

## JOURNAL OF THE SENATE

## Fifty-third Legislative Assembly

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Bismarck, January 7, 1993

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

The prayer was offered by Fr. Robert E. Feeney, St. Joseph Catholic Church, Mandan.

The roll was called and all members were present.

A quorum was declared by the President.

## REPORT OF STANDING COMMITTEE

SB 2075: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2075 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2083: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2083 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2141: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2141 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2149: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2149 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2154: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Eleventh order on the calendar.

## FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution congratulating Wayne Herman on winning the Professional Rodeo Cowboys' Association world bareback rider championship.

Was read the first time.

## MOTION

SEN. MATHERN MOVED that the rules be suspended, that HCR 3010 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Wald, Brown, Martin, Wardner and Sens. Goetz, Urlacher introduced:

## HOUSE CONCURRENT RESOLUTION NO. 3010

A concurrent resolution congratulating Wayne Herman on winning the Professional Rodeo Cowboys' Association world bareback rider championship.

WHEREAS, the Legislative Assembly recognizes and honors North Dakota citizens for their accomplishments of national significance; and

WHEREAS, Wayne Herman, a native of Golden Valley who now lives in Dickinson, earned the title of 1992 Professional Rodeo Cowboys' Association world champion bareback rider after the National Finals Rodeo; and

WHEREAS, Wayne Herman's skill, determination, toughness, hard work, and success as evidenced by his world championship are characteristics held in high esteem in the Roughrider state; and

WHEREAS, Wayne Herman's dedication to charitable causes and excellence in his chosen sport set a fine example for young people to give their utmost to their communities and chosen professions;

**NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF NORTH DAKOTA, THE SENATE CONCURRING THEREIN:**

That the Fifty-third Legislative Assembly takes great pride and pleasure in extending its heartiest congratulations to Wayne Herman for his outstanding accomplishment in winning the 1992 Professional Rodeo Cowboys' Association world bareback rider championship; and

**BE IT FURTHER RESOLVED,** that the Secretary of State send an enrolled copy of this resolution to Wayne Herman.

**SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3010:** A concurrent resolution congratulating Wayne Herman on winning the Professional Rodeo Cowboys' Association world bareback rider championship.

The question being on the final adoption of the resolution, which has been read.

HCR 3010 was declared adopted on a voice vote.

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**MOTION**

SEN. MATHERN MOVED that the vote by which HCR 3010 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

**MOTION**

SEN. MATHERN MOVED that the rules be suspended and that HCR 3010 be messaged to the House immediately, which motion prevailed.

**MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)**

MR. SPEAKER: The Senate has passed unchanged: HCR 3010.

**MOTION**

SEN. MATHERN MOVED that the Senate Journal note that the Secretary of the Senate has received the Legislative Compensation Commission report, which will be available for review at the Legislative Council, which motion prevailed.

**MOTION**

SEN. MAXSON MOVED that SB 2125 be returned to the Senate floor from the Judiciary Committee for the purpose of withdrawal, which motion prevailed.

**REQUEST**

SEN. MAXSON REQUESTED the unanimous consent of the Senate to withdraw SB 2125. There being no objection, it was so ordered by the President.

**MOTION**

SEN. MATHERN MOVED that the Senate be on the Fifth and Ninth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, January 8, 1993, which motion prevailed.

## REPORT OF STANDING COMMITTEE

SB 2104: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2104, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 47-30.1-03.1," and after "47-30.1-10" insert a comma

Page 1, line 2, remove "a change in"

Page 1, remove lines 3 and 4

Page 1, line 5, remove "period of time prior to payment or delivery of"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 47-30.1-03.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

47-30.1-03.1. Property originated or issued by this state, any political subdivision of this state, or any entity incorporated, organized, ~~or~~ created, or otherwise located in this state.

1. All intangible property, including any interest, dividend, or other earnings thereon, less any lawful charges, held by a business association, federal, state, or local government or governmental subdivision, agency, or entity, or any other person or entity, regardless of where the holder may be found, if the owner has not claimed or corresponded in writing concerning the property within three years after the date prescribed for payment or delivery, is presumed abandoned and subject to the custody of this state as unclaimed property if:
  - a. The address of the owner is unknown; and
  - b. The person or entity originating or issuing the intangible property is this state or any political subdivision of this state, or is incorporated, organized, ~~or~~ created, or otherwise located in this state.
2. The provisions of subsection 1 do not apply to property that is or may be presumed abandoned and subject to the custody of this state pursuant to any other provision of law containing a dormancy period different from that prescribed in subsection 1.
3. The provisions of subsection 1 apply to all property held on July 1, 1991, or at any time thereafter, regardless of when such property became or becomes presumptively abandoned."

Renumber accordingly

## REPORT OF STANDING COMMITTEE

SB 2132: Transportation Committee (Sen. Schoenwald, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2132 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

SB 2147: Judiciary Committee (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147, as amended, was placed on the Sixth order on the calendar.

Page 1, line 1, remove "records or"

Page 1, line 4, remove "records or"

Page 1, line 9, after the period insert "If this information is recorded with other public information, the department shall permit inspection and receipt of copies of the public information that is not confidential, and shall delete or withhold the confidential information. No public agency or record custodian may deny a request for public information on the ground that it is recorded with confidential addresses and phone numbers."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

SB 2168: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2168 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

SB 2238: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2238 was placed on the Eleventh order on the calendar.

#### FIRST READING OF SENATE BILLS

Sen. Solberg and Rep. Bernstein introduced:

SB 2246: A BILL for an Act to amend and reenact subsection 17 of section 65-01-02 of the North Dakota Century Code, relating to the definition of fairly traceable for purposes of workers' compensation.

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

Sens. Lindgren, Maxson and Rep. Soukup introduced:

SB 2247: A BILL for an Act to amend and reenact section 44-03-04 of the North Dakota Century Code, relating to elimination of the residency requirement for deputy officers or board members in county and city government.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Yockim, Freborg, Redlin and Reps. Soukup, Tollefson, Kaldor introduced:

SCR 4011: A concurrent resolution to create and enact a new section to article X of the Constitution of North Dakota, relating to deposit of certain oil and gas gross production tax revenues in the common schools trust fund and the foundation aid stabilization fund and providing for use of the principal and income of the foundation aid stabilization fund; and to provide an effective date.

Was read the first time and referred to the Joint Constitutional Revision Committee.

The Senate stood adjourned pursuant to Senator Mathern's motion.

CAROL SIEGERT, Secretary