

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

* * * * *

Bismarck, January 24, 1991

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

The prayer was offered by Father Phillip Brown, St. Philomena Catholic Church, Glenburn.

The roll was called and all members were present except Senators Freborg, Mushik, and Satrom.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2043, SB 2081, SB 2089, SB 2138, SB 2159, SB 2171, SB 2195, SB 2203, SB 2269, SB 2270.

REPORTS OF STANDING COMMITTEES

SB 2063: Committee on Judiciary (Sen. Maxson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 7, after "taxes" insert "and interest"

Renumber accordingly

SB 2085: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 57-39.2-03.2 of the North Dakota Century Code relating to alcoholic beverage and tobacco products sales tax rates; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 57-39.2-03.2 of the 1989 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-39.2-03.2. Sales tax on alcoholic beverages and tobacco products. Notwithstanding any other provision of law, the sales taxes imposed by this chapter apply to the gross receipts of retailers from all sales at retail of alcoholic beverages as defined in section 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars, and other tobacco products, provided that gross receipts from the sale thereof ~~shall mean means~~ and ~~include~~ includes any other taxes imposed on ~~such~~ this merchandise or its use or ~~on~~ the retail or other sale thereof. ~~Notwithstanding any other provision of law, there is imposed a tax of seven~~ six percent on the gross receipts of retailers from all sales at retail of alcoholic beverages, which is in lieu of and not in addition to any other tax imposed by this chapter.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable events occurring after June 30, 1991."

Renumber accordingly

SB 2113: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 3, after "biennium" insert "; and to provide for contingent additional per-pupil foundation aid payments"

Page 1, after line 14, insert:

"SECTION 2. CONTINGENT SEPARATE AND ADDITIONAL PER-PUPIL PAYMENT. The superintendent of public instruction shall distribute a separate and additional per-pupil payment from any unspent amount appropriated to the grants - foundation aid program for the biennium beginning July 1, 1991, and ending June 30, 1993, in the May 1, 1993, foundation aid payment to schools. Any payment made under this section must be on a weighted basis to be determined according to chapter 15-40.1."

Renumber accordingly

SB 2237: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, remove "subsection to" and replace "50-06-05.1" with "to chapter 50-27"

Page 1, line 6, replace "department of" with "governor's council on" and replace "services" with "resources"

Page 6, remove lines 14 through 17

Page 8, line 23, remove the overstrike over "~~committee on children and youth of the~~"

Page 8, line 24, remove the overstrike over "~~governor's council on~~", remove "~~department of~~", remove the overstrike over "~~resources~~", and remove "~~services~~"

Page 8, line 25, remove the overstrike over "~~chairperson of the committee~~" and remove "~~executive director of the~~"

Page 8, line 26, remove "~~department of human services~~", remove the overstrike over "~~committee~~", and remove "~~executive~~"

Page 8, line 27, remove "~~director.~~"

Page 9, line 2, remove the overstrike over "~~committee~~" and remove "~~executive director~~"

Page 9, line 3, after the period insert "The department of human services shall provide administrative and clerical support for the children's trust fund."

Page 9, line 6, remove the overstrike over "~~committee on children and youth~~" and remove "~~department~~"

Page 9, line 7, remove "~~of human services~~"

Page 9, line 8, remove "~~department of human services through the~~"

Page 10, after line 11, insert:

"SECTION 11. A new section to chapter 50-27 of the North Dakota Century Code is created and enacted as follows:

Governor's council on human resources. The executive committee of the governor's council on human resources and its functions must be maintained in the governor's office."

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2076: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 179 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2143: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 179 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. DOTZENROD MOVED that SB 2212, which is on the Sixth order, be rereferred to the Committee on Finance and Taxation, which motion prevailed. Pursuant to Sen. Dotzenrod's motion, SB 2212 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2223: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 180 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2013: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ pages 184-185 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2014: SEN. TALLACKSON (Committee on Appropriations) MOVED that the amendments on SJ page 185 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SB 2014 be placed on the Eleventh order, as amended, for second reading and final passage, which motion prevailed.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1047, HB 1076, HB 1080, HB 1095, HB 1104, HB 1135, HB 1137, HB 1181, HB 1198, HB 1199, HB 1308, HB 1335.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

Rep. Martinson and Sen. Satrom introduced:

HCR 3025: A concurrent resolution designating House and Senate employees and fixing their compensation.

Was read the first time.

MOTIONS

SEN. SATROM MOVED that HCR 3025 be amended as follows:

Page 2, line 4, replace "Jan Harmon" with "Candace Makeeff"

Page 4, line 20, replace "Lois Scherr" with "Jan Harmon"

Page 6, line 18, insert a comma after "compensation"

Page 6, line 19, replace "ten" with "five"

Renumber accordingly

SEN. SATROM MOVED that the proposed amendments be adopted, which motion prevailed.

SEN. SATROM MOVED that the rules be suspended, that HCR 3025 not be printed, not be referred to committee, not be read, be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Rep. Martinson and Sen. Satrom introduced:

HOUSE CONCURRENT RESOLUTION NO. 3025

A concurrent resolution designating House and Senate employees and fixing their compensation.

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

That for the Fifty-second Legislative Assembly the following persons are employed and appointed as employees of the House and Senate and are to be paid the daily wages opposite their respective names in accordance with their positions:

HOUSE

Roy Gilbreath, Chief Clerk	\$95.00
Jeane Marschke, Assistant Chief Clerk	80.00
Barbara Middaugh, Desk Reporter	89.00
Lance Hagen, Bill Clerk	74.00
Shawn Ackre, Sergeant-at-Arms	74.00
Darilyne Clausnitzer, Secretary to the Speaker	74.00
Mazie Patchen, Secretary to the Majority Leader	80.00
Al Hausauer, Staff Assistant to the Majority Leader	74.00
Melody Hanson, Secretary to the Minority Leader	80.00
Kathleen Joyce, Staff Assistant to the Minority Leader	74.00
Theola Stetson, Chief Stenographer and Payroll Clerk	74.00
Lois Schmidt, Stenographer	62.00
Sharon Jensen, Stenographer	62.00
Sandi Hohbein, Stenographer	62.00
Ardis Thompson, Stenographer	62.00
Kate Hanlon, Stenographer	62.00
Barbara Seyfert, Typist	62.00
Jan Harmon, Typist	62.00
Judy Frink, Chief Assistant Committee Clerk	68.00
Barb Klein, Appropriations Committee Clerk	76.00
Nancy Hayes, Assistant Appropriations Committee Clerk	68.00
Breezy Kohls, Assistant Appropriations Committee Clerk	68.00
Rhonda Otto, Assistant Appropriations Committee Clerk	68.00
Judy Hoffman, Committee Clerk	68.00
Joan VonRueden, Committee Clerk	68.00
Janice Stein, Committee Clerk	68.00
Jonathan Thomson, Committee Clerk	68.00
Sandy Schafer, Committee Clerk	68.00
Andrea Howe, Committee Clerk	68.00
Kristi Sagsveen, Committee Clerk	68.00
Lucy Hugelen, Committee Clerk	68.00
Lisa Peterson, Committee Clerk	68.00
Mona Heustis, Committee Clerk	68.00
Doris Leingang, Assistant Committee Clerk	65.00
David Hougen, Deputy Sergeant-at-Arms	62.00
Jerome Moszer, Assistant Sergeant-at-Arms	58.00
Kirk Larson, Assistant Sergeant-at-Arms	58.00
Bernice Clark, Assistant Sergeant-at-Arms	58.00
John Power, Assistant Sergeant-at-Arms	58.00
Shane Burthold, Assistant Sergeant-at-Arms	58.00
Alphonse Koenigsman, Assistant Sergeant-at-Arms	58.00
Lloyd Putney, Assistant Sergeant-at-Arms	58.00
Peter Schafer, Supply Room Coordinator	58.00
Mark Zimmerman, Chief Page and Bill Book Clerk	65.00
Richard Stenberg, Assistant Chief Page and Bill Book Clerk	62.00
Cindy Kephart, Journal Page	58.00
Barbara Larson, Desk Page	58.00

Phyllis Connolly, Desk Page	58.00
Mike Boyd, Desk Page	58.00
Brett Nilles, Page and Bill Book Clerk	58.00
Tommy Debele, Page and Bill Book Clerk	58.00
Carl Strum, Page and Bill Book Clerk	58.00
Nancy Thompson, Page and Bill Book Clerk	58.00
Merry Hook, Page and Bill Book Clerk	58.00
Andi Thon, Page and Bill Book Clerk	58.00
Robbie Jewett, Page and Bill Book Clerk	58.00
Mike Peterson, Page and Bill Book Clerk	58.00
Marion Bassingwaite, Page and Bill Book Clerk	58.00
Aaron Dalke, Page and Bill Book Clerk	58.00
Kevin Carney, Page and Bill Book Clerk	58.00
Valeria Ciavarella, Page and Bill Book Clerk	58.00
Jim Weber, Page and Bill Book Clerk	58.00
John Larson, Page and Bill Book Clerk	58.00
Fay Pitzer, Page and Bill Book Clerk	58.00
Althea Yantzer, Page and Bill Book Clerk	58.00
Lorraine Moos, Telephone Attendant	58.00
Lois Borke, Telephone Attendant	58.00
Irma Holmstrom, Telephone Attendant	58.00
Betty Heinrich, Telephone Page	58.00
Peggy Puetz, Information Desk Attendant	58.00
Eli Nemer, Chief Bill and Journal Room Clerk	68.00
Herman Jacobsen, Bill Room Clerk	58.00
Ilona Richey, Bill Room Clerk	58.00
Burnetta Barth, Bill Room Clerk	58.00
John Schmidt, Bill Room Clerk	58.00
Faye Caya, Bill Room Clerk	58.00
Frank Zent, Journal Room Clerk	58.00
Hella Keller, Journal Room Clerk	58.00
Charles Holmes, Parking Lot Attendant	58.00
Eugene Reynolds, Janitor (partial pay only)	54.00
Joe Emineth, Janitor (partial pay only)	45.00
Francis Scharosch, Janitor (partial pay only)	38.00
Helen Just, Janitor (partial pay only)	37.00

SENATE

Marion Houn, Secretary of the Senate	\$95.00
Bob Dykshoorn, Assistant Secretary of the Senate	80.00
Sally Paul, Desk Reporter	89.00
Myrna Lyng, Bill Clerk	74.00
Doug Nordby, Sergeant-at-Arms	74.00
Sandi Kershaw, Secretary to Majority Leader	80.00
Wanda Scheid, Staff Assistant to Majority Leader	74.00
Lois Scherr, Secretary to Minority Leader	80.00
Dan Austin, Staff Assistant to Minority Leader	74.00
Jane Schiele, Chief Stenographer and Payroll Clerk	74.00
Michelle Schumacher, Stenographer	62.00
Roxie Dietrich, Stenographer	62.00
JoDee Fandrich, Stenographer	62.00
Mary Schmitz, Chief Committee Clerk	74.00
Carin Noriega, Appropriations Committee Clerk	76.00
Shad Stasney, Assistant Appropriations Committee Clerk	68.00
Dolores Boutilier, Committee Clerk	68.00
Shelly Brink, Committee Clerk	68.00
Jodi Friskop, Committee Clerk	68.00
Roberta Holle, Committee Clerk	68.00
Mary Marthaller, Committee Clerk	68.00
Audrey Myers, Committee Clerk	68.00
Nancy Pfenning, Committee Clerk	68.00
Colleen Popelka, Committee Clerk	68.00
Jeannette Shaw-Lynch, Committee Clerk	68.00
Rayne Thomas, Committee Clerk	68.00
Brenda Huff, Assistant Committee Clerk	65.00
Clayton Litchfield, Deputy Sergeant-at-Arms	62.00
Kevin Urness, Deputy Sergeant-at-Arms	62.00

Vernon Erickson, Assistant Sergeant-at-Arms	58.00
Wallace Becker, Assistant Sergeant-at-Arms	58.00
Chris Dahl, Assistant Sergeant-at-Arms	58.00
Diana Schlosser, Chief Page and Bill Book Clerk	65.00
Darren Huber, Desk Page	58.00
Nancy Ludwig, Journal Page	58.00
Linda Putz, Page and Bill Book Clerk	58.00
George Schempp, Page and Bill Book Clerk	58.00
James Sears, Page and Bill Book Clerk	58.00
Carol Smith, Page and Bill Book Clerk	58.00
Jeffrey Spitzer, Page and Bill Book Clerk	58.00
Renae Doan, Page and Bill Book Clerk	58.00
Stephanie Fisher, Page and Bill Book Clerk	58.00
Brian Overton, Page and Bill Book Clerk	58.00
Clara Miller, Chief Telephone Attendant	62.00
Shirley Pasicznyk, Telephone Attendant	58.00
Bernice Asbridge, Telephone Attendant	58.00
Phyllis Rogstad, Telephone Attendant	58.00
Ruby Stadick, Telephone Attendant	58.00
Beth Bakke, Telephone Page	58.00
Mary Defender-Wilson, Information Desk Attendant	58.00
Selma Carlson, Bill Room Clerk	58.00
Patricia Hoffner, Bill Room Clerk	58.00
Delano Huston, Bill Room Clerk	58.00
Ledores Robey, Bill Room Clerk	58.00
Nettie Monroe, Journal Room Clerk	58.00
Walter Schramm, Parking Lot Attendant	58.00
Lucas Giesinger, Janitor (partial pay only)	54.00
Ronald Glaser, Janitor (partial pay only)	33.00
Keith Harrison, Janitor (partial pay only)	33.00

BE IT FURTHER RESOLVED, that each employee of the Fifty-second Legislative Assembly is entitled to an additional one dollar per day for each previous regular session of the Legislative Assembly during which that employee was paid for at least forty-five days, as either an employee of the House or the Senate, and to receive this additional compensation which may not exceed ten dollars per day, that employee must certify to the Legislative Council the year of each regular session during which that employee was employed as required by this resolution; and

BE IT FURTHER RESOLVED, that if any employee resigns, is discharged, or for other reasons terminates employment, the compensation provided by this resolution for that employee ceases effective the last day of employment.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3025: A concurrent resolution designating House and Senate employees and fixing their compensation.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read, the roll was called and there were 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kels; Kinnoin; Krauter; Krebsbach; Langley, Lindaas, Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Mushik

HCR 3025 was declared adopted on a recorded roll call vote.

MOTION

SEN. SATROM MOVED that the rules be suspended and that HCR 3025 be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Marion Houn, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3025.

MOTIONS

SEN. WOGSLAND MOVED that SB 2272, which is on the Eleventh order, be rereferred to the Committee on Appropriations, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2272 was rereferred.

SEN. WOGSLAND MOVED that HB 1149 be placed on the Fourteenth order, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2075, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2463 be returned to the Senate floor from the Committee on Industry, Business and Labor and be rereferred to the Committee on Natural Resources, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2463 was rereferred.

SEN. WOGSLAND MOVED that SB 2014 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2014: A BILL for an Act to make an appropriation for defraying the expenses of the state seed department.

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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Mushik

SB 2014 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2318 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2318: A BILL for an Act to amend and reenact subsection 4 of section 6-09-15 and sections 54-18-04 and 54-18-04.2 of the North Dakota Century Code, relating to the power of the Bank of North Dakota to invest funds in an export trading company and the power of the industrial commission to participate with export trading companies; and to repeal section 4-01-19.1 of the North Dakota Century Code, relating to the participation of the department of agriculture's marketing bureau with export trading companies.

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 51 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Mushik

SB 2318 passed and the title was agreed to.

SB 2030: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 23-17.2-03 of the North Dakota Century Code, relating to application of the certificate of need program to organ or tissue transplant centers; and to amend and reenact section 23-17.2-02 of the North Dakota Century Code, relating to definitions applicable to the certificate of need program governing health care facilities centers.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO NOT PASS, the roll was called and there were 27 YEAS, 24 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Graba; Hanson, E.; Heigaard; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tomac; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Goetz; Hanson, O.; Holmberg; Ingstad; Krebsbach; Lindgren; Lips; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Thane; Traynor; Vosper

ABSENT AND NOT VOTING: Freborg; Mushik

SB 2030 passed and the title was agreed to.

MOTIONS

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

SEN. WOGSLAND MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Ninth order of business, and at the conclusion of the Ninth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, the Senate stand adjourned until 12:30 p.m., Friday, January 25, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2087: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2087 was placed on the Eleventh order on the calendar.

SB 2095: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO

PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 6, replace "43-30.1-03.1" with "47-30.1-03.1"

Page 2, line 7, replace "than" with "from"

Renumber accordingly

SB 2154: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Eleventh order on the calendar.

SB 2169: Committee on Education (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, remove the overstrike over "~~sixty-eight~~"

Page 1, line 16, remove "sixty-five"

Page 1, line 20, overstrike "twenty-five" and insert immediately thereafter "twenty-eight"

Page 2, line 4, overstrike "twelve" and insert immediately thereafter "seventeen"

Page 2, remove lines 7 through 15

Renumber accordingly

SB 2239: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 16, replace "initiate" with "propose" and after "assist" insert "at the request of any tribe affected by such an agreement,"

Page 2, line 1, remove the overstrike over "~~the~~"

Page 2, line 2, remove the overstrike over "~~official newspaper of~~"

Page 2, line 3, after the first period insert "The notice must also be published in any newspaper of general circulation for the benefit of the members of any tribe affected by the agreement. The notice must also be posted plainly at the tribal office of any tribe affected by the agreement and in the county courthouse of any county affected by the agreement."

Page 2, line 4, remove the overstrike over "~~any~~"

Page 2, line 5, remove the overstrike over "~~resident~~" and remove "twenty residents"

Page 2, line 7, remove "Section 46-06-09 does not apply to notices published pursuant to"

Page 2, remove line 8

Page 2, line 13, remove the overstrike over "~~prior to the submission of the agreement to the governor~~"

Page 2, line 15, remove the overstrike over "~~once each week for~~"

Page 2, line 16, remove the overstrike over "~~two consecutive weeks~~", remove the overstrike over "~~the official~~", and remove "a"

Page 2, line 17, after the period insert "The notice of the public hearing must also be published in any newspaper of general circulation published for the benefit of the members of any tribe affected by the agreement. The notice must also be posted plainly at the tribal office of any tribe affected by the agreement and in the county courthouse of any county affected by the agreement."

Page 2, line 20, remove "Section 46-06-09 does not apply to"

Page 2, remove line 21

Page 3, line 19, after "governor" insert "and following approval of the agreement by the tribe or tribes affected by the agreement" and remove the overstrike over "and prior to commencement of its performance"

Page 3, remove the overstrike over line 25

Page 4, line 1, after "subdivision" insert "or any tribe"

Page 4, line 2, remove "advisory" and overstrike "review and determine" and insert immediately thereafter "make findings concerning"

Page 4, line 4, overstrike "determine" and insert immediately thereafter "may make findings as to"

Page 4, line 6, overstrike "determinations" and insert immediately thereafter "findings" and remove "advisory"

Page 4, line 9, remove "advisory", after "a" insert "written", and overstrike "determinations" and insert immediately thereafter "findings"

Page 4, line 10, remove the overstrike over "and shall submit copies of the report to the"

Page 4, line 11, after "governor" insert "affected political subdivision or public agency, the governor, and the affected tribes. The findings of the Indian affairs commission made under this section are for informational purposes only. In any administrative hearing or legal proceeding in which the performance of any party to the agreement is at issue, the findings may not be introduced as evidence, or relied upon, or cited as controlling by any party, court, or reviewing agency, nor may any presumption be drawn from the findings for the benefit of any party" and remove "Section 46-06-09 does not apply to"

Page 4, remove line 12

Page 4, line 27, remove ", except that an agreement may provide for sharing or"

Page 4, line 28, remove "administering the functions assigned to any of the parties"

ReNUMBER accordingly

SB 2249: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 57-06 of the North Dakota Century Code, relating to a property tax exemption for certain centrally assessed pipeline and associated property used to promote

enhanced recovery of oil or natural gas; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 57-06 of the North Dakota Century Code is created and enacted as follows:

Carbon dioxide pipeline exemption. Property, not including land, is exempt from taxation if it consists of a pipeline and necessary associated equipment for the transportation or storage of carbon dioxide to an oilfield for use in enhanced recovery of oil or natural gas.

SECTION 2. EFFECTIVE DATE. This Act is effective for taxable years beginning after December 31, 1990."

Renumber accordingly

SB 2251: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). SB 2251 was placed on the Eleventh order on the calendar.

SB 2252: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2252 was placed on the Eleventh order on the calendar.

SB 2271: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2271 was placed on the Eleventh order on the calendar.

SB 2283: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2283 was placed on the Eleventh order on the calendar.

SB 2290: Committee on Transportation (Sen. Schoenwald, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

SB 2295: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2295 was placed on the Eleventh order on the calendar.

SB 2298: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2298 was placed on the Eleventh order on the calendar.

SCR 4005: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4005 was placed on the Eleventh order on the calendar.

SCR 4011: Committee on Natural Resources (Sen. Meyer, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4011 was placed on the Eleventh order on the calendar.

FIRST READING OF SENATE BILLS

Sen. Graba and Rep. DeMers introduced:

SB 2486: A BILL for an Act to amend and reenact sections 39-06.1-06 and 39-06.1-09 of the North Dakota Century Code, relating to amount of statutory fees for traffic violations and definition of moving violation.

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

Sen. Maxson and Rep. Kretschmar introduced:

SB 2487: A BILL for an Act to create and enact a new section to chapter 54-52 of the North Dakota Century Code, relating to county judges participating in the public employees retirement system; and to amend

and reenact subsection 3 of section 54-52-01, section 54-52-02.3, and subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to the participation of county judges in the public employees retirement system and the uniform group insurance program.

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

Sens. Kinnoin, Freborg and Reps. Nichols, Schimke introduced:

SB 2488: A BILL for an Act to repeal section 35-05-04 of the North Dakota Century Code, relating to the invalidity of crop security agreements that claim security interests in other personal property.

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

Sens. Ingstad, Mathern, Holmberg and Reps. Jensen, St. Aubyn, Scherber introduced:

SB 2489: A BILL for an Act to amend and reenact section 1-03-01 of the North Dakota Century Code, relating to holidays; and to repeal section 1-03-09 of the North Dakota Century Code, relating to Martin Luther King Day.

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

Sen. Thane introduced:

SB 2490: A BILL for an Act to amend and reenact section 24-02-03.3 of the North Dakota Century Code, relating to use of state motor pool vehicles by counties.

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

Sens. Thane, Kinnoin, Dotzenrod and Reps. Nichols, Nicholas introduced:

SB 2491: A BILL for an Act to amend and reenact section 60-02-17 of the North Dakota Century Code, relating to warehouse storage rates; and to declare an emergency.

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

Sen. Tomac introduced:

SB 2493: A BILL for an Act to amend and reenact subdivision b of subsection 1 of section 11-18-05 of the North Dakota Century Code, relating to recording fees charged by the register of deeds.

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

Sen. Heigaard introduced:

SB 2494: A BILL for an Act to amend and reenact section 50-24.4-27 of the North Dakota Century Code, relating to medicare certification and charges by nursing homes.

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

FIRST READING OF HOUSE BILLS

HB 1047: A BILL for an Act to create and enact a new section to chapter 39-13 of the North Dakota Century Code, relating to tourist-oriented directional signs on state highway right of way.

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

HB 1076: A BILL for an Act to create and enact a new section to chapter 39-10 of the North Dakota Century Code, relating to the responsibility of motor vehicle lessors for parking violations.

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

HB 1080: A BILL for an Act to authorize the board of university and school lands to exchange certain property in Emmons County.

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

HB 1095: A BILL for an Act to create and enact a new section to the North Dakota Century Code, relating to the access of operator services of telecommunications companies.

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

HB 1104: A BILL for an Act to create and enact a new section to chapter 54-46 of the North Dakota Century Code, relating to continued confidentiality of records; to amend and reenact subsection 3 of section 54-44-11, sections 54-44.6-03, 54-46-03, 54-46-05, 54-46.1-01, 54-46.1-04, and 54-46.1-05 of the North Dakota Century Code, relating to records administration and management; and to repeal section 54-46.1-02 of the North Dakota Century Code, relating to transfer of equipment when the central microfilm unit was created.

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

HB 1135: A BILL for an Act to create and enact sections 19-18-04.1 and 19-18-04.2 of the North Dakota Century Code, relating to use reporting requirements for pesticides, and protection of trade secrets; and to amend and reenact section 19-18-08 of the North Dakota Century Code, relating to penalties.

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

HB 1137: A BILL for an Act to amend and reenact subsection 2 of section 60-02-16, and sections 60-02-27, and 60-02-35.1 of the North Dakota Century Code, relating to the contents and provisions of warehouse receipts used by grain warehouses, use of and posting in grain warehouses of official grades of grain and seeds as established by the secretary of agriculture of the United States, and insurance and suspension of license for failure to maintain insurance of grain warehousemen.

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

HB 1181: A BILL for an Act to amend and reenact section 37-10-03.2 of the North Dakota Century Code, relating to the sale of military lands by the adjutant general; and to repeal section 37-10-03.1 of the North Dakota Century Code, relating to the sale of military lands by the adjutant general.

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

HB 1198: A BILL for an Act to amend and reenact section 61-02-04 of the North Dakota Century Code, relating to membership of the state water commission.

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

HB 1199: A BILL for an Act to amend and reenact sections 15-43-01, 15-43-02, and 15-43-03 of the North Dakota Century Code, relating to conditions for sales of textbooks to school districts; and to repeal sections 15-43-04 and 15-43-06 of the North Dakota Century Code, relating to textbook lists and inducements to purchase textbooks.

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

HB 1308: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases by a nonprofit medical research institute; and to provide an effective date.

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

HB 1335: A BILL for an Act to amend and reenact section 28-22-03.1 of the North Dakota Century Code, relating to property exempt from judicial process.

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

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled resolution: SR 1.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 4:13 p.m., January 24, 1991: SR 1.

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

MARION HOUN, Secretary