

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 18, 1993

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Rex Wilson, First Baptist Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

SECOND READING OF SENATE BILL

SB 2295: A BILL for an Act relating to cooperative agreements between health care providers.

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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

SB 2295 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2300: A BILL for an Act to repeal chapter 38-18.1 of the North Dakota Century Code, relating to termination of unused mineral interests.

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 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Freborg; Goetz; Grindberg; Holmberg; Kelly; Kelsh; Krebsbach; Lindgren; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, W.; Streibel; Tallackson; Tennefos; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Thane; Tomac; Traynor; Urlacher; Wogsland

SB 2300 lost.

CONSIDERATION OF AMENDMENTS

SB 2512: SEN. SOLBERG (Judiciary Committee) MOVED that the amendments on SJ pages 659-675 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to create and enact seven new sections to chapter 53-06.1 of the North Dakota Century Code, relating to legalizing video gaming devices as a game of chance; to amend and reenact section 53-06.1-01, subsection 6 of section 53-06.1-03, subsection 1 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-11, 53-06.1-12, 53-06.1-14, 53-06.1-15.1, 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to legalizing video gaming devices as a game of chance; and to provide an appropriation.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2512 bypass the Appropriations Committee, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Maxson; Mushik; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Wogsland

NAYS: Andrist; Evanson; Freborg; Goetz; Graba; Jerome; Lindaas; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Streibel; Tennefos; Tomac; Urlacher; Yockim

SB 2512 lost.

SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to create and enact a new section to chapter 50-24.1 of the North Dakota Century Code, relating to exempt income and resources to determine medical assistance eligibility for the disabled.

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 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Lindgren; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Urlacher

SB 2337 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1001, HB 1005, HB 1010, HB 1017, HB 1054, HB 1064, HB 1180, HB 1504.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1193, HB 1218, HB 1275, HB 1304, HB 1347, HB 1356, HB 1360, HB 1376, HB 1399, HB 1416, HB 1422, HB 1437, HB 1449, HB 1452, HB 1462, HB 1474, HB 1483, HB 1509, HCR 3013, HCR 3022, HCR 3028, HCR 3029, HCR 3033, HCR 3034, HCR 3036, HCR 3039, HCR 3043, HCR 3044, HCR 3045, HCR 3046, HCR 3052.

SECOND READING OF SENATE BILL

SB 2504: A BILL for an Act to create and enact a new section to chapter 10-24 of the North Dakota Century Code, relating to competitive bidding requirements for nonprofit corporations receiving public funds; and to amend and reenact sections 10-24-22 and 10-24-25 of the North Dakota Century Code, relating to meetings, books, and records of a nonprofit corporation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 10 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Kelly; Langley; Maxson; Mushik; Redlin; Scherber; Schoenwald; Yockim

NAYS: Bowman; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

ABSENT AND NOT VOTING: Dotzenrod

SB 2504 lost.

SECOND READING OF SENATE BILL

SB 2507: A BILL for an Act relating to a federal waiver to use medical assistance funds to provide services for developmentally disabled individuals who are not mentally retarded.

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 36 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Mutch; Naaden; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Urlacher

ABSENT AND NOT VOTING: Holmberg

SB 2507 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2525: A BILL for an Act to amend and reenact section 48-02-04 of the North Dakota Century Code, relating to advertisements for bids; and to

repeal section 48-02-05.1 of the North Dakota Century Code, relating to bid requirements and acceptance of bids.

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

YEAS: Dotzenrod; Langley; Traynor

NAYS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

SB 2525 lost.

SECOND READING OF SENATE BILL

SB 2530: A BILL for an Act to amend and reenact subsection 1 of section 13-03-14, section 13-03.1-03, and subsection 1 of section 13-03.1-15 of the North Dakota Century Code, relating to the maximum amount of loans issued by the consumer finance agency and establishing a usury limitation for small loans and consumer finance loans.

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 26 YEAS, 23 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tomac; Urlacher; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor

SB 2530 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4037: A concurrent resolution urging the President and Congress to institute policies encouraging fair trade between nations, and expressing opposition to the General Agreement on Tariffs and Trade and the North American Free Trade Agreement.

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

SCR 4037 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that SCR 4028 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4028: A concurrent resolution urging Congress to either refrain from imposing on states and local governments the costs of programs mandated by federal law or fully fund those programs.

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

SCR 4028 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that SB 2465 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2465: A BILL for an Act to create and enact a new section to chapter 54-03 of the North Dakota Century Code, relating to requirements for bills.

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 6 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Grindberg; Kinnoin; Sand; Solberg; Urlacher

NAYS: Bowman; DeMers; Dotzenrod; Freborg; Goetz; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Evanson

SB 2465 lost.

REQUEST

SEN. EVANSON REQUESTED that her vote is "Nay" on SB 2465, which request was granted.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2295, SB 2337, SB 2507, SB 2530, SCR 4028, and SCR 4037 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2300, SB 2465, SB 2504, and SB 2525 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 10:40 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has passed and your favorable consideration is

requested on: SB 2006, SB 2021, SB 2022, SB 2050, SB 2053, SB 2056, SB 2081, SB 2214, SB 2230, SB 2243, SB 2277.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2327, SB 2333, SB 2347, SB 2378, SB 2387, SB 2392, SB 2403, SB 2418, SB 2443, SB 2447, SB 2457, SB 2461, SB 2470, SB 2511.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2519, SB 2520, SB 2536, SB 2537, SCR 4021, SCR 4027, SCR 4030, SCR 4033, SCR 4035, SCR 4036, SCR 4038, SCR 4040, SCR 4042, SCR 4043, SCR 4044, SCR 4045.

MOTION

SEN. MATHERN MOVED that SB 2066 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2066: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 54-52.1-03.2 of the North Dakota Century Code, section 4 of chapter 627 of the 1991 Session Laws of North Dakota, and subsection 2 of section 54-52.1-03.3 of the North Dakota Century Code, relating to investment of the retiree health benefits fund and to calculation of the allowable monthly credit toward hospital and medical benefits coverage under the retiree health benefits fund.

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, 0 NAYS, 0 EXCUSED, 5 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Schoenwald; Stenehjem, W.; Tallackson; Wogsland

SB 2066 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2492 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2492: A BILL for an Act to create and enact a new section to chapter 34-11.1 of the North Dakota Century Code, relating to a public employee's right to representation during grievance proceedings.

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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell;

Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Schoenwald; Stenehjem, W.; Wogsland

SB 2492 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2532 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2532: A BILL for an Act to amend and reenact section 5-03-07 of the North Dakota Century Code, relating to the rate of tax imposed on alcoholic beverages at wholesale; and to provide an appropriation.

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, 38 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Graba; Jerome; Lindaas; Mathern; Redlin; Scherber

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Schoenwald; Stenehjem, W.; Wogsland

SB 2532 lost.

MOTION

SEN. MATHERN MOVED that SB 2538 and SCR 4049 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2538: A BILL for an Act to authorize the state board of education to exchange certain state-owned land at Bismarck state college for certain property owned by the Theodore Roosevelt Medora foundation; and to declare an emergency.

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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Schoenwald; Stenehjem, W.; Wogsland

SB 2538 passed, the title was agreed to, and the emergency clause was carried.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4049: A concurrent resolution directing the Legislative Council to study the need for optional Medicaid programs and the impact of discontinuing those programs.

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

SCR 4049 was declared adopted on a voice vote.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2295, SB 2337, SB 2507, SB 2530, SCR 4028, SCR 4037.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolution: HCR 3051.

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

MR. SPEAKER: The President has signed: HCR 3051.

MOTION

SEN. MATHERN MOVED that SB 2486 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2486: A BILL for an Act to amend and reenact section 12-48-03.1 of the North Dakota Century Code, relating to the sale of products produced by roughrider industries.

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 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Keller; Kinnoin; Krebsbach; Lindgren; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher; Yockim

NAYS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Tallackson; Thane; Tomac; Wogsland

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2486 passed and the title was agreed to.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1007, HB 1013, HB 1014, HB 1326, HB 1391, HB 1413, HB 1498, HCR 3037.

MOTION

SEN. MATHERN MOVED that SB 2478 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2478: A BILL for an Act to provide for infrastructure construction, improvement, rehabilitation, operation, or management by private operators and to provide for development agreements between public authorities and private operators.

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 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Nalewaja; Nelson; Nething; O'Connell; Robinson; Solberg; Stenehjem, B.; Tallackson; Tennefos; Thane; Traynor; Urlacher; Yockim

NAYS: DeMers; Heinrich; Jerome; Keller; Kelly; Kelsh; Mushik; Mutch; Naaden; Redlin; Sand; Scherber; Schoenwald; Streibel; Tomac; Wogsland

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2478 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2065: A BILL for an Act to create and enact a new section to chapter 54-52.1 of the North Dakota Century Code, relating to employee costs for health care under the uniform group insurance program; and to provide a penalty.

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, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Evanson; Krebsbach; Mutch

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2065 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2498: 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 designation of an honorary equine.

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 32 YEAS, 15 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kelly; Kelsh; Krebsbach; Langley; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Scherber; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Traynor

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Keller; Kinnoin; Krauter; Lindaas; Maxson; O'Connell; Robinson; Schoenwald; Tomac; Urlacher; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.; Wogsland

SB 2498 passed and the title was agreed to.

MOTION

SEN. ROBINSON MOVED that the Senate reconsider its action whereby SB 2272 passed, which motion prevailed.

MOTION

SEN. DOTZENROD MOVED that Engrossed SB 2272 be amended as follows, which motion prevailed.

Page 1, line 20, replace "has" with "may accept"

Renumber accordingly

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to provide for transfer of administrative control of a building module at the developmental center at Grafton from the department of human services to the administrative committee on veterans' affairs to be administered as part of the veterans' home; and to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to administrative authority and control of the developmental center at Grafton.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Traynor; Wogsland; Yockim

NAYS: Andrist; Marks; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2272 passed and the title was agreed to.

MOTION

SEN. SCHOENWALD MOVED that the Senate reconsider its action whereby SB 2466 passed, which motion prevailed.

MOTION

SEN. SCHOENWALD MOVED that Reengrossed SB 2466 be amended as follows:

Page 15, line 19, replace "income tax liability" with "federal insurance contribution"

Page 15, line 23, replace "state income tax" with "the contribution required by the Federal Income Contribution Act"

Page 15, line 24, remove "liability" and replace "in addition to the state income tax imposed" with "on each person making contribution under the Federal Income Contribution Act"

Page 15, line 25, remove "under chapter 57-38"

Renumber accordingly

MOTION

SEN. WOGSLAND MOVED that the amendments to SB 2466 be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:15 p.m., which motion prevailed on a verification vote.

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

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1002, HB 1003.

SECOND READING OF SENATE BILL

SB 2505: A BILL for an Act to amend and reenact subdivision b of subsection 2 of section 57-62-02 of the North Dakota Century Code, relating to allocation of coal severance tax revenues between a coal-producing county and a non-coal-producing county; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 24 YEAS, 23 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kesh; Kinnoin; Krebsbach; Lindgren; Lips; Maxson; Naaden; Nalewaja; Nelson; O'Connell; Sand; Solberg; Stenehjerm, B.; Tallackson; Thane; Urlacher

NAYS: Bowman; DeMers; Dotzenrod; Evanson; Heinrich; Kelly; Krauter; Langley; Lindaas; Marks; Mathern; Mushik; Mutch; Nething; Redlin; Robinson; Scherber; Streibel; Tennesfos; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Schoenwald; Stenehjerm, W.

SB 2505 passed and the title was agreed to.

REQUEST

SEN. SCHOENWALD REQUESTED that his vote on SB 2505 show as "Yea", which request is granted.

MOTION

SEN. O'CONNELL MOVED that the Senate reconsider its action whereby SB 2512 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to create and enact seven new sections to chapter 53-06.1 of the North Dakota Century Code, relating to legalizing video gaming devices as a game of chance; to amend and reenact section 53-06.1-01, subsection 6 of section 53-06.1-03, subsection 1 of section 53-06.1-06, sections 53-06.1-07, 53-06.1-07.1, 53-06.1-11, 53-06.1-12, 53-06.1-14, 53-06.1-15.1, 53-06.1-16.1, and 53-06.1-17 of the North Dakota Century Code, relating to legalizing video gaming devices as a game of chance; and to provide an appropriation.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 24 YEAS, 24 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Grindberg; Heinrich; Holmberg; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Maxson; Mushik; O'Connell; Schoenwald; Stenehjem, B.; Tallackson; Thane; Tomac; Traynor; Wogsland

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Graba; Jerome; Lindaas; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Solberg; Streibel; Tennefos; Urlacher; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2512 lost.

REQUEST

PRESIDENT MYRDAL REQUESTED that her vote show as "Nay", which request was granted.

MOTION

SEN. MATHERN MOVED that SB 2466 be removed from the table, which motion prevailed.

CONFLICT OF INTEREST

SEN. B. STENEHJEM STATED that he had a conflict of interest on SB 2466 and requested permission to vote.

The question being on whether Sen. B. Stenehjem could vote on SB 2466, which request was granted.

MOTION

SEN. SCHOENWALD MOVED that Reengrossed SB 2466 be amended as follows:

Page 15, line 19, replace "income tax liability" with "federal insurance contribution"

Page 15, line 23, replace "eighty-five" with "ninety-two" and replace "state income tax" with "the hospital insurance portion of the employee contribution required by the Federal Income Contribution Act"

Page 15, line 24, remove "liability" and replace "in addition to the state income tax imposed" with "on each employee making the hospital insurance portion of the contribution under the Federal Income Contribution Act"

Page 15, line 25, remove "under chapter 57-38"

Renumber accordingly

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Reengrossed SB 2466, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Reengrossed SB 2466, the roll was called and there were 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik;

O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Stenehjem, W.

The proposed amendments to Reengrossed SB 2466 were adopted.

SECOND READING OF SENATE BILL

SB 2466: A BILL for an Act to establish a universal health access program for citizens of the state; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 25 YEAS, 23 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Stenehjem, W.

SB 2466 lost for lack of two-thirds majority.

APPEAL

SEN. WOGSLAND APPEALED the decision of the President on SB 2466.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on SB 2466, which request was granted.

ROLL CALL

The question being on the motion "Shall the decision of the President stand as the judgment of the Senate?" the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

The ruling of the President on SB 2466 does not stand.

SB 2466 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that the vote by which SB 2466 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that SB 2466 be messaged to the House immediately, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2065, SB 2066, SB 2272, SB 2478, SB 2486, SB 2492, SB 2498, SB 2505, SB 2538, and SCR 4049 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2512 and SB 2532 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2065, SB 2066, SB 2272, SB 2478, SB 2486, SB 2492, SB 2498, SB 2505, SB 2538, SCR 4049.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2466.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2052, SB 2245, SB 2317, SB 2320, SB 2322, SB 2351, SB 2385, SB 2393, SB 2436, SB 2440, SB 2487, SB 2522, SB 2523, SCR 4032.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2012, SB 2014, SB 2016, SB 2092, SB 2170, SB 2201, SB 2216, SB 2222, SB 2223.

POINT OF PERSONAL PRIVILEGE

SEN. KELSH: 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 Senate, during this early part of the session we have been well served by Senate employees. In line with the tradition of last session we want to acknowledge that we will be paying employees for Friday, in recognition of their fine service, and then we will also be paying them for Monday and Tuesday in exchange for working on Martin Luther King Jr. Day and Presidents' Day. I hope you will join together and congratulate our employees on their performance during the first half of the session. We often forget to tell them when they are doing a good job, and we will look forward to having them back after crossover.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, February 24, 1993, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Robinson, Kelsh and Reps. Gerntholz, Laughlin introduced:

SCR 4066: A concurrent resolution directing the Legislative Council to study the impact on the state's economy of parity prices for various agricultural commodities.

Was read the first time and referred to the **Agriculture Committee.**

Sens. Mushik, Evanson, Kelly, Lindgren and Reps. Kaldor, Rydell introduced:

SCR 4067: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of developing a program to assist single mothers and their children in becoming independent of the social service system.

Was read the first time and referred to the **Human Services Committee.**

Sens. Tomac, Krauter introduced:

SCR 4068: A concurrent resolution directing the Legislative Council to study gift and estate tax laws and their relationship to medical assistance payments.

Was read the first time and referred to the **Human Services Committee.**

Sens. Tomac, Krauter introduced:

SCR 4069: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of taxation of mineral interests.

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

Sens. Mushik, Andrist, Yockim introduced:

SCR 4070: A concurrent resolution directing the Legislative Council to study open records, open meetings, and bidding laws for nonprofit corporations and organizations.

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

Sens. Scherber, Holmberg, Krauter and Reps. Boucher, Porter, Ring introduced:

SCR 4071: A concurrent resolution directing the Legislative Council to study and monitor the social economic impact of defense-related downsizing, closures, and loss of federal contracts.

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

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

CAROL SIEGERT, Secretary