

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 15, 1995

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

The prayer was offered by Rev. Sam Freshwater, Washington Heights Church, Bismarck.

The roll was called and all members were present except Senators Mushik and Wogsland.

A quorum was declared by the President.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: 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.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2070, SB 2089, SB 2093, SB 2109, SB 2118, SB 2127, SB 2130, SB 2132, SB 2146.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4013.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1082, HB 1185, HB 1221, HB 1223, HCR 3018.

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 3010, HCR 3012, HCR 3030.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4010, SCR 4021, SCR 4027, SCR 4031, SCR 4033, SCR 4047, SCR 4050, SCR 4052, SCR 4053.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2081.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2081

DIVISION A

Page 1, line 14, after the semicolon insert "and"

Page 1, line 16, replace "; and" with a period

Page 1, remove lines 17 through 21

Page 2, line 1, after "levy" insert "two percent more in taxable year 1995 and two percent more in taxable year 1996 than the amount levied in dollars in the base year and for taxable years 1997 and 1998 may elect to levy"

Page 2, remove lines 19 through 29

Page 3, remove lines 1 through 7

Page 3, line 8, replace "5" with "4"

Page 3, line 19, replace "6" with "5"

Page 3, line 23, replace "7" with "6"

Page 4, line 3, replace "8" with "7"

Page 4, line 13, replace "9" with "8"

Page 4, after line 16, insert:

"SECTION 2. Protection of taxpayers and taxing districts. Each taxing district may levy the lesser of the amount in dollars as certified in the budget of the governing body, or the amount in dollars as allowed in this section, subject to the following:

1. No taxing district may levy more taxes expressed in dollars than the amounts allowed by this section.
2. For purposes of this section:
 - a. "Base year" means the taxing district's taxable year with the highest amount levied in dollars in property taxes of the three taxable years immediately preceding the budget year;
 - b. "Budget year" means the taxing district's year for which the levy is being determined under this section; and
 - c. "Calculated mill rate" means the mill rate that results from dividing the base year taxes levied by the sum of the taxable value of the taxable property in the base year plus the taxable value of the exempt property calculated in the same manner as taxable property.
3. A taxing district may elect to levy the amount levied in dollars in the base year. Any levy under this section must be specifically approved by a resolution approved by the governing body of the taxing district. Before determining the levy limitation under this section, the dollar amount levied in the base year must be:
 - a. Reduced by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final base year taxable valuation of any taxable and exempt property that is not included in the taxing district for the budget year but was included in the taxing district for the base year.
 - b. Increased by an amount equal to the sum determined by the application of the base year's calculated mill rate for that taxing district to the final budget year taxable valuation of any taxable and exempt property that was not included in the taxing district for the base year but which is included in the taxing district for the budget year.
 - c. Reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district.

4. A taxing district may levy an amount in dollars equal to the amount levied in any of the previous three years reduced to reflect expired temporary mill levy increases authorized by the electors of the taxing district and increased by an amount equal to the sum determined by the application of any unused mill levy authority from that year, which was authorized by law or by the electors of that taxing district but not levied for that year, to the budget year taxable valuation of the taxable property in that taxing district. A taxing district electing to increase its levy under this subsection may not add any amount permitted by subsection 3 to the amount levied under this subsection.
5. In addition to any other levy limitation factor under this section, a taxing district may increase its levy in dollars to reflect new or increased mill levies authorized by the legislative assembly or authorized by the electors of the taxing district.
6. Under this section a taxing district may supersede any applicable mill levy limitations otherwise provided by law, or a taxing district may levy up to the mill levy limitations otherwise provided by law without reference to this section, but the provisions of this section do not apply to the following:
 - a. Any irrepealable tax to pay bonded indebtedness levied pursuant to section 16 of article X of the Constitution of North Dakota.
 - b. The one-mill levy for the state medical center authorized by section 10 of article X of the Constitution of North Dakota.
7. A school district choosing to determine its levy authority under this section may apply subsection 3 only to the amount in dollars levied for general fund purposes under section 57-15-14 or, if the levy in the base year included separate general fund and special fund levies under sections 57-15-14 and 57-15-14.2, the school district may apply subsection 3 to the total amount levied in dollars in the base year for both the general fund and special fund accounts. School district levies under any section other than section 57-15-14 may be made within applicable limitations but those levies are not subject to subsection 3.
8. Optional levies under this section may be used by any city or county that has adopted a home rule charter unless the provisions of the charter supersede state laws related to property tax levy limitations."

Page 4, line 18, replace "Subsection 3 of" with "Section"

Page 4, line 19, remove "section"

Page 4, line 20, replace "Subsection 4 of" with "Section 2"

Page 4, line 21, remove "section 1"

DIVISION B

Page 2, line 10, after the period insert "However, no reduction may be made under this section due to the exemption of the personal property of railroads by enactment of House Bill No. 1396 by the fifty-fourth legislative assembly."

Renumber accordingly

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

MADAM PRESIDENT: The Speaker has signed: SCR 4017, SCR 4024, SCR 4032, SCR 4039, SCR 4048, SCR 4051.

CONSIDERATION OF AMENDMENTS

HB 1276, as engrossed: SEN. YOCKIM (Human Services Committee) MOVED that the amendments on SJ page 943 be adopted and then be REREFERRED to the Appropriations Committee with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1337, as engrossed: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 943 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HCR 3023, as engrossed: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 943-944 be adopted and then be placed on the CONSENT CALENDAR with DO PASS, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4023: A concurrent resolution for the amendment of subsection 2 of section 6 of article VIII of the Constitution of North Dakota, relating to the appointment and terms of members of the state board of higher education.

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 34 YEAS, 12 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Mushik; Urlacher; Wogsland

Engrossed SCR 4023 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1496: A BILL for an Act to create and enact a new section to chapter 15-47 of the North Dakota Century Code, relating to school reports.

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 30 YEAS, 17 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Krebsbach; Kringstad; Lindaas; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lee; Lips; Mathern; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Solberg; Tomac

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1496, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1149: A BILL for an Act to amend and reenact sections 19-13.1-03 and 19-13.1-06 of the North Dakota Century Code, relating to pet food registration and feed inspection fees.

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 45 YEAS, 1 NAY, 0 EXCUSED, 3 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; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Yockim

ABSENT AND NOT VOTING: Mushik; Sand; Wogsland

HB 1149, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1155: A BILL for an Act to create and enact chapter 26.1-33.1 of the North Dakota Century Code, relating to viatical settlements; and to provide a penalty.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1155, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1163: A BILL for an Act to amend and reenact section 39-21-41.4 of the North Dakota Century Code, relating to the requirement of safety belts for people with medical or physically disabling conditions.

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 46 YEAS, 1 NAY, 0 EXCUSED, 2 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; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Schobinger

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1163, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1165: A BILL for an Act to create and enact a new subsection to section 10-04-09, a new subsection to section 10-04-10.1, a new subsection to section 10-04-11, a new subsection to section 10-04-15, a new subsection to section 10-04-18, a new subsection to section 43-10.1-06.1, a new section to chapter 43-10.1, a new subsection to section 51-19-09, a new subsection to section 51-19-11, a new subsection to section 51-19-13, a new subsection to section 51-23-07, a new subsection to section 51-23-20, and a new section to chapter 51-23 of the North Dakota Century Code, relating to statutes of limitations and civil remedies for certain commodities activities; to amend and reenact section 10-04-16, subsection 1 of section 10-04-17, subsection 1 of section 43-10.1-06.2, sections 43-10.1-07, 43-10.1-08, subsection 5 of section 51-19-12, subdivisions f, g, and h of subsection 2 of section 51-19-13, and section 51-19-14 of the North Dakota Century Code, relating to statutes of limitations for certain securities and commodities activities and civil remedies for violations of certain pre-need funeral activities and franchise investment activities; and to provide a penalty.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1165, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1236: A BILL for an Act to create and enact a new subsection to section 6-01-17.1, two new sections to chapter 6-05, a new section to chapter 57-35, and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to application fees for trust companies, the

establishment of multiple offices of a trust company, the engagement in business through operating subsidiaries of a trust company, and the taxation of trust companies; to amend and reenact subsection 2 of section 57-35-01 and subsection 4 of section 57-35.2-01 of the North Dakota Century Code, relating to the taxation of trust companies; 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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1236, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1253: A BILL for an Act to amend and reenact sections 54-03-25, 65-05.1-01, 65-05.1-04, and subdivision b of subsection 2 of section 65-05.1-06.1 of the North Dakota Century Code, relating to actuarial impact statements for workers' compensation measures, rehabilitation services for injured employees, an injured employee's responsibilities for rehabilitation of a work-related injury, and the twenty-five percent additional rehabilitation allowance given to injured workers.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; 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

NAYS: DeMers; Heinrich; Kelsh; Lindaas; Mathern; O'Connell; Scherber; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1253, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1274: A BILL for an Act to amend and reenact section 49-21-01.6 of the North Dakota Century Code, relating to telephone call identification services.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1274, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1329: A BILL for an Act to amend and reenact sections 65-04-13, 65-04-24, 65-04-26.1, 65-04-27, 65-04-27.1, 65-09-01, 65-09-02, 65-09-03, and 65-09-04 of the North Dakota Century Code, relating to penalties for refusal to permit inspection of books, actions for collection of delinquent premium, corporate officer liability, payment of claims for employees of employers who are in default, and injunctions against employers; and to provide a penalty.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

HB 1329, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1086: A BILL for an Act to amend and reenact sections 64-02-09, 64-02-10, 64-02-13, and 64-02-14 of the North Dakota Century Code, relating to standards of weights and measures and fees for testing weighing and measuring devices.

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 45 YEAS, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; 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; Yockim

ABSENT AND NOT VOTING: Freborg; LaFountain; Mushik; Wogsland

HB 1086 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1099: A BILL for an Act to amend and reenact subsection 1 of section 49-17.1-02 of the North Dakota Century Code, relating to the state intermodal transportation team.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; 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; Yockim

ABSENT AND NOT VOTING: LaFountain; Mushik; Wogsland

HB 1099 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1173: A BILL for an Act to create and enact chapters 26.1-03.1 and 26.1-10.1 of the North Dakota Century Code, relating to risk-based capital for insurers and disclosure of material transactions; and to amend and reenact section 26.1-03-11.3 of the North Dakota Century Code, relating to confidentiality and sharing of certain information.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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; 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; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Mushik; Tomac; Wogsland

Engrossed HB 1173 passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Carrol Torgerson.

SECOND READING OF HOUSE BILL

HB 1175: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to relocation of a bank facility due to an emergency; and to amend and reenact sections 6-03-36 and 6-03-60 of the North Dakota Century Code, relating to the payment of dividends by a banking institution or association and loans to directors, officers, and employees.

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 46 YEAS, 0 NAYS, 0 EXCUSED, 3 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; 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; Traynor; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Mushik; Tomac; Wogsland

HB 1175 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1187: A BILL for an Act to amend and reenact sections 61-16.1-45 and 61-21-46 of the North Dakota Century Code, relating to accumulation of drain funds.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

HB 1187 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1196: A BILL for an Act to amend and reenact section 4-10.2-03 of the North Dakota Century Code, relating to membership on the oilseed council.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

HB 1196 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1241: A BILL for an Act to create and enact a new section to chapter 53-06.1 of the North Dakota Century Code, relating to sponsoring of charity nights by fraternal, veterans', civic, and service organizations; and to amend and reenact subsection 1 of section 53-06.1-07 of the North Dakota Century Code, relating to games of chance.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 8 YEAS, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Kelsh; Kinnoin; Krebsbach; O'Connell; Tallackson; Tomac; Traynor

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Krauter; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Urlacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1241 lost.

SECOND READING OF HOUSE BILL

HB 1247: A BILL for an Act to amend and reenact sections 6-05-01, 6-05-04, and 59-04-21 of the North Dakota Century Code, relating to the formation of trust companies, surety deposits of trust companies, and expenses and attorney's fees for a trust estate.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1247 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 6-03-05 of the North Dakota Century Code, relating to real estate mortgages.

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 47 YEAS, 0 NAYS, 0 EXCUSED, 2 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; 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; Wayne; Yockim

ABSENT AND NOT VOTING: Mushik; Wogsland

Engrossed HB 1263 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the absent members be excused, which motion prevailed.

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., Thursday, March 16, 1995, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTIONS

HCR 3010: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the term of members of the house of representatives; and to provide an effective date.

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

HCR 3012: A concurrent resolution for the amendment of sections 12 and 13 of article V of the Constitution of North Dakota, relating to the removal of the requirement that the superintendent of public instruction be chosen by the qualified electors of the state; and to provide an effective date.

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

HCR 3030: A concurrent resolution to create and enact a new section to article XIII of the Constitution of North Dakota, relating to the compact with the United States; and for the amendment of sections 1 and 2 of article XIII of the Constitution of North Dakota, relating to jurisdiction over certain military reservations.

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

REPORT OF STANDING COMMITTEE

SB 2538: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2538 was placed on the Sixth order on the calendar.

Page 1, line 7, after "of" insert "substantially"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

HB 1036, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1036 was placed on the Sixth order on the calendar.

Page 1, line 4, after the first semicolon insert "and" and remove "; and to declare an"

Page 1, line 5, remove "emergency"

Page 2, line 4, replace "1995" with "1997"

Page 2, remove lines 5 and 6

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1075: Education Committee (Sen. Freborg, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1075 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1180: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1180 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1246 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 10, overstrike "bonds" and insert immediately thereafter ":

a. Bonds"

Page 1, line 11, after "notes" insert an underscored comma

Page 1, line 15, replace ", if the agency" with an underscored period

Page 1, line 16, replace "security does not exceed five years in maturity in securities" with:

"b. Securities"

Page 1, line 17, remove ". The agreements to repurchase must"

Page 1, line 18, remove "be"

Page 1, line 20, replace ", in certificates" with ".

c. Certificates"

Page 2, line 1, replace ", or in obligations" with ".

d. Obligations"

Page 2, remove lines 8 and 9

REPORT OF STANDING COMMITTEE

HB 1344, as engrossed: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1344 was placed on the Sixth order on the calendar.

Page 1, line 11, after "choose" insert ", subject to existing bond obligations,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1376: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). HB 1376 was placed on the Sixth order on the calendar.

- Page 1, line 1, replace "section" with "sections 25-01-03, 25-02-01.1, and"
- Page 1, line 2, after "qualifications" insert "and appointment" and after "superintendent" insert "and the medical director"
- Page 1, line 3, after "hospital" insert "and requirements for the formation of a state hospital governing body"
- Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 25-01-03 of the North Dakota Century Code is amended and reenacted as follows:

25-01-03. Supervising officer to appoint superintendent of institutions - Salaries - Removal. The supervising officer shall appoint a superintendent for each of the institutions under its control, except for the state hospital where the supervising officer shall appoint a superintendent and a medical director in consultation with a state hospital governing body if the body is created under section 25-02-01.1. The tenure of office of each ~~such~~ superintendent is two years from the date of ~~his~~ the superintendent's appointment, and ~~he~~ the superintendent shall possess ~~such~~ the qualifications ~~as are~~ required by ~~the provisions of~~ this title. ~~Any such~~ The superintendent may be removed by the supervising officer for misconduct, neglect of duty, incompetency, or other proper cause showing ~~his~~ the superintendent's inability or refusal properly to perform the duties of ~~his~~ the office, but ~~such~~ the removal at a time other than a termination of ~~his~~ the superintendent's two-year tenure may be had only after an opportunity is given to ~~such~~ the person to be heard before a board consisting of the governor, attorney general, and supervising officer of ~~such~~ the institution on preferred written charges. A removal when made, however, is final. The supervising officer shall fix the compensation of each ~~such~~ superintendent within the limits prescribed in this title and within the appropriations made by the legislative assembly for ~~such~~ the compensation.

SECTION 2. AMENDMENT. Section 25-02-01.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-02-01.1. Maintenance of state hospital accreditation. The department of human services shall seek appropriations and resources sufficient to ensure maintenance of the state hospital's accreditation by the joint commission on accreditation of health care organizations and certification by the health care financing administration or by similar accrediting and certifying organizations and agencies possessing hospital standards recognized by the health care industry and accepted by the department. If required for accreditation, the state hospital shall create a governing body and governance bylaws."

- Page 1, line 7, replace "Clinical" with "Medical"
- Page 1, line 19, after the second "and" insert "with professional training and experience" and after "relating" insert "directly"
- Page 1, line 20, replace "clinical" with "medical"
- Page 1, line 22, replace "psychologists" with "clinical staff"
- Page 2, line 3, replace "clinical" with "medical"
- Page 2, line 4, replace "clinical" with "medical"
- Page 2, line 8, overstrike "such"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3010: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **DO PASS** (9 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HCR 3010 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3012, as engrossed: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3012 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3017: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HCR 3017 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A concurrent resolution" replace the remainder of the resolution with "urging Congress and the President to consider carefully the consequences of federal legislation impacting states and political subdivisions.

WHEREAS, the 10th Amendment to the Constitution of the United States established the roles of the federal government and state governments; and

WHEREAS, the traditional role of the federal government as the unified voice of the several states is subverted when Congress and the President enact laws that unnecessarily mandate the activities of state and local governments; and

WHEREAS, states and political subdivisions are struggling under the burden of federal legislative and regulatory requirements that increase the fiscal pressures on state and local governments and reduce the ability of state and local governments to meet the needs of their constituents and serve as laboratories of democracy;

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

That the Fifty-fourth Legislative Assembly urges the Congress and the President of the United States to consider the substantial legislative and regulatory burden that has been imposed by the federal government upon states and political subdivisions and to carefully consider the consequences of legislation and regulations impacting states and political subdivisions; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to members of the North Dakota Congressional Delegation and the President of the United States."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HCR 3026: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** and **BE PLACED ON THE CONSENT CALENDAR** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3026 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3030, as engrossed: Joint Constitutional Revision Committee (Sen. Andrist, Chairman) recommends **DO PASS** (6 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HCR 3030 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary