

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, February 6, 1991

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

The prayer was offered by Rev. Richard Fitch, United Church of Christ, Bismarck.

The roll was called and all members were present.

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 2023, SB 2084, SB 2095, SB 2177, SB 2214, SB 2239, SB 2248, SB 2299, SB 2308, SB 2329, SB 2338, SB 2340, SB 2355, SB 2366.

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

MR. SPEAKER: The Senate respectfully requests the return of: SB 2126.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2313.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Howard Freed

REPORTS OF STANDING COMMITTEES

SB 2406: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 9, replace "herein" with "in this chapter"

Page 1, line 13, replace "and" with ". is"

Page 1, line 14, after "loan" insert ", and if the insurance purchase is related to and written in connection with the making of a loan under this chapter"

Page 2, line 12, after the second "insurance" insert "related to and"

Page 2, line 13, after "with" insert "the making of"

Page 2, line 18, after "charges" insert "Any insurance related to and written in connection with the making of a loan under this chapter may not exceed the term of the loan or any extensions of the term" and remove the overstrike over the period

Renumber accordingly

SB 2417: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 4, replace "Manufacturers" with "North Dakota manufacturers"

Page 1, line 5, after "no" insert "North Dakota"

Page 1, line 18, after "sale" insert "or within the period specified in the terms of the manufacturer's warranty"

Page 1, line 19, replace the first "or" with "of"

Page 1, line 20, replace "or" with "nor"

Renumber accordingly

SB 2512: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 15, overstrike "the executive"

Page 1, line 16, overstrike "director" and insert immediately thereafter "a representative"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2129: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 349 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2152: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ pages 349-350 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTIONS

SEN. KELSH MOVED that SB 2178, which is on the Sixth order, be rereferred to the Committee on Agriculture, which motion prevailed. Pursuant to Sen. Kelsh's motion, SB 2178 was rereferred.

SEN. WOGSLAND MOVED that SB 2198, which is on the Sixth order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2198 was rereferred.

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 1032, HB 1174.

CONSIDERATION OF AMENDMENTS

SB 2235: SEN. KELSH (Committee on Agriculture) MOVED that the amendments on SJ page 351 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. EVANSON MOVED that the Senate reconsider its action whereby SB 2456 failed to pass.

REQUEST

SEN. TENNEFOS REQUESTED a recorded roll call vote on the motion to reconsider the action whereby SB 2456 failed to pass, which request was granted.

ROLL CALL

The question being on the motion to reconsider the action whereby SB 2456 failed to pass, the roll was called and there were 27 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

So the motion to reconsider SB 2456 passed.

MOTION

SEN. WOGSLAND MOVED that SB 2456, which is on the Eleventh order, be laid over one legislative day, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

SB 2245: SEN. KELLER (Committee on State and Federal Government) MOVED that the amendments on SJ page 351 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SB 2412: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ page 352 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTIONS

SEN. HEINRICH MOVED that SB 2469 be further amended as follows:

Page 1, line 1, replace "a student-state government participation" with "the Herschel Lashkowitz governmental internship"

Page 1, line 4, replace "Student-state government participation" with "Herschel Lashkowitz governmental internship"

Page 1, line 7, replace "a state government" with "the Herschel Lashkowitz governmental internship"

Page 1, line 8, remove "participation"

Page 1, line 18, replace "student-state government" with "Herschel Lashkowitz governmental internship"

Page 1, line 19, remove "participation"

ReNUMBER accordingly

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

CONSIDERATION OF AMENDMENTS

SB 2473: SEN. HEINRICH (Committee on Education) MOVED that the amendments on SJ pages 352-353 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILLS

SB 2044: A BILL for an Act to amend and reenact section 20.1-01-02 and subsection 16 of section 20.1-02-05 of the North Dakota Century Code, relating to the power of the state game and fish commissioner with respect to rare and endangered animals; and to provide a penalty.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: David; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjelm; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; DeKrey; Krauter; Solberg; Streibel; Tennesos

SB 2044 passed and the title was agreed to.

SB 2088: A BILL for an Act to create and enact a new subsection to section 26.1-03-17 of the North Dakota Century Code, relating to health insurance premium reductions; to amend and reenact subsection 1 of section 26.1-03-17 of the North Dakota Century Code, relating to the rate of insurance premium tax on accident and health insurance and other lines of insurance; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD NOT PASS, the roll was called and there were 9 YEAS, 44 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Kinnoin; Moore; Mutch; Naaden; Nething; Solberg; Streibel; Tennesos; Vosper

NAYS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Mushik; Nalewaja; Nelson; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Thane; Tomac; Traynor; Wogsland; Yockim

SB 2088 lost.

MOTIONS

SEN. NALEWAJA MOVED that Engrossed SB 2090 be amended as follows:

Page 1, line 10, replace "two years" with "one year"

Renumber accordingly

SEN. NALEWAJA 'MOVED that the proposed amendments be adopted, which motion lost.

SECOND READING OF SENATE BILLS

SB 2090: A BILL for an Act to prohibit the department of health and consolidated laboratories from issuing permits for the construction or operation of certain solid waste disposal facilities; to amend and reenact section 23-29-07.1 of the North Dakota Century Code, relating to fees for solid waste facility permits; to provide for a legislative council study of solid waste disposal methods and facilities; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD PASS, the roll was called and there were 38 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Meyer; Mushik; Naaden; Nalewaja; Nelson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tennesos; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Dotzenrod; Hanson, O.; Kinnoin; Krebsbach; Lindgren; Lips; Moore; Mutch; Nething; O'Connell; Peterson; Solberg; Tallackson; Thane

SB 2090 passed, the title was agreed to, and the emergency clause carried.

SB 2102: A BILL for an Act to amend and reenact section 54-42-03 and subsection 1 of section 54-44.3-12 of the North Dakota Century Code, relating to the duties of the director of the central personnel division and the powers and duties of the merit system council.

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

ABSENT AND NOT VOTING: Kinnoin; Thane

SB 2102 passed and the title was agreed to.

SB 2187: A BILL for an Act to amend and reenact section 51-05.1-01.1 of the North Dakota Century Code, relating to the application for an auctioneer's or auction clerk's license, an increase in fees, and bonds.

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

YEAS: Bowman; DeKrey; Dotzenrod; Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Lips; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Tallackson; Tomac; Traynor; Wogsland; Yockim

NAYS: David; Freborg; Hanson, O.; Krebsbach; Lindgren; Marks; Meyer; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Solberg; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Kinnoin; Thane

SB 2187 passed and the title was agreed to.

SB 2213: A BILL for an Act to create and enact a new subsection to section 39-06.1-10 of the North Dakota Century Code, relating to the suspension of operators' licenses; to amend and reenact section 39-06-43 and subsection 5 of section 39-06.1-10 of the North Dakota Century Code, relating to the extension of an operator's license suspension or revocation and the constructive delivery of a notice of suspension of a person's driving privilege; and to repeal paragraphs 5, 6, and 7 of subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the assessments of points for convictions of driving under the influence or being in actual physical control of a motor vehicle while under the influence.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD 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; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg; Kinnoin

SB 2213 passed and the title was agreed to.

SB 2237: A BILL for an Act to create and enact a new section to chapter 15-20.1 and a new section to chapter 50-27 of the North Dakota Century Code, relating to placing the commission on the status of women of the governor's council on human resources in the office of the state board of vocational education and to provide for the administration of the children's trust fund by the committee on children and youth; to amend and reenact sections 25-01-01.1, 50-06-01.2, 50-06-01.4, subdivision d of subsection 1 of section 50-25.2-05, sections 50-26-01, 50-26-05, 50-27-01, and 50-27-03 of the North Dakota Century Code, relating to the various committees of the governor's council on human resources, the developmental disabilities council, the protection and advocacy project, and the children's trust fund; and to repeal section 18 of chapter 333 of the 1989 Session Laws of North Dakota, relating to the duties of the department of human services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DD PASS, the roll was called and there were 49 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; O'Connell; Peterson; Redlin; Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Mushik; Robinson; Satrom

ABSENT AND NOT VOTING: Kinnoin

SB 2237 passed and the title was agreed to.

SB 2238: A BILL for an Act to create and enact a new section to chapter 57-40.6 and a new subsection to section 57-40.6-02 of the North Dakota Century Code, relating to enhanced 911 data base management charges and authority of counties or cities to impose excise taxes on telephone access lines; to amend and reenact section 57-40.6-01 and subsection 1 of section 57-40.6-02 of the North Dakota Century Code, relating to the definitions of the emergency service communications systems and the authority of counties or cities to impose excise tax on telephone access lines, and to amend and reenact subsection 1 of section 1 and section 3 of the 1987 Session Laws relating to the appointment of an emergency services communication system advisory committee and the expiration date of the Act

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; 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: Kinnoin

SB 2238 passed and the title was agreed to.

SB 2247: A BILL for an Act to amend and reenact subsection 4 of section 4-22-02, sections 4-30-03.7, 4-30-06, 4-33-04, 6-02-05, 7-07-07, subsection 2 of section 10-06-07.3, sections 10-26-09, 15-06-25, 15-09-03, 15-27.5-01, 16.1-14-03, 16.1-14-10, 16.1-15-40, 16.1-15-44, subsection 12 of section 20.1-02-04, section 20.1-08-05, subsection 8 of section 23-20.3-05, sections 23-24-02, 23-24-02.1, 26.1-07-04, 26.1-11-09, 26.1-21-22, 26.1-22-21, subsection 4 of section 28-32-02, sections 34-06-11, 36-04-14, 36-09-12, 37-03-08, subsection 3 of section 38-14.1-06, subdivision e of subsection 3 of section 38-14.1-30, subsection 2 of section 39-26-06, subsection 3 of section 46-06-09, subsection 1 of section 47-30.1-18, sections 48-02-03, 48-09-02, subsection 2 of section 49-22-08, subsection 2 of section 49-22-08.1, subsections 2 and 4 of section 49-22-13, sections 51-10-10, 54-01-05.2, 54-04-01, subsection 1 of section 54-21-26.1, sections 54-40.2-03.1, 54-40.2-03.2, 54-44.4-05, 55-11-12, 57-32-05, 60-03-16, 60-04-04, 61-04-24, subsection 2 of section 61-04-31, sections 61-05-10, 61-05-14, and subsection 2 of section 61-24-16 of the North Dakota Century Code, relating to publication of notices by state agencies.

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

YEAS: Dotzenrod; Hanson, E.; Heigaard; Ingstad; Marks; Mathern; Maxson; Tallackson; Tennefos; Yockim

NAYS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Thane; Tomac; Traynor; Vosper; Wogsland

ABSENT AND NOT VOTING: Kinnoin

SB 2247 lost.

MOTIONS

SEN. WOGSLAND MOVED that SB 2256 be moved to the bottom of the calendar, which motion prevailed.

SEN. WOGSLAND MOVED that SB 2256, which is on the Eleventh order, be rereferred to the Committee on Natural Resources, which motion prevailed Pursuant to Sen. Wogsland's motion, SB 2256 was rereferred.

SECOND READING OF SENATE BILLS

SB 2350: A BILL for an Act to create and enact a new section to chapter 39-08 of the North Dakota Century Code, relating to a medical qualifications exemption for intrastate drivers of commercial motor vehicles; and to declare an emergency.

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 52 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; 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: Kinnoin

SB 2350 passed, the title was agreed to, and the emergency clause carried.

SB 2365: A BILL for an Act relating to the use of safety belts and to provide a reduction in any fine otherwise imposed for the violation of speed restrictions.

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 27 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Ingstad; Keller; Kelly; Kelsh; Langley; Lindgren; Marks; Mathern; Meyer; Moore; Mushik; Naaden; Nelson; Nething; Redlin; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Tomac; Traynor; Vosper

NAYS: Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Jerome; Krauter; Krebsbach; Lindaas; Lips; Maxson; Mutch; Nalewaja; O'Connell; Peterson; Robinson; Satrom; Tallackson; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Kinnoin

SB 2365 passed and the title was agreed to.

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

MR. PRESIDENT: The House accedes to the Senate request for the return of: SB 2126.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Esky Solberg

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

February 6, 1991

This is to inform you that on February 6, 1991, I signed SB 2491.

MOTIONS

SEN. MAXSON MOVED that SB 2234 and SB 2257, which are on the Eleventh order, be rereferred to the Committee on Judiciary, which motion prevailed. Pursuant to Sen. Maxson's motion, SB 2234 and SB 2257 were rereferred.

SEN. WOGSLAND MOVED that SB 2420, which is on the Eleventh order, be rereferred to the Committee on State and Federal Government, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2420 was rereferred.

SEN. WOGSLAND MOVED that SB 2509 be returned to the Senate floor from the Committee on State and Federal Government and be rereferred to the Committee on Political Subdivisions, which motion prevailed. Pursuant to Sen. Wogsland's motion, SB 2509 was rereferred.

SEN. WOGSLAND MOVED that SB 2537 be returned to the Senate floor from the Committee on Judiciary for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. WOGSLAND REQUESTED the unanimous consent of the Senate to withdraw SB 2537. There being no objection, it was so ordered by the President.

MOTION

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 Thirteenth order of business, and at the conclusion of the Thirteenth order, the Senate stand adjourned until 1:00 p.m., Thursday, February 7, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2033: Committee on Human Services and Veterans Affairs (Sen. Mathern, 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 6, after the semicolon insert "to establish a special interim study committee;"

Page 1, line 14, after "districts" insert "pursuant to plans approved as provided in section 50-01.1-03"

Page 2, line 2, after "payments" insert "in reimbursement of the relevant costs"

Page 5, line 3, after "consolidation" insert "and for the method of resolution of any disagreement between the boards of county commissioners involved in the multicounty district or between the governing board and one or more boards of county commissioners. The plan, once approved, may be continued for a definite term or until rescinded or terminated in accordance with its terms"

Page 6, line 24, after the period insert "However, the members appointed to the initial governing board of a multicounty district must be appointed to staggered terms determined in accordance with the plan approved pursuant to section 50-01.1-03."

Page 7, after line 22, insert:

"SECTION 6. SPECIAL STUDY COMMITTEE. The legislative council shall appoint a special study committee following the adjournment of the regular session of the fifty-second legislative assembly. The committee must consist of thirteen members, including seven legislators, three county commissioners, two county social service board members who are not county commissioners, and one citizen member selected at large. The committee shall thoroughly study the future configuration of governmental human service delivery structure and methods, and shall assist the department of human services in reviewing any multicounty consolidation plans submitted pursuant to this Act. The committee, in the course of its study, shall hold hearings at several locations in the state. The committee shall discuss any

long-range strategic plans submitted to it by the executive director of the department of human services.

The committee shall report its findings and recommendations, along with any legislation necessary to implement the recommendations, to the fifty-third legislative assembly, to the governor, and to the department of human services."

Page 7, line 25, replace "250,000" with "225,000"

Page 7, after line 29, insert:

"SECTION 8. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$25,000, or so much thereof as may be necessary, to the legislative council for the purposes of section 6 of this Act, including the payment of the expenses and per diem of committee members pursuant to section 54-35-10."

Renumber accordingly

SB 2059: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 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 "banking" insert "; and to create and enact a new section to chapter 57-35 and a new section to chapter 57-35.2 of the North Dakota Century Code, relating to taxation of banks engaged in interstate banking"

Page 5, line 4, after "i." insert:

"A statement of how the acquisition of the bank located in the state by a reciprocating state bank holding company will provide a level of developmental loans as required by the board by rule. The reciprocating state bank holding company shall establish and maintain a percentage of developmental loans to total loans at a level no less than the percentage of developmental loans to total loans of the bank company's consolidated statement with all of its bank subsidiaries.

j.", replace "Any additional relevant" with "Additional", and after "board" insert "by rule or by specific request"

Page 5, line 12, after "treasurer" insert "and deposited into the financial institutions' regulatory fund"

Page 5, line 13, after the second period insert "The state banking board may alter the procedures under this Act in the case of an insolvent institution acquisition by merger, consolidation, or purchase of assets and assumption of liabilities. No notice of application need be given and no public hearing need be held in the case of an acquisition of an insolvent institution."

Page 5, line 28, replace "twenty-five" with "nineteen"

Page 6, line 1, after "all" insert "state and national" and after the comma insert "including savings and loan associations and savings banks,"

Page 6, line 2, after "agency" insert ", and the commissioner may request, quarterly or annually, the amount of deposits held by state and federal savings and loan associations and savings banks in North Dakota offices or banks"

Page 6, line 9, replace the second comma with "and"

Page 6, line 11, remove ", and if the application would result in the acquisition and"

Page 6, remove line 12

Page 6, line 13, remove "state bank holding company"

Page 9, line 7, replace "four" with "three" and remove "the three states"

Page 9, line 8, remove "adjacent to this state;"

Page 10, after line 4, insert:

"SECTION 15. A new section to chapter 57-35 of the North Dakota Century Code is created and enacted as follows:

Imposition of tax after reciprocal interstate banking. If the provisions of this chapter do not fairly represent the extent of the bank's business activity in this state and the bank is subject to sections 1 through 13 of this Act, the tax commissioner may require, with respect to all or any part of the bank's business activity, if reasonable, the employment of another method to effectuate an equitable allocation and apportionment of the bank's income.

SECTION 16. A new section to chapter 57-35.2 of the North Dakota Century Code is created and enacted as follows:

Payment of tax after reciprocal interstate banking. If the provisions of this chapter do not fairly represent the extent of the bank's business activity in this state and the bank is subject to sections 1 through 13 of this Act, the tax commissioner, may require, with respect to all or any part of the bank's business activity, if reasonable, the employment of another method to effectuate an equitable allocation and apportionment of the bank's income."

Renumber accordingly

SB 2109: Committee on Finance and Taxation (Sen. Dotzenrod, 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 3, after the semicolon insert "to provide an appropriation;"

Page 4, after line 9, insert:

"SECTION 3. APPROPRIATION - TRANSFER. The amount of \$2,625,000, or so much thereof as may be necessary, is hereby appropriated from the highway tax distribution fund and the office of management and budget shall transfer that amount to the agriculturally derived fuels tax fund for the purpose of providing a production subsidy to North Dakota ethanol plants for the period beginning July 1, 1991, and ending December 31, 1992. The distribution to the agriculturally derived fuels tax fund must be made on the first day of the fiscal year for the biennium beginning July 1, 1991. Distribution from the agriculturally derived fuels tax fund to the producers of the agriculturally derived fuel must be at the rate of forty cents for each gallon of agriculturally derived fuel produced in the state that is marketed by the producing plant to a distributor or wholesaler for sale within North Dakota. Payment must be approved by the agricultural products utilization commission to the producing plant upon presentation by the plant with an affidavit to the effect that the ethanol sold from the plant and for which the producers credit as being sought, is to be sold at retail to consumers in North Dakota. The certification by the producer of the ethanol must be accompanied by an affidavit from the wholesaler or retailer to the same effect. Upon receipt of the

certifications, which must be prepared under oath, the payment must be made to the certifying producer to the extent that funds permit."

ReNUMBER accordingly

SB 2212: Committee on Finance and Taxation (Sen. Dotzenrod, 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 15, replace "Section" with "Subsections 1, 2, and 4 of section"

Page 1, line 16, replace "is" with "are"

Page 1, remove lines 17 and 18

Page 2, line 16, replace "taxable" with "calendar"

Page 2, line 26, replace "must" with "shall"

Page 6, replace lines 5 through 23 with:

"3. The provisions of section 57-38-45 apply in case of ~~failure to file or pay a declaration non payment, late payment, or underpayment of estimated tax as required by this chapter, or if a declaration of estimated tax for any quarter is understated or underpaid by more than ten percent. No penalty is due if the total amount of all payments for estimated tax made on or before the due date for that installment equals or exceeds the total amount that would have been required to be paid on or before that date if the estimated tax equaled the tax shown on the taxpayer's return for the preceding taxable year. For purposes of applying the penalty provisions of section 57-38-45, each of the due dates under section 57-38-63 are deemed to be a payment or return due date. For purposes of applying the interest provisions of section 57-38-45, interest accrued on a per annum basis from the due date of an installment to the fifteenth day of the fourth month following the end of the current taxable year or, with respect to any portion of the estimated tax required to be paid, the date on which the portion thereof is paid, whichever date is earlier. Notwithstanding the other provisions of this section, no penalty or interest is due if the underpayment of any installment comes within the exception provided in estimated tax paid on or before each due date under section 57-38-63 by a corporation is based on the annualized or adjusted seasonal method under section 6655 of the Internal Revenue Code of 1954 for recurring seasonal income. Notwithstanding the other provisions of this section, no penalty or interest is due if the estimated tax of an individual, estate, or trust is less than two hundred dollars per income tax return filed.~~"

Page 8, line 2, remove "~~on any credit or refund allowed under this section as otherwise~~"

Page 8, line 3, remove "~~provided for under section 57-38-35.2~~" and overstrike ". Refunds will be payable for taxable"

Page 8, line 4, overstrike "years beginning after July 1, 1987" and insert immediately thereafter "~~on any credit or refund allowed under this section as otherwise provided for under section 57-38-35.2~~"

ReNUMBER accordingly

SB 2249, as engrossed: Committee on Finance and Taxation (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended,

recommends DO PASS (6 YEARS, 0 DAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a" with "two" and replace "section" with "sections"

Page 1, line 4, after "gas" insert "and to provide for payments in lieu of taxes"

Page 1, after line 11, insert:

"SECTION 2. A new section to chapter 57-06 of the North Dakota Century Code is created and enacted as follows:

Payments in lieu of taxes. Carbon dioxide pipeline property described in section 1 of this Act is subject to payments in lieu of property taxes. For the purpose of these payments, carbon dioxide pipeline property described in section 1 of this Act must be valued annually by the state board of equalization in the manner that other pipeline valuations are certified. The county auditor shall calculate taxes on the carbon dioxide pipeline property described in section 1 of this Act in the same manner that taxes are calculated on other pipeline property. Not later than December twenty-sixth of each year, each county auditor shall submit a statement of the amount of taxes that would have been assessed against carbon dioxide pipeline property, exempted under section 1 of this Act, to the state treasurer for payment. The state treasurer shall make the required payment to each county not later than March first of the following year, and the county auditor shall distribute the payments to the political subdivisions in which the exempt pipeline property is located."

Renumber accordingly

SB 2311: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEARS, 2 DAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 20, remove the overstrike over "~~and includes such modalities as~~"

Page 1, line 21, remove the overstrike over "~~acupuncture~~" and remove the overstrike over "~~and polarity~~" and insert immediately thereafter "and, after July 1, 1993, massage includes reflexology"

Renumber accordingly

SB 2461: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (7 YEARS, 0 DAYS, 1 ABSENT AND NOT VOTING). SB 2461 was placed on the Eleventh order on the calendar.

SB 2332: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEARS, 1 DAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 12, replace "A" with "C"

Page 2, remove lines 5 through 13

Page 2, line 19, replace "subsection" with "section" and remove "of section 2"

Page 2, line 24, after the period insert "In addition, this Act does not preclude the withholding or withdrawal of life-prolonging treatment pursuant to chapter 23-06.4."

Renumber accordingly

SB 2437: 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 13, remove ", including all incentives and margins that may be available"

Renumber accordingly

SB 2462: 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 2, line 15, replace "request" with "bequest"

Page 2, line 18, after the underscored period insert "Property acquired under this section is subject to property and special assessment taxes in a manner consistent with and equal to other property of equal value within the respective taxing districts where the property is located. Taxes on any property acquired under this section must be paid in a timely manner for any year or pro rata portion of a year by any housing authority or housing acquisition organization holding title to the property."

Renumber accordingly

SB 2479: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 7, replace "A" with "Except for construction of a single family home where the homeowner serves as the general contractor, a"

Page 1, line 9, after "bond" insert "to the owner or the finance company"

Page 1, line 14, after the period insert "This section does not apply if a performance bond is otherwise required."

Renumber accordingly

SB 2496: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2496 was placed on the Eleventh order on the calendar.

SB 2518: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO NOT PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2518 was placed on the Eleventh order on the calendar.

SB 2555: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2555 was placed on the Eleventh order on the calendar.

HB 1088, as engrossed: Committee on Human Services and Veterans Affairs (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1088 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Tallackson, Nelson introduced:

SCR 4039: A concurrent resolution directing the Legislative Council to study the priority of water rights and North Dakota's water permitting process.

Was read the first time and referred to the Committee on Natural Resources.

Sens. Maxson, Stenehjem introduced:

SCR 4040: A concurrent resolution directing the Legislative Council to study the conduct of administrative hearings by state agencies.

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

FIRST READING OF HOUSE BILLS

HB 1032: A BILL for an Act to authorize political subdivisions to conduct mail ballot elections.

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

HB 1174: A BILL for an Act to amend and reenact section 39-06-27 of the North Dakota Century Code, relating to the suspension of drivers' licenses upon conviction, suspension, or revocation in another state.

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

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

MARION HOUN, Secretary