

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 14, 1995

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

The prayer was offered by Rev. Bill Keple, Bismarck Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1077, HB 1136, HB 1195, HB 1206, HB 1238, HB 1251, HB 1277, HB 1299, HB 1302, HB 1321, HB 1324, HB 1327, HB 1338, HB 1340, HB 1361, HB 1365, HB 1370, HB 1377, HB 1384, HB 1393, HB 1397, HB 1417, HB 1425, HB 1440, HB 1450, HB 1451, HB 1458, HB 1484.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HCR 3008, HCR 3020, HCR 3022, HCR 3045.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has failed to pass: HB 1427.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and failed to pass: HB 1240.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1207, HB 1250, HB 1353, HB 1436, HB 1469.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3009.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2111, SB 2154, SB 2180, SB 2251, SB 2268, SB 2330, SB 2410, SB 2429, SB 2447, SB 2448, SB 2451, SB 2454, SB 2456, SB 2457, SB 2458, SB 2462, SB 2472, SB 2481, SB 2484, SB 2490, SCR 4029, SCR 4030, SCR 4040, SCR 4041, SCR 4044.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2419, SB 2426, SB 2427, SB 2459, SB 2473, SB 2474, SB 2495, SB 2509.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2037, SB 2353, SB 2442, SCR 4007.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2037

Page 7, line 19, overstrike "and surgical"

Page 7, line 29, overstrike "or surgical"

Page 19, line 15, replace "method" with "formula"

Renumber accordingly

HOUSE AMENDMENTS TO SENATE BILL NO. 2353

Page 1, line 7, replace "two" with "one"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2442

Page 1, line 1, remove "subsection 3 of"

Page 1, line 3, remove "for highway projects"

Page 1, line 5, replace "Subsection 3 of section" with "Section"

Page 1, after line 7, insert:

"21-03-07. Election required - Exceptions. No municipality, and no governing board thereof, may issue bonds without being first authorized to do so by a vote equal to sixty percent of all the qualified voters of ~~such~~ the municipality voting upon the question of ~~such~~ the issue except:

1. As otherwise provided in section 21-03-04.
2. The governing body may issue bonds of the municipality, after publishing notice as provided in section 21-03-26, for the purpose and within the limitations specified by subdivision e of subsection 1 of section 21-03-06, subdivision g of subsection 2 of section 21-03-06, and subsections 4.1 and 7 of section 21-03-06 without an election."

Page 2, after line 18, insert:

- "4. The governing body of any city may also by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the city, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to pay the cost of any improvement of the types stated below, to the extent that the governing body determines that such cost should be paid by the city and should not be assessed upon property specially benefited thereby; provided that the initial resolution authorizing such bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after such publication, file with the city auditor a protest against the adoption of the resolution. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under such initial resolution are barred. This procedure is authorized for the financing of the following types of improvements:
 - a. Any street improvement, as defined in subsection 2 of section 40-22-01, to be made in or upon any federal or state highway or any other street designated by ordinance as an arterial street.
 - b. The construction of a bridge, culvert, overpass, or underpass at the intersection of any street with a stream, watercourse, drain, or railway, and the acquisition of any land or easement required for that purpose.

- c. Any improvement incidental to the carrying out of an urban renewal project, the issuance of bonds for which is authorized by subsection 4 of section 40-58-13.

Nothing herein may be deemed to prevent any municipality from appropriating funds for or financing out of taxes, special assessments, or utility revenues any work incidental to any such improvement, in the manner and to the extent otherwise permitted by law.

5. The governing body of any city may also by resolution adopted by a two-thirds vote dedicate the mill levies as authorized by sections 57-15-42 and 57-15-44 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public buildings or fire stations; provided, that the initial resolution authorizing the mill levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the city may, within sixty days after publication, file with the city auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the city, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.
6. The governing body of any county may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by sections 57-15-06.6 and 57-15-06.9 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of regional or county correction centers, or parks and recreational facilities; provided, that the initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official newspaper, and any owner of taxable property within the county may, within sixty days after publication, file with the county auditor a protest against the adoption of the resolution. Protests must be in writing and must describe the property which is the subject of the protest. If the governing body finds such protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the county, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.
7. The governing body of any public school district may also by resolution adopted by a two-thirds vote dedicate the tax levies as authorized by section 15-51-11, 15-51-13, or 57-15-16 and may authorize and issue general obligation bonds to be paid by these dedicated levies, after publishing notice as provided in section 21-03-26, for the purpose of providing funds for the purchase, construction, reconstruction, or repair of public school buildings or for the construction or improvement of a project pursuant to chapter 15-60. The initial resolution authorizing the tax levy dedication and general obligation bonds must be published in the official

newspaper of the school district, and any owner of taxable property within the school district may, within sixty days after publication, file with the business manager of the school district a protest against the adoption of the resolution. Protests must be in writing and must describe the property that is the subject of the protest. If the governing body finds the protests to have been signed by the owners of taxable property having an assessed valuation equal to five percent or more of the assessed valuation of all taxable property within the school district, as theretofore last finally equalized, all further proceedings under the initial resolution are barred.

8. The governing body of any city having a population of twenty-five thousand persons or more may use the provisions of subsection 3 to provide funds to participate in the cost of any construction, improvement, financing, and planning of any bypass routes, interchanges, or other intersection improvements on a federal or state highway system which is situated in whole or in part outside of the corporate limits of the city; provided, that the governing body thereof shall determine by resolution that the undertaking of such work is in the best interest of the city for the purpose of providing access and relieving congestion or improving traffic flow on municipal streets.
9. The governing body of a municipality or other political subdivision, located at least in part within a county that is included within a disaster or emergency executive order or proclamation of the governor under chapter 37-17.1, may by resolution adopted by a two-thirds vote authorize and issue general obligation bonds of the political subdivision without an election, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to pay costs associated with the emergency condition. The political subdivision may dedicate and levy taxes for retirement of bonds under this subsection and such levies are not subject to limitations as otherwise provided by law.
10. The governing board of any county, city, public school district, park district, or township may by resolution adopted by a two-thirds vote dedicate the tax levy authorized by section 57-15-41 and authorize and issue general obligation bonds to be paid by the dedicated levy, after publishing notice as provided in section 21-03-26, for the purpose of providing funds to prepay outstanding special assessments made in accordance with the provisions of title 40 against property owned by the county, city, public school district, park district, or township."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4007

Page 1, line 2, after "delivery" insert "and effectiveness"

Page 1, line 15, after "delivery" insert "and effectiveness"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1084, HB 1120, HB 1199, HB 1215, HB 1224, HB 1371, HCR 3027.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2034, SB 2079, SB 2095, SB 2121, SB 2137, SB 2170, SB 2171, SB 2172, SB 2173, SB 2174, SB 2229, SB 2248, SB 2289, SB 2316, SB 2341, SB 2347, SB 2357, SB 2373, SB 2379, SB 2381, SB 2397, SB 2411, SB 2415, SB 2444, SB 2450.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2234.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1084, HB 1120, HB 1199, HB 1215, HB 1224, HB 1371, HCR 3027.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4017, SCR 4024, SCR 4032, SCR 4039, SCR 4048, SCR 4051.

CONSIDERATION OF AMENDMENTS

HB 1329: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 907 be adopted and then be placed on the Fourteenth order with DO PASS.

REQUEST

SEN. SCHERBER REQUESTED that the proposed amendments to HB 1329 be divided in the following manner, which request was granted.

DIVISION A

Page 1, line 1, remove "65-04-12,"

Page 1, line 4, remove "penalties for failure to obtain workers' compensation coverage and submit"

Page 1, line 5, remove "payroll reports,"

Page 1, remove lines 12 through 22

Page 2, remove lines 1 through 10

Page 12, line 3, overstrike "two" and after "~~hundred~~" insert "one"

DIVISION B

Page 1, line 1, remove "65-04-14,"

Page 1, line 2, remove "65-04-19, 65-04-23,"

Page 1, remove line 6

Page 1, line 7, remove "penalties for default in payments to the workers compensation bureau,"

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 10

Page 9, line 21, remove "Neither the bureau nor a court of competent"

Page 9, remove lines 22 and 23

Page 9, line 24, remove "be uninsured under this title."

Page 10, line 29, after the overstruck period insert "A determination by the bureau that a person is not an employer required to obtain workers' compensation coverage under this title is a defense to any claim that

the person failed to obtain coverage for the time period during which the determination is effective."

Renumber accordingly

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on Divisions A and B of the proposed amendments to HB 1329, which request was granted.

ROLL CALL

The question being on the adoption of Division A of the proposed amendments to HB 1329, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

Division A of the proposed amendments to HB 1329 was adopted.

ROLL CALL

The question being on the adoption of Division B of the proposed amendments to HB 1329, the roll was called and there were 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: DeMers; Krauter; LaFountain; Lindaas; Mathern; Mushik; O'Connell; Scherber; Wogsland

Division B of the proposed amendments to HB 1329 was adopted.

Divisions A and B of the proposed amendments to HB 1329 were adopted, and HB 1329, as amended, was placed on the Fourteenth order.

CONSIDERATION OF AMENDMENTS

SCR 4023: SEN. W. STENEHJEM (Joint Constitutional Revision Committee) MOVED that the amendments on SJ page 918 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1076, as engrossed: SEN. C. NELSON (Government and Veterans Affairs Committee) MOVED that the amendments on SJ pages 918-919 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1129, as engrossed: SEN. ANDRIST (Agriculture Committee) MOVED that the amendments on SJ page 919 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1149: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on

SJ page 919 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1155, as engrossed: SEN. SCHERBER (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 919-920 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1163, as engrossed: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 920 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1165, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 920-923 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1236, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 924-925 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1253, as engrossed: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 925-926 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1264: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 926 be adopted and then be placed on the Fourteenth order with **DO NOT PASS**, which motion failed. HB 1264 was placed on the Fourteenth order.

CONSIDERATION OF AMENDMENTS

HB 1274, as engrossed: SEN. SCHOBINGER (Transportation Committee) MOVED that the amendments on SJ page 926 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1432, as reengrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 927-928 be adopted and then be REREFERRED to the Appropriations Committee with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1461, as reengrossed: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 928-929 be adopted and then be REREFERRED to the Appropriations Committee with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4014: A concurrent resolution to create and enact a new section to the Constitution of North Dakota, relating to suits against the state and state employees; and to amend and reenact section 9 of article I of the Constitution of North Dakota, relating to suits against the state and state employees.

ROLL CALL

The question being on the final passage of the amended resolution, which has been read, and has committee recommendation of **DO PASS**, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach;

Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SCR 4014 was declared adopted and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution for the amendment of section 6 of article IX of the Constitution of North Dakota, relating to exchanges of state land and mineral rights.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Krauter; LaFountain; Stenehjem, B.

ABSENT AND NOT VOTING: Mutch

Engrossed SCR 4018 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1474: A BILL for an Act to amend and reenact section 5-01-05.1 of the North Dakota Century Code, relating to public intoxication.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1474, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3002: A concurrent resolution directing the Legislative Council to monitor the continued development of a continuum of services for the mentally ill and chemically dependent and the changes in the role of the State Hospital and expanded community services, including psychosocial clubs and the clubhouse projects.

The question being on the final adoption of the amended resolution, which has been read, and has committee recommendation of DO PASS.

HCR 3002, as amended, was declared adopted on a voice vote, and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1190: A BILL for an Act to create and enact four new sections to chapter 65-02 of the North Dakota Century Code, relating to a workers' compensation fraud unit, immunity from civil liability, nondisclosure of investigative information, and immunity from criminal prosecution; and to amend and reenact sections 65-04-14 and 65-05-33 of the North Dakota Century Code, relating to penalties for misrepresenting payroll or for filing false claims or false statements.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1190, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1205: A BILL for an Act to create and enact two new sections to chapter 26.1-26 of the North Dakota Century Code, relating to license requirements for insurance brokers and payment of insurance commissions by insurance brokers; and to amend and reenact section 26.1-26-18 of the North Dakota Century Code, relating to bond requirements for insurance brokers and surplus lines insurance brokers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1205, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1208: A BILL for an Act to amend and reenact sections 65-02-08, 65-02-15, 65-02-20, subsection 1 of section 65-05.1-06.1, and section 65-10-03 of the North Dakota Century Code, relating to workers' compensation attorney fees; to repeal sections 65-02-17 and 65-02-18 of the North

Dakota Century Code, relating to binding arbitration; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 37 YEAS, 12 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Scherber; Wogsland; Yockim

Engrossed HB 1208, as amended, passed and the title was agreed to.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF SENATOR THANE

Madam President: I am pleased to announce that at 2:00 p.m. this afternoon in a press conference the announcement was made that ProGold would be built in North Dakota, ProGold would be built in Richland County, and ProGold would be built in the Wahpeton area. This is a proud moment for the state of North Dakota and for my community.

The planning stage of this started over a year ago. All of you recall that we had a special session in July to tilt the playing fields in favor of North Dakota. Governor Schafer was involved in calling the special session and without his assistance then and throughout the following months it is questionable whether or not it would have become a reality.

I would also like to give full credit to the Department of Economic Development and Finance, to the Health Department, and to the Water Commission for having worked so diligently to provide the assistance that was needed to determine this site location.

We talk about economic development in the state of North Dakota. Economic development appears to hundreds of thousands of other people to be best geared to the area of value-added products. This is a value-added industry. During the construction phase it will create over 2,800 jobs. During the operational phase it will create over 3000 primary and secondary jobs. The economic impact of this facility during the construction phase will be 295 million dollars. The economic impact during the operational phase will be 285 million dollars on an annual basis. The revenue to the state of North Dakota has not been calculated at this time but I would estimate that it will be somewhere in the neighborhood of 500 thousand dollars.

ProGold, for your information, is a cooperative venture between American Crystal Sugar Company, MinnDak Farmers Cooperative and Golden Growers Cooperative. Golden Growers is the corn growing arm of ProGold. When they are in full operation they will process 25 million bushels on an annual basis. There are plans for expansion of this facility to a capacity of somewhat more than 25 million bushels. There are going to be, without a doubt other enterprises that will be created over the years. Without saying anything more I would like to cease and turn the mike over to the senator from the 27th district.

POINT OF PERSONAL PRIVILEGE

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

REMARKS OF SENATOR HEITKAMP

Thank you, Madam President and members of the Assembly.

I rise to congratulate the community of Wahpeton and to thank them, as a citizen of Richland County and North Dakota, for a job well done.

I also want to take this opportunity to congratulate my home of Hankinson for making that decision by ProGold such a difficult one. To all the folks back in Hankinson and the surrounding communities, I say hold your heads high. You've done your city, county, and state a great service and I thank you.

There will be a sense of disappointment. That's to be expected. But the information you accumulated and the respect you have earned on a national level has a community of vision and intelligence that will serve you another day.

So to the good senator from District 25, the steaks are on me. Congratulations Wahpeton.

And to the wonderful people of Hankinson and Richland County, congratulations also. You served your state well.

SECOND READING OF HOUSE BILL

HB 1388: A BILL for an Act to amend and reenact sections 34-07-02 and 34-07-15 of the North Dakota Century Code, relating to exempting school-to-work programs from child labor laws.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tenefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann

Engrossed HB 1388, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1412 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1412: A BILL for an Act to create and enact a new section to chapter 54-02 of the North Dakota Century Code, relating to the state dance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 44 YEAS, 5 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee;

Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; DeMers; LaFountain; O'Connell; Tennefos

HB 1412 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 15, 1995, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution to create and enact a new article V of the Constitution of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of North Dakota, relating to the executive branch of government, to the election and qualification of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

Has been heard by the **Joint Constitutional Revision Committee.**

REPORT OF STANDING COMMITTEE

HB 1030: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1030 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1050, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Reengrossed HB 1050 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1074: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1074 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1117: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1117 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1160: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1160 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1217: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1217 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1218, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1218 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1257, as engrossed: Appropriations Committee (Sen. Nething, Chairman)

recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed HB 1257 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1276, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the Appropriations Committee (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1276 was placed on the Sixth order on the calendar.

Page 2, line 5, remove ", including an"

Page 2, line 6, remove "actuarial review"

Page 3, remove lines 24 through 29

Page 4, remove lines 1 through 18

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1337, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1337 was placed on the Sixth order on the calendar.

Page 1, replace lines 19 through 21 with:

"2. The taxable income of an individual must be reduced by an amount equal to the gain computed for federal income tax purposes from the sale or other transfer of stock described in subsection 1 less the gain computed for state tax purposes under subsection 1 on the same stock."

Page 2, remove lines 1 through 3

Re-number accordingly

REPORT OF STANDING COMMITTEE

HCR 3004: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3005: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3005 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3009: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **DO PASS** (8 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HCR 3009 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3016: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3016 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3023, as engrossed: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT

AND NOT VOTING). Engrossed HCR 3023 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma and after "coverage" insert ", and regulation"

Page 1, line 9, remove "fraudulent"

Page 1, after line 12, insert:

"WHEREAS, medical savings accounts may be used to finance long-term care; and"

Page 1, line 14, remove "skilled", after "nursing" insert "facility", and replace "intermediate" with "swing bed"

Page 1, line 15, remove "care"

Page 1, after line 19, insert:

"WHEREAS, purchasers of long-term care insurance may be protected by state regulation; and"

Page 2, line 3, replace "and" with a comma and after "coverage" insert ", and regulation"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3040: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3040 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary