

JOURNAL OF THE SENATE

Forty-ninth Legislative Assembly

\* \* \* \* \*

SIXTH DAY

Bismarck, January 15, 1985

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

The prayer was offered by Reverend Michael Fennell, Associate Pastor, First United Pentecostal Church, Bismarck.

Our Lord Jesus, we praise and honor Thee this day, for Thy name is exalted above all others. In Thy presence let everything be accomplished according to Thy will.

Bless all those in this Senate chamber today who have dedicated their lives to the ministry of others. Grant them Thy wisdom and understanding concerning the well-being of the people of the state of North Dakota.

In the name of Jesus Christ, our Lord, Amen.

ROLL CALL

The roll was called and all members were present, except Senator Kelly.

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 Fifth day and finds the same to be correct.

SEN. DAVID, Chairman

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

REPORTS OF PROCEDURAL COMMITTEES

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

SB 2112, SB 2161

SEN. BAKEWELL, Chairman

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

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

SB 2083

**SEN. BAKEWELL, Chairman**

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

#### CONSIDERATION OF AMENDMENTS

**SEN. STENEHJEM MOVED** that the amendments to SB 2082 as recommended by the Committee on Social Services and Veterans Affairs as printed on page 139 of the Senate Journal be adopted, which motion prevailed.

#### MOTIONS

**SEN. STENEHJEM MOVED** that SB 2081 be laid over one legislative day, which motion prevailed.

**SEN. WOGSLAND MOVED** that SB 2101 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

#### REQUEST

**SEN. WOGSLAND REQUESTED** the unanimous consent of the Senate to withdraw SB 2101. There being no objection, it was so ordered by the President.

#### MOTION

**SEN. LIPS MOVED** that SB 2256 be returned to the Senate floor from the Committee on Industry, Business and Labor, which motion prevailed.

#### REQUEST

**SEN. LIPS REQUESTED** the unanimous consent of the Senate to withdraw SB 2256. There being no objection, it was so ordered by the President.

#### REPORTS OF STANDING COMMITTEES

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SB 2066 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. CHRISTENSEN, Chairman**

SB 2066 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SB 2067 has had the same under consideration and recommends that the same DO PASS.

**SEN. CHRISTENSEN, Chairman**

SB 2067 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was referred SB 2071 has had the same under consideration and recommends that the same DO PASS.

**SEN. CHRISTENSEN, Chairman**

SB 2071 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2072 has had the same under consideration and recommends that the same DO PASS.

**SEN. LODOEN, Chairman**

SB 2072 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Industry, Business and Labor to which was referred SB 2076 has had the same under consideration and recommends that the same DO NOT PASS.

**SEN. REITEN, Chairman**

SB 2076 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Agriculture to which was referred SB 2132 has had the same under consideration and recommends that the same DO PASS.

**SEN. VOSPER, Chairman**

SB 2132 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2158 has had the same under consideration and recommends that the same DO PASS.

**SEN. LODOEN, Chairman**

SB 2158 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2209 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SB 2209 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2241 has had the same under consideration and recommends that the same DO PASS.

**SEN. WRIGHT, Chairman**

SB 2241 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on State and Federal Government to which was referred SB 2243 has had the same under consideration and recommends that the same DO NOT PASS.

SEN. LODOEN, Chairman

SB 2243 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### FIRST READING OF SENATE BILLS

Sen. Wenstrom and Rep. Hoffner introduced:

**SB 2276:** A BILL for an Act to create and enact a new section to chapter 50-10.1 of the North Dakota Century Code, relating to limited immunity for activities for long-term care ombudsmen; and to amend and reenact subsections 1 and 3 of section 50-10.1-01, sections 50-10.1-03, 50-10.1-05, 50-10.1-06, and subsection 1 of section 50-10.1-07 of the North Dakota Century Code, relating to long-term care ombudsmen.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

Sen. Wenstrom and Rep. Wentz introduced:

**SB 2277:** A BILL for an Act to create and enact a new section to chapter 50-10.2 of the North Dakota Century Code, relating to enforcement of the rights of long-term care facility residents; and to amend and reenact sections 50-10.2-01, 50-10.2-02, and 50-10.2-03 of the North Dakota Century Code, relating to rights of long-term care facility residents.

Was read the first time and referred to the Committee on Social Services and Veterans Affairs.

Sen. Wenstrom introduced:

**SB 2278:** A BILL for an Act to establish a health care finance commission; to develop a prospective hospital revenue control system covering all payers; to provide for the collection, analysis, and distribution of information concerning the costs and prices charged for hospital services; to establish a ceiling on capital expenditures; to provide a penalty; and to provide an appropriation.

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

Sen. Holmberg introduced:

**SB 2279:** A BILL for an Act to amend and reenact sections 15-47-27, 15-47-27.1, and subsection 5 of section 15-47-38 of the North Dakota Century Code, relating to the date for the second evaluation of teachers.

Was read the first time and referred to the Committee on Education.

**FIRST READING OF A SENATE CONCURRENT RESOLUTION**

Sen. Wenstrom and Rep. Kretschmar introduced:

**SCR 4018:** A concurrent resolution for the amendment of sections 12 and 13 of article V and section 12 of article X of the Constitution of the State of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of the State of North Dakota, relating to the duties of state treasurer on issuance of legal tender by banks in the state; and to provide an effective date.

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

**FIRST READING OF HOUSE BILLS**

**HB 1042:** A BILL for an Act to amend and reenact subdivision k of subsection 1 of section 28-32-03.2 of the North Dakota Century Code, relating to the distribution of the North Dakota Administrative Code.

Was read the first time and referred to the Committee on State and Federal Government.

**HB 1110:** A BILL for an Act to amend and reenact section 54-27-21 of the North Dakota Century Code, relating to the requirements for fixed asset minimum reporting value for state departments, agencies, and institutions.

Was read the first time and referred to the Committee on State and Federal Government.

**HB 1117:** A BILL for an Act to amend and reenact sections 47-25-02 and 47-25-04 of the North Dakota Century Code, relating to trade names.

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

**HB 1190:** A BILL for an Act to amend sections 57-15-05, 57-15-07, and 57-15-11 of the North Dakota Century Code, relating to dates for levying taxes for county, city, and park district levy requests.

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

**HB 1193:** A BILL for an Act to create and enact two new sections to chapter 57-40.5 of the North Dakota Century Code, relating to aircraft excise tax refunds and a procedure for refunding; and to provide an appropriation.

Was read the first time and referred to the Committee on Finance and Taxation.

**SECOND READING OF SENATE BILLS**

**SB 2051:** A BILL for an Act to amend and reenact section 21-10-07 of the North Dakota Century Code, relating to legal investments of the state investment board.

Which has been read.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 48 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Lashkowitz; Mutch; Streibel; Tennefos; Tweten

ABSENT AND NOT VOTING: None

SB 2051 passed and the title was agreed to.

\*\*\*\*\*

SB 2052: A BILL for an Act to amend and reenact section 15-39.1-26 of the North Dakota Century Code, relating to the investment of teachers' fund for retirement moneys.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 12 YEAS, 41 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Berube; Ingstad; Krauter; Lips; Maixner; Matchie; Mushik; Nething; Satrom; Thane; Tweten; Vosper

NAYS: Adams; Bakewell; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Kelly; Kelsh; Kilander; Kusler; Langley; Lashkowitz; Lodoen; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mutch; Naaden; Nelson; Olson; Parker; Peterson; Redlin; Reiten; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Todd; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2052 was declared lost.

\*\*\*\*\*

SB 2057: A BILL for an Act to amend and reenact subdivision c of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to maximum rent payable for conducting games of chance.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 1 YEA, 52 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Maixner

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2057 was declared lost.

\*\*\*\*\*

SB 2058: A BILL for an Act to amend and reenact section 53-06.1-09 of the North Dakota Century Code, relating to the operation of sports pools.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 50 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Christensen; Heinrich; Vosper

ABSENT AND NOT VOTING: None

SB 2058 passed and the title was agreed to.

\*\*\*\*\*

**SB 2060:** A BILL for an Act to create and enact a new subdivision to subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to a required waiting time to change the sponsoring organization operating a game of chance at a particular site.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

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

**YEAS:** None

**NAYS:** Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

**ABSENT AND NOT VOTING:** Naaden

SB 2060 was declared lost.

\*\*\*\*\*

**SB 2074:** A BILL for an Act to amend and reenact section 23-01-02 of the North Dakota Century Code, relating to health council membership.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 46 YEAS, 7 NAYS, 0 ABSENT AND NOT VOTING.

**YEAS:** Berube; Christensen; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Waldera; Walsh; Wenstrom; Wogsland

**NAYS:** Adams; Bakewell; David; Freborg; Mutch; Vosper; Wright

ABSENT AND NOT VOTING: None

SB 2074 passed and the title was agreed to.

\*\*\*\*\*

SB 2106: A BILL for an Act to amend and reenact section 15-19-06 of the North Dakota Century Code, relating to a scholarship fund administered through the state board of public school education for the award of grants to independent study students, and providing a standing and continuing appropriation.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2106 passed and the title was agreed to.

\*\*\*\*\*

SB 2112: A BILL for an Act to amend and reenact section 37-18.1-01 of the North Dakota Century Code, relating to the administrative committee on veterans' affairs.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore;

Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2112 passed and the title was agreed to.

\*\*\*\*\*

SB 2157: A BILL for an Act to create and enact a new subdivision to subsection 13 of section 15-10-17 of the North Dakota Century Code, relating to certain college teachers under the teachers' fund for retirement; and to declare an emergency.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 51 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: David; Moore

ABSENT AND NOT VOTING: None

SB 2157 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2161: A BILL for an Act to amend and reenact subsection 4 of section 55-10-02 of the North Dakota Century Code, relating to the state historic sites registry, additions to or deletions from that list, and the discretionary powers of the state historical board regarding that list.

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 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2161 passed and the title was agreed to.

\*\*\*\*\*

SB 2162: A BILL for an Act to amend and reenact subsection 2 of section 55-10-08 of the North Dakota Century Code, relating to the responsibilities of the state or instrumentalities of state government regarding demolition or alteration of any site listed in the state historic sites registry and the procedure for approval or mitigation of any proposed demolition or alteration.

Which has been read.

ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 52 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: Meyer, D.

ABSENT AND NOT VOTING: None

SB 2162 passed and the title was agreed to.

\*\*\*\*\*

SB 2199: A BILL for an Act to amend and reenact subsection 8 of section 57-37.1-01 and subsection 1 of section 57-37.1-13 of the North Dakota Century Code, relating to definitions for estate tax purposes and depository notices of transfer of decedent's assets.

Which has been read.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 53 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lashkowitz; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh; Wenstrom; Wogsland; Wright

NAYS: None

ABSENT AND NOT VOTING: None

SB 2199 passed and the title was agreed to.

\*\*\*\*\*

SB 2218: A BILL for an Act to amend and reenact section 18-12-23 of the North Dakota Century Code, relating to the review of plans and the installation of electrical wiring and apparatus.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 3 YEAS, 50 NAYS, 0 ABSENT AND NOT VOTING.

YEAS: Lashkowitz; Naaden; Tallackson

NAYS: Adams; Bakewell; Berube; Christensen; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Kilander; Krauter; Kusler; Langley; Lips; Lodoen; Maixner; Matchie; Meyer, D.; Meyer, J.; Meyer, W.; Moore; Mushik; Mutch; Nelson; Nething; Olson; Parker; Peterson; Redlin; Reiten; Satrom; Shea; Stenehjem; Streibel; Stromme;

Tennefos; Thane; Todd; Tweten; Vosper; Waldera; Walsh;  
Wenstrom; Wogsland; Wright

ABSENT AND NOT VOTING: None

SB 2218 was declared lost.

\*\*\*\*\*

#### MOTIONS

SEN. MAIXNER MOVED that the Senate reconsider the action whereby SB 2167 was passed, which motion prevailed.

SEN. MUTCH MOVED that SB 2167 be rereferred to the Committee on Transportation, which motion prevailed.

#### POINT OF PERSONAL PRIVILEGE

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

Madam President and ladies and gentlemen of the Senate: Yesterday, two of us were absent from this body because we were attending a briefing and review of a low-level radioactive waste site in South Carolina. Incidentally, the weather was nicer when we got back this morning than it was down there, so you don't have to look at that with any degree of envy.

The reason I want to make these comments today is to alert you to a situation that confronts North Dakota and legislation now pending which hearings will be commenced in the House, on the subject of disposing of low-level radioactive waste. Each of you has a copy of the report of the North Dakota Legislative Council and I want to refer you, in that report, to page 165 and on pages 168 and 169, where the recommendations that brought about the drafts of two bills: House Bill 1077 and House Bill 1078, which are the bills that are going to be heard in the House.

HB 1077 provides for setting up what is called a Dakota Interstate Compact, and HB 1078 would provide that North Dakota would come into the Rocky Mountain Compact. Just for a little bit of background, Congress a couple of sessions ago gave the states an opportunity to form compacts so that they could arrive at their methods of dealing with disposal of low-level radioactive waste, and at that time North Dakota was part of what was then identified as the Midwest Compact, at least was part of it in the sense of the geographic boundaries and the state would have to take the necessary action to join. North Dakota chose not to do that and as a result this study came about, and we now have the two alternatives in front of us.

At this same meeting in South Carolina, the leaders from the South Dakota Legislature, both parties, were also present. The meeting was sponsored and hosted by Chem-Nuclear Systems, Inc., which deals with disposal sites, including the transportation and the packaging and the closing of the sites when they are completed, and are rather thorough in that regard.

Yesterday we began at 8:30 in the morning with a briefing by the corporate officials as to what we might see at the site, what we might expect, the history of the organization, and so on. And at 10:00 we met with the Governor of South Carolina and talked to him on how South Carolina got into this and what they think about having a site located in South Carolina. Now, Chem-Nuclear Systems is a private corporation that has developed the state of the art in disposing of this material. They have then received a license from the state of South Carolina to run this facility, and it is anticipated that even though they have room for storing this waste until the year 2030, their responsibilities as a part of the Southeast Compact will terminate in the year 1992. The compact that they're involved in provides that all of the other members of that compact will eventually become a host state for a given period of time.

The point Governor Riley made was that there were several benefits to having the site there and the main point was that the state must develop its regulations strong enough to make sure that the operators of the site do it to protect the citizens of that state.

We then had a luncheon meeting with the community leaders of Barnwell, which is where the site is located. The community leaders were the local county council members or county commissioners as we know them: the mayor of Barnwell and the mayor of the one of the other local cities, a couple of county officials, the local newspaper was there, and the local radio station owner was there, and the local superintendent of schools. At that point the corporate people from Chem-Nuclear left the room with the idea that the group could then ask these community leaders what they thought of having a low-level radioactive waste site within their community. It was a very enlightening meeting with them, they're very proud of the facility, and answered our questions and responded in a very positive manner.

Later in the afternoon, from 2:00 to about 4:30, we toured the site. We did not have to wear any special clothing or anything. We did wear a helmet and goggles, which is what you usually wear around sites where construction is taking place. They did give a little pencil-looking like instrument that supposedly you could measure whether you

were accumulating any radioactivity around yourself. But other than that it was just like walking on any other grounds, it wasn't anything that was very concerning to any of us.

I think all of us were impressed with the tour and with the facility itself and I couldn't help but think as we left last evening and on visiting about the site, that perhaps there is a third option available in North Dakota. Perhaps our state and this legislative session should take a look at it from the point of view of economic development as opposed as to the point of view of just having to satisfy the federal government requirements and to join South Dakota in the beginning of the compact, and when our turn comes to be a host state that we would then have to make arrangements with a corporate organization to come in and do what they're doing in South Carolina and what's being proposed in South Dakota. I mention that because I'm quite sure that anything we do with South Dakota at this point in order to satisfy the electorate of South Dakota is going to have to carry a provision that whoever is with them in a particular site ultimately has to become a host site as well.

The South Dakota voters at the last election passed an initiated measure which provides that any action that the Legislature takes must be referred to the people of South Dakota, for their confirmation. And as I look through the materials that they gave us, one that struck my eye was just exactly what this is going to do for the state of South Dakota and the county of Fall River, where the proposed site is to be located. These figures, by the way, compare almost exactly with what is happening in South Carolina, insofar as the fees and economic benefits and the tax return and so on, is. And of course, much of this would depend upon what type of taxing you would set on it. But I point this out today because, first of all, it's fresh in my mind, but secondly, I think it's something that as we look at this during the next weeks of this session, we may want to give some consideration because of these economic benefits.

For example, the county in which the site is located would receive annual tax revenues of approximately \$440,000 per year. The gross income to that county would be in excess of \$3,000,000 annually. About \$650,000 would be spent annually for capital equipment that would be purchased from North Dakota businesses. And, during the operational period of the site, and these are figures that would assume that the site would operate for a much longer period of time, even though you would have limitations as to how much disposable waste could be buried, but they estimate that it could be during a fifty-year period over \$800,000,000, and that does not include revenues from a perpetuity fund which

is established for closing of the site after it has taken place and also for dealing with any problems that could develop, none of which they anticipate.

The county and the communities where this site would be located would employ approximately 112 new employees, and about sixty-five percent would be hired in the area where the site was located, which of course could be a boon to any place in our state. Over 200 new people would locate in the area as a direct result of the development of the site, in addition to those employed at the site. These are people that are located there because of the transportation involved and other auxiliary support services that come in addition to the 112 in operating the site. It is also estimated, and in the state of South Carolina presently, the state is receiving over \$4,000,000 annually in fees and tax dollars. I think, as I recall, about \$4.8 million, almost \$5,000,000, that the state was receiving. In South Carolina they have dedicated all of it to public education.

So, Madam President and fellow senators, I thought that this is the type of information that you would be interested in because we in our state are always looking for opportunities for economic development. In view of the fact that we need to take action perhaps we ought to consider the two options that are present in the legislation pending, one being the compact with South Dakota, one being the Rocky Mountain Compact; and in addition we offer to South Dakota to join us and that we become the host state and develop the site instead of having them do it.

So I bring this information to you. I think it was a very informative meeting. I have never had what you would call an earth-shaking interest in the subject matter, because it's one where I think appeals more to the scientific community, but when you look at it through the eyes of economic development I think it offers an excellent alternative.

Thank you.

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

Madam President and members of the assembly: I wanted to point out a couple things that I thought would be of interest to the senators. First of all, I would concur with the senator from the 48th's analysis of the company and the way they're doing business. They appeared to me to be just a very responsible, outstanding company.

By way of background, to my expertise, I do have a degree in chemical engineering and I was a nuclear safety officer in the Navy, so I have some training in the handling of nuclear materials. I was extremely impressed by the way they do business. Liquid wastes, for instance, are made into concrete, then the concrete is poured into what would be a very large plastic container, and then that container is buried in a fill that is in a particular type of earth that is not penetrable by water. It is then covered over with sand, then a domed roof put on with the same type of clay so that essentially the water flows around the unit that's buried.

I would like to point out that at this point I think that most of us on the trip were looking at this, was from the point of view of South Dakota being the first host site. And the reason for that is the business community in Edgemont has invited the company there. The company has done some preliminary engineering and exploration work in the area and has determined in fact, that that would be one of two ideal areas in the state of South Dakota for such a facility. If we were to proceed ahead, as the senator from the 48th said, it would have to be approved once we completed our work, by the voters of South Dakota.

The things that we need to keep in mind as far as the revenues that were mentioned from a site such as this--they're almost entirely, as far as state revenues and county revenues, almost entirely dependent upon what the state does--much like our severance tax.

As I would envision what would happen with a site such as this, it would go something like this: There would be a ceiling put on the amount of material that could be handled. They needed to do that in South Carolina because they found out that they were being essentially the only waste site for the entire eastern United States. They were handling I think, at one point, up to ninety percent of the waste generated. They put a ceiling on the amount that could be handled, it amounted to 1,200,000 cubic feet per year. If the same ceiling were put on a facility in either North or South Dakota, the prevailing rate right now is about \$25 per cubic foot. It means about \$30,000,000 in revenues to the company. In visiting with the people from the company, they didn't believe that a thirty percent tax in the total would be out-of-line on that kind of revenue. That would mean that the state would get about \$9,000,000 total from the company in any given year.

The federal laws require that a portion of that be put into this fund to protect this thing for a period of 300 years to go back to make sure that no leaks develop, to make sure that erosion doesn't wash through, these kinds of things. So there are some requirements in that area.

The amount of money going to the county, of course, could be determined by the legislature. In the case of South Carolina it sounded as if the company kind of volunteered to pay the county a \$440,000 per year licensing fee. They really didn't seem like they were that tough to deal with from what I could gather from talking to the local officials. I think if we need to down the line, when it comes to be our turn it's something we need to look at, it's something that we as a state can benefit from economically.

I think it's necessary that we proceed to become what they call a regulatory or signatory state so that we do our own supervision and regulation of the industry if it comes to North Dakota. That seemed to be the advice that they gave us there.

Thank you, Madam President and members of the assembly.

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:

HB 1060, HB 1073, HB 1074, HB 1105, HB 1106, HB 1119,  
HB 1120, HB 1140, HB 1176, HCR 3001

ROY GILBREATH, Chief Clerk

HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to return herewith the following which the House has passed unchanged:

SCR 4016

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2059, SB 2096, SB 2133, SB 2148, SB 2165, SB 2168,  
SB 2169, SB 2185

LEO LEIDHOLM, Secretary

POINT OF PERSONAL PRIVILEGE

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

Madam President, today is a day in which we as a country honor Dr. Martin Luther King, Jr.

It is a time when we can reflect how far we have come to achieve social justice and equality in this country. Martin Luther King, Jr. epitomized this struggle. He is however much more than a symbol. He lived for racial and social equality in America, and he died for it.

Through civil rights and voting rights legislation we finally began to fill the gap between what we said we stood for in this country, and what we actually practiced. Dr. King struggled hard to bring us closer to the ideals of our nation, to make equal protection under the law a reality as well as an ideal.

Today, Dr. King will be honored across the nation as one who epitomized the conscience of our country at a time when hate, anger and unrest prevailed. He stood as a symbol of peace and nonviolence at a time when both seemed out of reach. He embodied the fundamental principles upon which this country was founded.

Robert Kennedy, himself slain in that spring of 1968, said after Dr. King's death "what we need in the United States is not division; what we need is not hatred; what we need is love, wisdom and compassion toward one another".

Madam President, Kennedy's words are relevant to us as North Dakotans and to our work here in the Legislature, for the war against inequality has not been won. We still struggle for social justice and peace in this country. Native Americans and other minorities still fight to achieve a quality education, equal protection under the law, and justice in our society. We must continue to pursue these ideals in our political parties, in our state government and in our Legislative Chambers.

Today, Dr. King will be remembered and honored as a great man who represented the fundamental principles of our democratic society. His ideals will live on, so long as we continue our own struggle for equality and social justice in this country. May we all work together to achieve these ideals.

#### MOTIONS

SEN. NELSON MOVED that the absent Senators be excused, which motion prevailed.

SEN. NOTHING MOVED that after the reading of SB 2066, SB 2067, SB 2071, SB 2072, SB 2076, SB 2081, SB 2082, SB 2132, SB 2158, SB 2209, SB 2241, and SB 2243, the Senate adjourn and convene at 1:00 p.m., Wednesday, January 16, 1985, which motion prevailed.

LEO LEIDHOLM, Secretary