

Fourth Day of
Legislative Organizational and Special Session

JOURNAL OF THE SENATE

Fiftieth Legislative Assembly

* * * * *

Bismarck, December 5, 1986
The Senate convened at 9:00 a.m., President Meiers presiding.

The prayer was offered by Reverend Charlie Neill, First United Methodist Church, Bismarck.

O Lord, in such a busy season of the year, we have asked these leaders to step forward to make important decisions for us. We realize our prayers of concern come out of the experiences of daily life and the decisions made here today affect that life. Be present in the activities of this day. In Your name, we pray, Amen.

ROLL CALL

The roll was called and all members were present.

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 Third day and finds the same to be correct.

REQUEST

SEN. NETHING REQUESTED that the recorded roll call vote on his motion that appeared on page 37, line 27 of the Journal of the second day, be inserted in the Journal, which request was granted.

MOTIONS

SEN. STREIBEL MOVED that the Committee on Revision and Correction of the Journal be instructed to insert a definition of the division of the question on the amendments to HB 1901, which motion prevailed.

The President declared that these inserts will be made in the Journal and that the report of the Committee on Revisions and Corrections will be considered later in the day.

SEN. HEIGAARD MOVED that the Senate do not concur in House amendments to SB 2904 and that a conference committee be appointed, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Tallackson, Redlin, and Lips to such committee.

SEN. MAIXNER MOVED that a committee of three be appointed to an Inaugural Planning Committee, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Hilken, Schoenwald, and Todd to such committee.

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:

HCR 3901

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the House has concurred in the Senate amendments to HB 1903 and subsequently passed the same.

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

SB 2901, SB 2902, SB 2903

PERRY GROTBORG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate does not concur in the House amendments to SB 2904 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2904: Sens. Tallackson, Redlin, Lips

PERRY GROTBORG, Secretary

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

MESSAGES FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1902, HB 1903

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to inform you that the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2904: Reps. Peterson, R. Hausauer, Hoffner

ROY GILBREATH, Chief Clerk

FIRST READING OF A HOUSE CONCURRENT RESOLUTION

Rep. Martinson and Sen. Satrom introduced:

(Approved by the Committee on Delayed Bills)

HCR 3901: A concurrent resolution providing and designating House and Senate employees during the extraordinary session of the Fiftieth Legislative Assembly and fixing their compensation.

Was read the first time.

MOTION

SEN. HEIGAARD MOVED that HCR 3901 not be printed, not be read in its entirety, not be printed in the Journal, be placed on the calendar for final passage, and that HCR 3901 be referred to the Committee on Employment, which motion prevailed.

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1902, HB 1903

PERRY GROTBORG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed:

HB 1902, HB 1903

PERRY GROTBORG, Secretary

SECOND READING OF HOUSE BILL

HB 1901: A BILL for an Act to amend and reenact section 57-38-29, subsection 2 of section 57-38-30.3, sections 57-38-59, 57-38-60, 57-38-60.1, 57-38-61, and 57-38-62 of the North Dakota Century Code, relating to the rate of income tax on individuals and general income tax withholding and payment of estimated tax for income tax

purposes; to repeal section 57-38-58 of the North Dakota Century Code, relating to definitions for withholding purposes; and to provide an effective date.

Which has been read.

REQUEST

SEN. INGSTAD REQUESTED a division of the amendments and asked that those sections dealing with mandatory withholding, Sections 3, 4, 5, 6, 7, and 8 be voted on together as one, which request was granted.

SEN. SATROM explained that the question would be divided as follows: Sections 1, 2, and 9 are the tax increase, and the remaining sections are on the mandatory withholding.

MOTION

SEN. HEIGAARD MOVED that the vote on the provisions regarding mandatory withholding be taken first, which motion prevailed.

REQUEST

SEN. OLSON REQUESTED a recorded roll call vote on the mandatory withholding provisions, which request was granted.

ROLL CALL

The question being on the mandatory withholding provisions of HB 1901, the roll was called and there were 15 YEAS, 38 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Holmberg; Keller; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; Redlin; Richard; Satrom; Shea; Stenehjem; Stromme; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heigaard; Heinrich; Hilken; Ingstad; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Schoenwald; Streibel; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright

ABSENT AND NOT VOTING: None

ROLL CALL

The question being on Sections 1, 2, and 9 of HB 1901, the roll was called and there were 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Satrom; Stenehjem

NAYS: Adams; Axtman; Bakewell; David; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.;

Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: None

HB 1901 was defeated.

RECOGNITION

THE PRESIDENT ANNOUNCED that a former Senator was in the Chambers and requested that the Senate recognize former Senator Lee Christensen who is now a member of the Board of Higher Education, and former Senator Christensen was thereupon introduced to the Senate.

MESSAGE TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has failed to pass:

HB 1901

PERRY GROTBORG, Secretary

MESSAGE FROM THE HOUSE HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2901, SB 2902, SB 2903

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bills were delivered to the Governor for his approval at the hour of 10:45 a.m., December 5, 1986:

SB 2901, SB 2902, SB 2903

SEN. KRAUTER, Chairman

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

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Meiers presiding.

REVISION AND CORRECTION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Revision and Correction of the Journal has carefully examined the Journal of the Third day and recommends that the same be corrected as follows and when so corrected, recommends that the same be approved:

On page 49, line 3, after the word "HB 1901", insert "which section is all of the proposed amendments to engrossed HB 1901, except lines 18 through 24 on page 2 of the proposed amendments"

On page 50, line 2, after the word "HB 1901" insert "all of lines 18 through 24 on page 2 of the proposed amendments to engrossed HB 1901"

On page 42, after line 5, insert the following:

"ROLL CALL

The question being on Sen. Lashkowitz's motion that the amendment included in the proposed minority amendments to SB 2901 be adopted, the roll was called and there were 25 YEAS, 28 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Heinrich; Kelly; Kelsh; Lashkowitz; Lodoen; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Thane; Tweten; Vosper; Waldera; Wright; Yockim

NAYS: Axtman; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Mushik; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Todd; Wogsland

ABSENT AND NOT VOTING: None"

SEN. J. MEYER, Chairman

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

REQUEST

SEN. SATROM REQUESTED that the report of the Committee on Employment be postponed until later, which request was granted.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Employment to which was referred HCR 3901 has had the same under consideration and recommends that the same DO PASS.

SEN. SATROM, Chairman

SECOND READING OF A HOUSE CONCURRENT RESOLUTION

HCR 3901: A concurrent resolution providing and designating House and Senate employees during the extraordinary session of the Fiftieth Legislative Assembly and fixing their compensation.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution, the roll was called and there were 52 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Vosper

HCR 3901 was declared adopted.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HCR 3901

PERRY GROTEBERG, Secretary

MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken.

FIRST READING OF A SENATE RESOLUTION

Sen. Freborg introduced:

(Approved by the Committee on Delayed Bills)

SR 1: A resolution recognizing Leo Leidholm, Doris McMahon, and Olger Sandven for their services as Secretary of the Senate, Desk Reporter, and Sergeant-at-Arms of the North Dakota Senate.

Was read the first time.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that SR 1 not be printed, not be referred to committee, but be read in its entirety, and placed on the calendar for second reading and final passage, which motion prevailed.

Sen. Freborg introduced:

SENATE RESOLUTION NO. 1

A resolution recognizing Leo Leidholm, Doris McMahon, and Olger Sandven for their services as Secretary of the Senate, Desk Reporter, and Sergeant-at-Arms of the North Dakota Senate.

WHEREAS, Leo Leidholm served as Secretary of the Senate during 10 sessions, beginning with the 1967 Legislative Assembly; and

WHEREAS, Leo Leidholm also served the House of Representatives as Committee Clerk during the 1955 and 1957 Legislative Sessions and as Bill Clerk during the 1959, 1961, and 1963 Legislative Sessions; and

WHEREAS, Doris McMahon served as Desk Reporter of the Senate during six sessions, commencing with the 1975 Legislative Assembly; and

WHEREAS, Olger Sandven served as Deputy Sergeant-at-Arms of the Senate during the 1975 Legislative Session, Assistant Sergeant-at-Arms during the 1977 Legislative Session, and as Sergeant-at-Arms during four sessions, commencing with the 1979 Legislative Assembly; and

WHEREAS, Olger Sandven also served the House of Representatives as Assistant Sergeant-at-Arms during the 1969 and 1971 Legislative Sessions and as Deputy Sergeant-at-Arms during the 1973 Legislative Session; and

WHEREAS, the members of the Senate of the Fiftieth Legislative Assembly wish to express their appreciation to Leo Leidholm, Doris McMahon, and Olger Sandven for their years of service to the Senate and the people of the State of North Dakota;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE OF NORTH DAKOTA:

That the members of the Senate of the Fiftieth Legislative Assembly recognize Leo Leidholm, Doris McMahon, and Olger Sandven for their years of dedicated service to the Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of the Senate send an enrolled copy of this resolution to Leo Leidholm, Doris McMahon, and Olger Sandven.

SECOND READING OF A SENATE RESOLUTION

SR 1: A resolution recognizing Leo Leidholm, Doris McMahon, and Olger Sandven for their services as Secretary of the Senate, Desk Reporter, and Sergeant-at-Arms of the North Dakota Senate.

Which has been read.

ROLL CALL

The question being on the final adoption of the resolution.

MOTION

SEN. MAIXNER MOVED to adopt SR 1, which motion prevailed on a voice vote.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Delayed Bills to which was referred SB 2906 has had the same under consideration and recommends that the same be introduced.

SEN. MAIXNER, Chairman

FIRST READING OF DELAYED BILL

Sen. Heigaard introduced:

(Approved by the Committee on Delayed Bills)

SB 2906: A BILL for an Act to provide for the reduction in general fund appropriation authority; and to provide an effective date.

Was read the first time and referred to the Select Committee on Appropriations.

POINT OF PERSONAL PRIVILEGE

SEN. NETHING: Mr. President: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

Mr. President: Fellow Senators. It's unfortunate that the bill could not be amended from the floor because if it could, I would have encouraged people to take out the part of this bill that deals with the withholding, the mandatory withholding, which I think is an absolutely obnoxious concept. Mr. President and fellow Senators, since we don't do that then I rise to ask you to defeat this bill because

I think that really all it boils down to is a speed of collection of taxes. There isn't that much additional revenue. There is a rate change, of course, that is effective, but the rest of it is simply a speedup of collecting taxes for a very short period. Then we are stuck with withholding, mandatory withholding, for the rest of our lives. It's true that there are many businessmen at the present time that already withhold federally and so it isn't going to be a tremendous burden. Nevertheless it's still additional work for them and I think the point that the Senator from District 47 was getting at was that it will be affecting an awful lot of people who are not businessmen who currently do not withhold. They are going to come under the same penalties as anyone else would and so I think you really have to decide whether or not you believe in withholding, mandatory withholding, as a good concept for North Dakota. I've decided in my mind that it's not and I hope that many of you can share that.

POINT OF PERSONAL PRIVILEGE

SEN. MAIXNER: Madam President: I request that my remarks be printed in the Journal.

I think a couple of things need to be pointed out. First of all, the Senator from District 48 said that this resolution would bring about reductions. It will do nothing. The resolution will bring about no reductions. It is simply a piece of paper that we pass through here for publicity purposes and it goes on for the Governor to read, but it does not make reductions. It is simply a recommendation.

I think it is ridiculous to come down here and spend a week and then pass a piece of paper that does nothing. He said that this would bring about a conclusion to this session. It wouldn't bring about a conclusion. It wouldn't do anything that we didn't have done when we came down here.

The fact is that it is a recommendation just like the Minority Leader said it was. The Minority Leader is referring to things we should do in the regular session as far as appropriations. The fact is that he knows very well that when we get down here in the regular session, it will take two-thirds vote and an emergency measure to make the reductions in budget that are necessary to accomplish those before the first of July. We need to do our work now. I would suggest we get about the work of getting it done, instead of dealing with pieces of paper that won't do anything once they leave the body.

REQUESTS

SEN. THANE REQUESTED the return of HB 1901 from the House.

SEN. MOORE REQUESTED a recorded roll call vote, which request was granted.

ROLL CALL

The question being on Sen. Thane's request, the roll was called and there were 31 YEAS, 21 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Ereborg; Kelly; Krauter; Langley; Lodoen; Meyer, W.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Teneffos; Todd; Tweten; Wright

ABSENT AND NOT VOTING: Vosper

The request prevailed.

MESSAGE TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate requests the return of HB 1901.

PERRY GROTBORG, Secretary

MESSAGE FROM THE HOUSE HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return HB 1901, which the Senate has requested.

ROY GILBREATH, Chief Clerk

SEN. MOORE inquired as to how HB 1901 could be considered when it had been considered previously in two sections, both of which failed to pass.

PRESIDENT MEIERS RULED that HB 1901 would be considered in its entirety because the action taken previously was a divided report and there was no vote on HB 1901 in its entirety.

MOTION

SEN. THANE MOVED that the Senate reconsider its action whereby HB 1901 failed to pass.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to reconsider the action whereby HB 1901 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby HB 1901 failed to pass, the roll was called and there were 36 YEAS, 16 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; David; Freborg; Kelly; Lashkowitz; Lodoen; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Tennefos; Todd

ABSENT AND NOT VOTING: Vosper

So the motion to reconsider the action whereby HB 1901 failed to pass prevailed.

MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 6:30 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Meiers presiding.

SECOND READING OF HOUSE BILL

HB 1901: A BILL for an Act to amend and reenact section 57-38-29, subsection 2 of section 57-38-30.3, sections 57-38-59, 57-38-60, 57-38-60.1, 57-38-61, and 57-38-62 of the North Dakota Century Code, relating to the rate of income tax on individuals and general income tax withholding and payment of estimated tax for income tax purposes; to repeal section 57-38-58 of the North Dakota Century Code, relating to definitions for withholding purposes; and to provide an effective date.

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 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Keller; Kelsh; Krauter; Langley; Maixner; Mathern; Maxson; Meyer, J.; Meyer, W.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Ingstad; Kelly; Lashkowitz; Lips; Lodoen; Meyer, D.; Moore; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Tennefos; Todd; Tweten; Wright

ABSENT AND NOT VOTING: Vosper

HB 1901 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1901 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that HB 1901 be messaged to the House, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2906 be returned from the Select Committee on Appropriations, which motion prevailed.

SEN. HEIGAARD MOVED that SB 2906 be laid on the table.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote.

ROLL CALL

The question being on the motion that SB 2906 be laid on the table, the roll was called and there were 33 YEAS, 19 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Nalewaja; Olson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Kelly; Lodoen; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Reiten; Streibel; Tennefos; Thane; Todd; Tweten; Wright

ABSENT AND NOT VOTING: Vosper

The motion that SB 2906 be laid on the table prevailed.

MOTION

SEN. MAIXNER MOVED to dispense with reading of the report of the Committee on Committees as that information is available to each Senator, which motion prevailed.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Procedural Committee on Committees appoints the following members to the following committees:

APPOINTMENT OF STANDING COMMITTEES
SENATE

Appropriations (8-6)

| | |
|-----------------------|----------|
| Tallackson, Chairman | Lips |
| Mushik, Vice Chairman | Thane |
| Redlin | Naaden |
| Shea | Streibel |
| Stromme | Tweten |
| Waldera | Nelson |
| Wogsland | |
| Yockim | |

Finance and Taxation (4-3)

| | |
|------------------------|---------|
| Satrom, Chairman | Wright |
| Richard, Vice Chairman | Ingstad |
| Dotzenrod | Moore |
| Maixner | |

Judiciary (3-4)

| | |
|-----------------------|-----------|
| Lashkowitz, Chairman | Holmberg |
| Maxson, Vice Chairman | Stenehjem |
| J. Meyer | Adams |
| | Nalewaja |

Industry, Business and Labor (4-4)

| | |
|-----------------------|---------|
| Langley, Chairman | Reiten |
| Keller, Vice Chairman | Nething |
| Krauter | Mutch |
| Schoenwald | Todd |

Education (4-3)

| | |
|----------------------|----------|
| Heinrich, Chairman | Freborg |
| Kelsh, Vice Chairman | Kelly |
| Hilken | Peterson |
| Mathern | |

State and Federal Government (3-5)

| | |
|-------------------------|----------|
| D. Meyer, Chairman | Lodoen |
| W. Meyer, Vice Chairman | David |
| Axtman | Bakewell |
| | Vosper |
| | Tennefos |

Political Subdivisions (3-4)

| | |
|-----------------------|----------|
| Dotzenrod, Chairman | Holmberg |
| Satrom, Vice Chairman | Lodoen |
| Langley | Reiten |
| | Ingstad |

Social Services and Veterans Affairs (4-3)

| | |
|------------------------|-----------|
| J. Meyer, Chairman | Nalewaja |
| Mathern, Vice Chairman | Peterson |
| Heinrich | Stenehjem |
| Maxson | |

Transportation (3-5)

| | |
|---------------------------|----------|
| Hilken, Chairman | Mutch |
| Schoenwald, Vice Chairman | Tennefos |
| Lashkowitz | Nething |
| | Freborg |
| | Wright |

Agriculture (4-4)

| | |
|-----------------------|----------|
| W. Meyer, Chairman | Bakewell |
| Axtman, Vice Chairman | Vosper |
| Keller | Kelly |
| Kelsh | Adams |

Natural Resources (4-3)

| | |
|------------------------|-------|
| Krauter, Chairman | Moore |
| Maixner, Vice Chairman | Todd |
| D. Meyer | David |
| Richard | |

Joint Constitutional Revision (3-2)

| | |
|-------------------|----------|
| Stromme, Chairman | Holmberg |
| Heinrich | Nalewaja |
| Maxson | |

SEN. HEIGAARD, Chairman

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

POINT OF PERSONAL PRIVILEGE

SEN. MUTCH: Madam President: I rise on a point of personal privilege.

I request that my intention to vote "nay" on the motion to table SB 2906 be recorded in the Journal.

The request was granted.

POINT OF PERSONAL PRIVILEGE

SEN. OLSON: Madam President: I rise to a point of personal privilege and request that my remarks be printed in the Journal.

I'd like to take care of the Committee on Committees' business at this time. The desk, I think, has a report from the Committee on Committees. That committee met this afternoon and considered committee assignments from the majority and the minority parties. First of all, I would like to state that there was disagreement between the

majority and the minority concerning the assignment of committees that we had submitted to the majority, a proposal worked by the minority Committee on Committees for presentation to the full committee as to assignments on committees. I want to point out that the majority told us that there was a problem with our request for committee assignments in two committees, one being Appropriations and the other being Finance and Taxation. Madam President, I believe my remarks are important and significant enough for me to request they be printed in the Journal and I make that request at this time.

REQUEST

SEN. OLSON REQUESTED that Senator Todd continue his service on the Committee on Industry, Business and Labor and that Sen. Tennesos be seated on the State and Federal Committee.

SEN. HEIGAARD had no objection.

POINT OF PERSONAL PRIVILEGE

SEN. HEIGAARD: Madam President: Members of the Senate. I rise to a point of personal privilege and request that my remarks be printed in the Journal.

It is indeed unfortunate when there have to be the changes in committees as happened in this session. Being a member of the minority party for three sessions I know the frustration that goes into preparing the list that you would like and then they don't work as far as the majority party is concerned and so then you have to come back and change them and there are reasons for some changes that we don't agree with and some that the majority party doesn't agree with. I guess that has been the history of the minority party and the appointment to committees. We have, as everyone knows, a 27-26 split in the Senate and the committees are being drawn up to do two or many things, one of which is to have the most harmonious situation in the committees so that we can get the business of the Senate done. The other reason on Finance and Tax is to balance the Finance and Tax which is very important to have balanced because you must have all areas of the state represented and you must have the urban and rural balance.

Finally I would like to point out to everyone here in this Senate that we made the offer to the minority party to appoint committees when the regular session starts and those committees are going to do two things. They are going to set up rules for appointments to the committees and secondly set up rules for the seating of the members. I think that is a thing that absolutely should be done. I think it is not right that people with long, long longevity and seniority should be recognized in this Senate, but I would point out, with the forty-nine previous sessions of this Senate, it was never done that way before as far as I

know and we intend to sit down with a balanced committee of how many members, the same from each party, and we are going to hammer out those rules and hopefully we can have something that both caucusses can agree to this session.

I don't like to be in a position where we are changing these around or where we are having this business as far as the seating is concerned. I think that it should be changed and I hope that these committees that we appoint can draw up the seating arrangements, the selection of committees, that will be favorable to both of our parties. I see in the years to come where certainly we, the Democratic party, are going to be the minority at times and the majority at times. I think this is the time, the opportune time, to make these changes in our rules.

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the Senate has passed unchanged:

HB 1901

PERRY GROTBBERG, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HCR 3901

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HCR 3901

PERRY GROTBBERG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HCR 3901

PERRY GROTBBERG, Secretary

MOTION

SEN. MAIXNER MOVED that the Senate stand in recess until 8:00 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with the President presiding.

MOTIONS

SEN. MAIXNER MOVED that a Committee on Photography be appointed, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Kelsh, Axtman, and David.

SEN. MAIXNER MOVED that the President appoint a committee to act as a Committee on Arrangements for Senate rooms, which motion prevailed.

THE PRESIDENT APPOINTED Sens. Wogsland, Mathern, and Lodoen.

REPORT OF CONFERENCE COMMITTEE

MADAM PRESIDENT: Your Conference Committee to which was referred SB 2904 has had the same under consideration and recommends that the HOUSE RECEDE from its amendments as found on pages 45-46 of the Senate Journal and that SB 2904 as engrossed by the Senate be amended as follows:

- On page 1 of the engrossed bill, line 6, after the word "pupil" insert the words "; to provide for a contingent appropriation"
- On page 1 of the engrossed bill, line 21, delete the numerals "264,000" and insert in lieu thereof "5,264,000"
- On page 2 of the engrossed bill, line 25, overstrike the word "four" and insert immediately thereafter the word "three" and delete the word "ten" and insert in lieu thereof the word "seventy"
- On page 2 of the engrossed bill, after line 35, insert the following new section:

"SECTION 5. CONTINGENT APPROPRIATION.

1. The director of the office of management and budget shall consult the tax commissioner and state treasurer prior to June 10, 1987, and determine general fund revenue receipts for the period from July 1, 1985, through May 31, 1987, utilizing usual state accounting practices. The director of the office of management and budget shall certify the amount of receipts so determined to the governor on or before June 15, 1987.
2. If the amount certified under subsection 1 exceeds \$889,000,000, the educational support per pupil during the second year of the 1985-87 biennium shall be \$1,410 and there is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$5,100,000, or so much

thereof as may be necessary, to the department of public instruction for the purpose of providing additional per pupil support for the biennium beginning July 1, 1985, and ending June 30, 1987."

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Department of Public Instruction

The proposed amendment reduces the Department of Public Instruction's general fund appropriation by \$5,000,000. This provides for a \$5,100,000 foundation aid payment reduction and a \$164,000 reduction in the department's operations.

This amendment includes a section appropriating \$5,100,000 from the general fund for foundation aid payments if total general fund revenues for the 1985-87 biennium through May 31, 1987, exceed \$889,000,000. An additional \$5,100,000 would increase per pupil payments for the 1986-1987 school year by \$40 to \$1,410.

For the Senate: Sens. Tallackson, Redlin, Lips

For the House: Reps. Peterson, R. Hausauer, Hoffner

MOTIONS

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

SB 2904 was placed on the Eleventh order of business on the calendar.

SEN. LIPS MOVED that the rules be suspended, that SB 2904 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2904: A BILL for an Act to provide for the reduction in general fund appropriation authority; to provide for a reduction in coal development impact fund appropriation authority; to provide for a transfer of coal development impact funds; to amend and reenact subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to educational support per pupil; to provide for a contingent appropriation; and to provide an effective date.

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 41 YEAS, 11 NAYS, 1 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Kelly; Lashkowitz; Mutch; Peterson; Streibel; Tennefos; Todd; Tweten; Wright

ABSENT AND NOT VOTING: Vosper

SB 2904 passed and the title was agreed to.

MOTIONS

SEN. MAIXNER MOVED that the vote by which SB 2904 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that SB 2904 be messaged to the House, which motion prevailed.

SEN. MAIXNER MOVED to adjourn the Organizational Session, which motion prevailed.

THE PRESIDENT DECLARED the Organizational Session adjourned.

MESSAGE TO THE HOUSE SENATE CHAMBER

MR. SPEAKER: I have the honor to inform you that the Senate has adopted the conference committee report on SB 2904.

PERRY GROTBORG, Secretary

MESSAGE FROM THE HOUSE HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following on which the House has adopted the conference committee report and subsequently passed the same:

SB 2904

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

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

SB 2904

SEN. KRAUTER, Chairman

SEN. SHEA 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 bill and find the same correctly enrolled:

SR 1

SEN. KRAUTER, Chairman

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

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the President has signed and your signature is respectfully requested:

SB 2904

PERRY GROTBORG, Secretary

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the Speaker has signed:

SB 2904

ROY GILBREATH, Chief Clerk

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your Committee on Enrollment and Engrossment respectfully report that the following bill was delivered to the Governor for his approval at the hour of 1:08 p.m., December 8, 1987:

SB 2904

SEN. KRAUTER, Chairman

MOTION

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

MESSAGE FROM THE HOUSE
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the Speaker has signed and your signature is respectfully requested:

HB 1901

ROY GILBREATH, Chief Clerk

SIGNING OF BILLS AND RESOLUTIONS

THE SECRETARY ANNOUNCED that the President signed the following:

HB 1901

PERRY GROTBORG, Secretary

MESSAGE TO THE HOUSE
SENATE CHAMBER

MR. SPEAKER: I have the honor to return herewith the following which the President has signed:

HB 1901

PERRY GROTBORG, Secretary

MOTION

SEN. MAIXNER MOVED that the President appoint a committee of three to notify the Governor and the House that the Senate has completed its business and prepared to adjourn sine die, which motion prevailed.

THE PRESIDENT APPOINTED to such committee Sens. Redlin, Schoenwald, and Reiten.

SEN. REDLIN ANNOUNCED that the committee appointed to notify the Governor that the House has completed its business and is about to adjourn sine die has completed its task and requested that the committee be discharged, which request was granted.

MOTION

SEN. MAIXNER MOVED that the Senate be on the Fifteenth order of business and that at the conclusion of the Fifteenth order, the Senate adjourn sine die, which motion prevailed.

PERRY GROTBORG, Secretary

FRIDAY, DECEMBER 5, 1986

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POSTSESSION ACTION BY GOVERNOR

Postsession Governor's action on Senate Bills delivered after adjournment:

| | DATE SIGNED: |
|----------------------|------------------|
| Senate Bill No. 2901 | December 5, 1986 |
| 2902 | December 5, 1986 |
| 2903 | December 5, 1986 |
| 2904 | December 9, 1986 |