labor . | M, T, W | Roosevelt (3) |
| Education | M, T, W | Missouri River (15) |
| State and Federal Government .. | M, T, W | Red River (17) |
| Political Subdivisions | Th, F | Red River (17) |

| | | |
|--|------|----------------------|
| Social Services and Veterans Affairs | Th,F | Missouri River (15) |
| Transportation | Th,F | Lewis and Clark (14) |
| Agriculture | Th,F | Roosevelt (3) |
| Natural Resources | Th,F | Fort Lincoln (9) |
| Constitutional Revision | TBA | Senate Conference |

Room No. 2 (first floor) is designated for the President Pro Tempore and Lt. Governor.

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

MOTION

SEN. NETHING MOVED that the President appoint three members to the Legislative Council due to vacancies from the recent election, which motion prevailed.

APPOINTMENTS TO LEGISLATIVE COUNCIL

THE PRESIDENT APPOINTED to the Legislative Council, the following members:

Senator Stenehjem
 Senator Leibhan
 Senator Lodoen

SEN. NETHING MOVED that the Senate adjourn and convene on Tuesday, January 4, 1983, at 12:00 noon, which motion prevailed.

LEO LEIDHOLM, Secretary