

JOURNAL OF THE SENATE

Fifty-second Legislative Assembly

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Bismarck, March 11, 1991

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

The prayer was offered by Rev. Ernie Williams, Presbyterian Church, Jamestown.

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

A quorum was declared by the President.

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

MR. SPEAKER: The President has signed: HB 1154, HB 1181, HB 1209, HB 1307, HB 1366, HB 1371, HB 1390, HB 1398, HB 1399, HB 1501, HB 1580.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2084, SB 2153, SB 2160, SB 2218, SB 2248, SB 2304, SB 2330, SB 2343, SB 2408, SB 2452, SB 2566.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2084, SB 2153, SB 2160, SB 2218, SB 2248, SB 2304, SB 2330, SB 2343, SB 2408, SB 2452, SB 2566.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107, SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2513, SB 2553.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2046, SB 2047, SB 2048, SB 2050, SB 2051, SB 2071, SB 2072, SB 2074, SB 2101, SB 2105, SB 2107, SB 2116, SB 2123, SB 2129, SB 2130, SB 2192, SB 2194, SB 2208, SB 2241, SB 2242, SB 2287, SB 2290, SB 2301, SB 2303, SB 2317, SB 2318, SB 2325, SB 2334, SB 2342, SB 2396, SB 2459, SB 2496, SB 2513, SB 2553.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolution: SCR 4014.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4014.

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

MR. SPEAKER: The Senate has failed to pass: HB 1469, HB 1503.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1167, HB 1282, HB 1434.

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

MR. SPEAKER: The Senate has passed unchanged: HB 1010, HB 1012, HB 1042, HB 1052, HB 1077, HB 1084, HB 1106, HB 1206, HB 1253, HB 1258, HB 1264, HB 1308.

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

MR. PRESIDENT: The House has passed unchanged: SB 2094, SB 2097, SB 2138, SB 2155, SB 2162, SB 2174, SB 2179, SB 2375, SB 2377, SB 2383, SB 2399, SB 2449, SB 2455, SB 2462.

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

MR. PRESIDENT: The House has failed to pass: SB 2341.

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

MR. PRESIDENT: The House has amended and subsequently passed: SB 2040, SB 2041, SB 2212, SB 2262, SB 2270, SB 2327.

HOUSE AMENDMENTS TO SB 2040

Page 1, line 1, after "to" insert "create and enact a new section to chapter 20.1-08 of the North Dakota Century Code, relating to orders and proclamations of the governor; to"

Page 1, after line 5, insert:

"SECTION 1. A new section to chapter 20.1-08 of the North Dakota Century Code is created and enacted as follows:

Governor's proclamation concerning the hunting of predators. Notwithstanding any other provision of law, the governor may provide by proclamation for the taking of any wildlife, whether protected or unprotected, determined by the governor to be a harmful predator, in a manner and number, at any place, and during any time, including after dark, as the governor prescribes."

Renumber accordingly

HOUSE AMENDMENTS TO SB 2041

Page 1, line 8, after the period insert:

"1."

Page 1, after line 16, insert:

"2. Notwithstanding subsection 1 and section 20.1-03-01.3, a person may not purchase or obtain a license to hunt bighorn sheep, moose, or elk in this state unless that person submits or exhibits the certificate of completion earned by that person for successful completion of the course of instruction required by sections 20.1-03-01.1 through 20.1-03-01.3."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2212

Page 2, line 26, remove "reporting"

Page 4, line 26, after "subsection" insert "if this part applies"

Page 6, line 16, replace "accrued" with "accrues"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SB 2262

Page 1, line 1, remove "to create and enact a new chapter to title 51 of the North"

Page 1, line 2, remove "Dakota Century Code,"

Page 1, line 3, remove "; and to provide a penalty"

Page 1, line 5, remove "A new chapter to title 51 of the North Dakota Century Code"

Page 1, remove line 6

Page 1, line 10, replace "when" with "as" and replace "chapter" with "section"

Page 1, line 12, replace "chapter" with "section"

Page 1, line 19, after the period insert "A person who transmits an unsolicited telefacsimile message in violation of this section is liable to the recipient of that message for fifty dollars per month for each month in which the recipient receives the unsolicited message."

Page 1, remove lines 20 and 21

Renumber accordingly

HOUSE AMENDMENTS TO SB 2270

Page 1, line 12, after "parent" insert "(1)" and after "or" insert "(2)"

Page 1, line 13, after "state" insert "and is more than fifty miles from the residence of the custodial parent"

Renumber accordingly

HOUSE AMENDMENTS TO SB 2327

Page 1, line 3, after "loan" insert "; and to amend and reenact section 11-13-12 of the North Dakota Century Code, relating to the county auditor's statement regarding current taxes on deeds and other instruments"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 11-13-12 of the North Dakota Century Code is amended and reenacted as follows:

11-13-12. Auditor's certificate of taxes ~~paid~~ on deeds, contracts for deed, plats, replats, and patents.

1. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, ~~he the auditor~~ shall ascertain from the books and records in ~~his the auditor's~~ office and in the office of the county treasurer if whether there are delinquent taxes or special assessments against the land described in the instrument or ~~if such whether the~~ land has been sold for taxes.

a. If there are delinquent taxes or ~~delinquent~~ special assessments or installments of special assessments against lands described in the instrument, ~~he the auditor~~ shall certify the same. When the receipt of the county treasurer is produced for the delinquent taxes or special assessments or installments of special assessments, the county auditor shall enter on ~~every deed, contract for deed, or patent so transferred;~~ the instrument over ~~his the auditor's~~ official signature: "Delinquent taxes and special assessments or installments of special assessments paid and transfer entered"; ~~or if~~.

b. If the land described has been sold for taxes to a purchaser other than the county, ~~he the auditor~~ shall enter "Taxes paid by sale of the land described within and transfer entered"; ~~or if~~.

c. If the instrument presented is entitled to record without regard to taxes, ~~he the auditor~~ shall enter "Transfer entered".

2. Whenever a deed, contract for deed, or patent is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office whether there are current taxes or current special assessments against the land described in the instrument. If there are current taxes or current special assessments or installments of special assessments against the land described in the instrument, the auditor shall place a statement on the instrument showing the amount of any current taxes or current special assessments or installments of special assessments. For purposes of this subsection:

a. "Current special assessments" means assessments that have been certified to the county auditor for collection but are not yet delinquent.

b. "Current taxes" means real estate taxes, as shown on the tax list prepared by the county auditor, which are not yet delinquent.

3. Whenever a plat, replat, auditor's lot, or any instrument that changes the current property description, including condominium ownership established under chapter 47-04.1, is presented to the county auditor for transfer, the auditor shall ascertain from the books and records in the auditor's office and in the office of the county treasurer ~~if~~ whether there are current or delinquent taxes, special assessments, and, after February first of each year, the tax estimate for that year against the land described in the instrument or ~~if~~ ~~such~~ whether the land has been sold for taxes. If there are current taxes, delinquent taxes, delinquent special assessments, installments of special assessments, or tax estimates against lands described in the instrument, the auditor shall certify the same."

Page 1, line 5, underscore "Definitions. In this Act, unless the context or subject" and after "In" insert "sections 2 and 3 of"

Page 1, underscore lines 6 through 13

Page 1, line 14, underscore "Payments from escrow - Notice - Liability of lender or"

Page 1, underscore lines 15 through 22

Page 2, underscore lines 1 through 19

Renumber accordingly

CORRECTION AND REVISION of the JOURNAL (Sen. Robinson, Chairman)

MR. PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully reexamined the Journal of the Sixteenth Day and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 240, line 4, replace "Nichols" with "Nicholas"

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

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 7, 1991

On September 6, 1990, I appointed Mr. Dana K. Mount of the State Department of Health and Consolidated Laboratories as the North Dakota member of the Southwestern Low-Level Radioactive Waste Compact Commission.

Chapter 23-20.5 of the North Dakota Century Code, which was passed by the 1989 Legislature, authorized North Dakota membership in the Southwestern

Low-Level Radioactive Waste Disposal Compact. Article III of 23-20.5-01 requires that the Commission member appointed by the Governor be confirmed by the Senate of the party state.

I would request the Senate review and confirm my appointment of Mr. Mount as North Dakota's member on the Southwestern Low-Level Radioactive Waste Compact Commission.

Attached is a copy of my September 6, 1990, appointment letter and a memo from Francis J. Schwindt, Chief of the Health Department Environmental Health Section.

Mr. Mount is available to meet with the Senate to answer any questions you may have. He can be reached at 221-5188.

REPORTS OF STANDING COMMITTEES

HB 1232, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1232 was placed on the Fourteenth order on the calendar.

HB 1320, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1320 was placed on the Fourteenth order on the calendar.

HB 1478, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1478 was placed on the Fourteenth order on the calendar.

CONSIDERATION OF AMENDMENTS

HB 1165: SEN. MAXSON (Committee on Judiciary) MOVED that the amendments on SJ pages 892-893 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SCR 4045: SEN. GRABA (Committee on Political Subdivisions) MOVED that the amendments on SJ page 922 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

HB 1208: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ pages 922-923 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1441: SEN. LANGLEY (Committee on Industry, Business and Labor) MOVED that the amendments on SJ page 923 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

HB 1574: SEN. DOTZENROD (Committee on Finance and Taxation) MOVED that the amendments on SJ page 924 be adopted and then be placed on the Fourteenth order with DO NOT PASS, which motion lost.

MOTION

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4045 be deemed properly engrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4045: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of consolidating all building and construction code administration responsibilities under one authority.

The question being on the final adoption of the amended resolution, which has been read.

SCR 4045 was declared adopted.

MOTION

SEN. WOGSLAND MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MR. PRESIDENT: Your select committee (Sen. Lindaas, Chairman) appointed to consider the nomination for the State Board of Higher Education, do advise and consent to the appointment of:

Cynthia Kaldor

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

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Cynthia Kaldor for the State Board of Higher Education" and the roll was called and there were 52 YEAS, 0 NAYS, 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

The Senate advises and consents to the nomination of Cynthia Kaldor for the State Board of Higher Education.

MOTION

SEN. WOGSLAND MOVED that the Confirmation Session be dissolved, which motion prevailed.

SECOND READING OF HOUSE BILLS ON CONSENT CALENDAR

HB 1123: A BILL for an Act to amend and reenact sections 49-02-01.2 and 49-07-05.1 of the North Dakota Century Code, relating to the jurisdiction of the public service commission regarding hazardous facility orders and pipeline safety and an increase in fines for violations of pipeline safety standards; and to provide a penalty.

HB 1415: A BILL for an Act to amend and reenact subsection 2 of section 16.1-05-01 of the North Dakota Century Code, relating to appointment of election officers.

HB 1551: A BILL for an Act to create and enact a new subsection to section 24-01-01.1 of the North Dakota Century Code, relating to definition of the director of department of transportation; and to amend and reenact section 24-07-36 of the North Dakota Century Code, relating to required signs on minimum maintenance roads.

HB 1588: A BILL for an Act to amend and reenact section 16.1-15-25 and subsections 1 and 2 of section 16.1-16-01 of the North Dakota Century Code, relating to voter abstracts and election recounts.

ROLL CALL

The question being on the final passage of the bills, which have 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; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Robinson; Satrom;

Schoenwald; Solberg; Stenehjelm; Streibel; Tallackson; Tennefos; Thane;
Tomas; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer; Redlin

So the bills passed and the titles were agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR
HCR 3014: A concurrent resolution recognizing the 100th anniversary of the
National Conference of Commissioners on Uniform State Laws.

HCR 3045: A concurrent resolution directing the Legislative Council to study
water quality, with emphasis on the testing for nitrates in ground
water.

The question being on the final adoption of the resolutions, which have been
read.

The resolutions were declared adopted on a voice vote.

MOTIONS

SEN. O. HANSON MOVED that SCR 4058 be amended as follows:

Page 2, line 22, replace "South" with "North"

Renumber accordingly

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

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4058 be deemed
properly engrossed and placed on the calendar, as amended, for second reading
and final passage, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTIONS
SCR 4058: A concurrent resolution urging Congress to make permanent federal
legislation confirming that Indian tribes retain criminal misdemeanor
jurisdiction over all Indians in Indian country.

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

SCR 4058 was declared adopted.

SCR 4065: A concurrent resolution directing the Legislative Council to study
additional programs that could be implemented by the State Hospital and
alternative uses for the facilities of the State Hospital.

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

SCR 4065 was declared adopted.

MOTIONS

SEN. WOGSLAND MOVED that the vote by which SCR 4045, SCR 4058 and SCR 4065
passed be reconsidered and the motion to reconsider be laid on the table,
which motion prevailed.

SEN. WOGSLAND MOVED that the rules be suspended and that SCR 4045, SCR 4058, and SCR 4065 be messaged to the House immediately, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act to amend and reenact subsections 3 and 5 of section 53-06.1-03 of the North Dakota Century Code, relating to the licensure of charitable gaming organizations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 7 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; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjsem; Streibel; Tallackson; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Kelly; Moore; Mushik; Mutch; Nothing; Peterson; Tennefos

ABSENT AND NOT VOTING: Meyer

HB 1051 passed and the title was agreed to.

MOTIONS

SEN. HEIGAARD MOVED that HB 1053 and HB 1482, which are on the Fourteenth order, be laid over one legislative day, which motion prevailed.

SEN. DEKREY MOVED that the Senate reconsider its action whereby HB 1091 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF HOUSE BILLS

HB 1091: A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-01 of the North Dakota Century Code, relating to the definition of veteran for veterans' preference purposes.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 27 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, O.; Jerome; Kinnoin; Krebsbach; Lindgren; Lips; Marks; Mathern; Moore; Naaden; Nalewaja; Nelson; Nothing; Peterson; Robinson; Solberg; Stenehjsem; Streibel; Traynor; Wogsland

NAYS: Dotzenrod; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lindaas; Maxson; Mushik; Mutch; O'Connell; Redlin; Satrom; Schoenwald; Tallackson; Tennefos; Thane; Tomac; Vosper; Yockim

ABSENT AND NOT VOTING: Meyer

HB 1091 passed and the title was agreed to.

HB 1138: A BILL for an Act to create and enact a new subsection to section 53-06.1-14 of the North Dakota Century Code, relating to the costs of background investigations of gaming applicants; and to amend and reenact section 51-15-10, subsection 2 of section 53-06.1-06.1, and section 54-12-18, relating to costs, expenses, attorney's fees, and costs of background investigations for gaming applicants recovered by

the attorney general and deposited into a special fund; and to provide an appropriation.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1138 passed and the title was agreed to.

HB 1145: A BILL for an Act to amend and reenact section 27-13-01 of the North Dakota Century Code, relating to duties of attorneys.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1145 passed and the title was agreed to.

HB 1164: A BILL for an Act to create and enact section 27-21-11 of the North Dakota Century Code, relating to the transfer of students from the state industrial school to other institutions.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1164 passed and the title was agreed to.

HB 1234: A BILL for an Act to amend and reenact section 15-47-27.1 of the North Dakota Century Code, relating to renewal of first-year teacher contracts.

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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1234 passed and the title was agreed to.

HB 1245: A BILL for an Act to create and enact a new section to chapter 12.1-08 of the North Dakota Century Code, relating to harboring a runaway minor; 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 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1245 passed and the title was agreed to.

HB 1291: A BILL for an Act to create and enact a new subsection to section 43-12.1-02, a new subsection to section 43-12.1-04, a new subsection to section 43-12.1-08, a new subsection to section 43-12.1-15, and a new section to chapter 43-12.1 of the North Dakota Century Code, relating to regulation of nurses and assistants to nurses; to amend and reenact sections 43-12.1-01 and 43-12.1-04 of the North Dakota Century Code, relating to policy with respect to the regulation of nursing practice; to provide a penalty; to provide an expiration date; 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; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; 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: Meyer

HB 1291 passed, the title was agreed to, and the emergency clause carried.

HB 1309: A BILL for an Act to create and enact a new section to chapter 43-12.1, a new section to chapter 43-17, and a new section to chapter 43-28 of the North Dakota Century Code, relating to national practitioner data bank reports filed with the board of nursing, the board of medical examiners, and the board of dental examiners.

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 21 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heinrich; Jerome; Kelly; Krauter; Krebsbach; Lindaas; Lips; Mushik; Nalewaja; O'Connell; Robinson; Satrom; Stenehjelm; Tallackson; Thane; Tomac; Traynor

NAYS: Bowman; David; DeKrey; Dotzenrod; Freborg; Hanson, O.; Heigaard; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Langley; Lindgren; Marks; Mathern; Maxson; Moore; Mutch; Naaden; Nelson; Nething; Peterson; Redlin; Schoenwald; Solberg; Streibel; Tennefos; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer

HB 1309 lost.

HB 1373: A BILL for an Act to amend and reenact subsection 3 of section 53-06.1-11 of the North Dakota Century Code, relating to the calculation of expenses incurred for games of chance.

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 15 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Goetz; Hanson, O.; Krebsbach; Lindgren; Lips; Naaden; Robinson; Solberg; Stenehjelm; Tallackson; Thane; Tomac; Traynor

NAYS: David; Dotzenrod; Evanson; Freborg; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Moore; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Satrom; Schoenwald; Streibel; Tennefos; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer

HB 1373 lost.

HB 1409: A BILL for an Act to create and enact five new sections to chapter 15-21.1 of the North Dakota Century Code, relating to chemical abuse prevention programs.

ROLL CALL

The question being on the final passage of the amended bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Bowman; David; Hanson, O.; Mutch; Streibel; Tennefos; Vosper

ABSENT AND NOT VOTING: Meyer

HB 1409 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that as Congressman Byron Dorgan is in the Senate Chamber, a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee, Sens. Krauter and Bowman.

Congressman Dorgan was escorted to the rostrum and introduced to the Assembly.

REMARKS OF BYRON L. DORGAN, UNITED STATES CONGRESSMAN

Lieutenant Governor Omdahl, Senators, ladies and gentlemen, guests, thank you very much. Some things do not change very much. Senator Lips was sitting there when I left and he is still sitting there a decade later. Nice to see so many familiar faces and friends, and I hope that I have the opportunity today for just a couple of minutes to talk about some of the things we are working on in Congress that might coordinate with some of the things that you are working on here in the state Senate. I appreciate very much the invitation that you offered in asking me to come by to say a few words when I was in the state during your session, and I might say this seems to me like a quiet session. I am only able to follow it through the press, but it seems to me quieter than usual. Not much seems to be boiling up now, maybe that happens later. I have gotten, I guess, fifty to one hundred letters from North Dakotans saying that if I voted wrong on Sunday closing they would get me. And I wrote them back saying I would be fine on Sunday closing or Sunday opening, whichever they were writing about. And my guess is that you maybe have gotten some mail about Lawrence Welk so it is only even, it seems to me.

I never really appreciated, as much as I do now, the legislative function until I went to Congress. I served in this tower in the executive branch for nearly a decade, and would come down and watch and never quite fully understood or appreciated the fact that there is no place for any of you to hide ever. When a bill comes up, you have got to say yes or no, not maybe, not later, not "I am not ready", you have got to decide and that decision is yours to live with, to cherish, to honor, to run from, but it is still yours and it will always be there. I never understood that until I was forced to be making those same kinds of choices, and now I understand what you do and have a great deal of respect for the difficulty of doing as much as you do in as short a time as you do it. It is extraordinary that you move through this work in the few weeks you are in session in this North Dakota state Senate. Tip O'Neill was Speaker of the House when I got there, and Tip O'Neill had a bill on the floor of the House that was important to him one day. He came out of the chair and he took a friend of his, Congressman Donnelly from Massachusetts, aside in what was going to be a very close vote, and he put his arm around Congressman Donnelly and he said, "Brian, on this one I really need you, old pal." And Brian Donnelly looked at Tip and he said, "The

problem is you are not right on this one." Tip looked back and said, "Brian, when I am right I do not need you." And so goes the legislative process.

We face some enormous challenges here in North Dakota and you do in the state Senate. You know that we have lost forty to fifty thousand people at various stages in the 1980s. Losing forty or fifty thousand people from your borders means you are losing economic strength. We can pretend and we can talk about how nice things are and how things are going to be better, but the fact is, we face an enormous challenge trying to put this rural economy back on track. It is changing all around us in our small towns. And not for the better, for the worse.

So the question is, how do we intervene to do something positive to effect it? There are some things we can do nothing about, nobody here can do anything about the price of oil. I cannot, none of us can. We cannot do very much about the price of grain, the United States Congress can have a marginal impact there -- but reopens the farm bill. But the fact is, the price of oil and the price of wheat, which represent the principle engines that drive this state's economy, we cannot do very much about them in the short term. But there are some things we can do something about, and I might say that on the price of oil and the price of wheat, I am convinced that a world in which six hundred million people go to bed hungry every night and a world in which we have a need for energy all around the world, it seems to me is a world that must look to a state like North Dakota whose bountiful resources include enormous quantities of food and significant supplies of energy. I am convinced things are going to be better, I am convinced that things will turn around. But even as we wait for that, there are other things we can do and must do.

I have been watching what is happening on Vision 2000 and Growing North Dakota. There might be differences with respect to methods among the people in this chamber, but I cannot believe there are differences in goals between Republicans or Democrats, or independents for that matter, on issues about where we want our state to be moving. All of us want new vibrant economic growth. We want new jobs and new opportunities. We want to keep young kids here and have jobs available when they graduate from college. I am convinced that is the uniform goal of all of us in this room. Again, there may be differences in methods of how we pursue these goals.

But let me just mention something I am working on in the Congress that I think fits with some things you are working on. President Bush is pushing something called "urban enterprise zones". The classic definition of economic blight or distress is an urban area with unemployment and poverty. The two indices of trouble are unemployment and poverty, that is, the two symptoms of distress. We do not have much unemployment in North Dakota. If people cannot find a job, they leave. If they cannot find work, they drive someplace else, they go to Minneapolis or Denver. So we do not fit the criteria. I have designed a program that I am going to introduce this week, called the Rural Development Investment Zones, that uses the same kind of remedy the President proposes but uses different criteria - out-migration and job loss. If you measure the symptoms of out-migration of people and the loss of the job base, it seems to me you still get symptoms of economic distress. The proposal would provide a ten percent tax credit for wages that are qualified wages, new jobs, jobs coming in, new jobs created, and ten percent investment credit for qualifying machine-ready equipment. It seems to me that fits with the kinds of things that you are talking about, and methods and goals with respect to the Vision 2000 and the goals established there, and the methods in Growing North Dakota. It seems that we need to work hand in glove with opportunities at the federal level and the state level to figure out how we put together a foundation that represents some kind of progress in retaining jobs and economic vitality and strength here in North Dakota.

Another challenge we face is in health care. I know that you have dealt with some legislation in health care to give the state health officer the responsibility and authority to move towards some grants under the EACH program. I helped write the EACH program in Congress, the Essential Access

Community Hospital program, to try and get ahead of these small towns keeping their hospitals open. We have lost two hospitals in recent months in North Dakota, one in Beach and one in New Rockford. Another now does not have a doctor and a couple of others are teetering on the edge. Access to health care in rural areas is critical. It is not unusual to see a newscast in Washington, D.C. and have as an expose the fact that the ambulance went down the wrong street, was given the wrong address, or was fifteen minutes late for an ambulance call. But in Beach, North Dakota, where you are forty or forty-five miles from the nearest hospital, you are not talking about fifteen minutes and the wrong turn of an ambulance - access to health care is critical in rural America. We must, through a combination of federal initiatives and state initiatives, find ways to either keep open the hospital that now exists or provide some facilities that are more than clinics but maybe less than long-term acute care facilities for those that otherwise would lose their hospitals. We have to work together on that.

There are a myriad of challenges we face and we can ring our hands and worry about them as some are want to do, but that does not help in the final analysis. Or we can decide to roll up our sleeves and tackle them and decide to make the changes that we have in our ability to make. And I think I sense in North Dakota, again going back to Vision 2000, going to Growing North Dakota, and a series of other initiatives, finally a spirit of unity in which we decide this state does have serious trouble and it does require the attention -- the focused attention of all of us, Republicans, Democrats, from all persuasions -- to keep our eye on the ball and to try to pursue those goals of strengthening the North Dakota economy.

John F. Kennedy used to say that every mother wishes her child can grow up to be President as long as they do not have to get active in politics. Well, we know what he meant, but the process of politics, the process of decisionmaking in a political system, is an honorable process; one that has moved this country forward and one that has moved this state forward, and one that will move us forward again. None of us ever need to take a step back when somebody talks about a politician. The tradition of politics practiced by politicians in this chamber is in the best traditions of America and I never miss the opportunity to speak with pride about what you do in this chamber in the North Dakota Legislature. Men and women of goodwill who work hard to find honest answers to tough problems, do it in a short period of time without a hint of scandal, do it honestly, aggressively, and try to do their best for the state. That is a great source of pride for me when I speak of the Legislature and I am delighted to be invited back to say a few words. Thank you very much.

REQUEST

SEN. WOGSLAND REQUESTED that Congressman Dorgan's remarks be printed in the Journal, which request was granted.

POINT OF PERSONAL PRIVILEGE

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

Mr. President, ladies and gentlemen of the Senate: It is with a great deal of pride that I rise to extend congratulations to the 1991 North Dakota Class A boys basketball champions -- the West Fargo Packers. Throughout the hard-fought battles of this weekend's tournament, the young men of the Packer team remained victorious. In this process, they proved themselves worthy of the title champions. The West Fargo cheerleaders and the entire community of fans also proved themselves to be winners by receiving the prestigious spirit award. And, to Coach Bob Torgrimson and his staff, I extend a special thank you for their outstanding leadership. On behalf of the entire West Fargo community, we extend hearty congratulations to this team of champions -- the 1991 West Fargo Packers.

MOTION

SEN. WOGSLAND MOVED that Senate Rule 402, subsection 4, be amended to read "forty-seventh" instead of "forty-fourth", which motion prevailed.

COMMUNICATION FROM GOVERNOR GEORGE A. SINNER

March 11, 1991

This is to inform you that on March 11, 1991, I signed the following: SB 2037, SB 2042, SB 2043, SB 2068, SB 2081, SB 2086, SB 2098, SB 2110, SB 2114, SB 2122, SB 2124, SB 2127, SB 2128, SB 2131, SB 2137, SB 2140, SB 2141, SB 2150, SB 2156, SB 2157, SB 2185, SB 2186, SB 2190, SB 2195, SB 2216, SB 2220, SB 2222, SB 2251, SB 2268, SB 2269, SB 2286, SB 2291, SB 2292, SB 2295, SB 2299, SB 2302, SB 2322, SB 2367, SB 2368, SB 2369, SB 2380, SB 2392, SB 2412, SB 2482, SB 2535.

MOTIONS

SEN. WOGSLAND MOVED that the absent member 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 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 1:00 p.m., Tuesday, March 12, 1991, which motion prevailed.

REPORTS OF STANDING COMMITTEES

SB 2577: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2577 was placed on the Eleventh order on the calendar.

SB 2581: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2581 was placed on the Eleventh order on the calendar.

SCR 4023: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a comma

Page 1, line 10, replace "states" with "States"

Page 1, line 14, replace "government" with "Government"

Page 1, line 17, replace "two-thirds" with "two thirds" and replace "houses" with "Houses"

Page 1, line 19, replace "legislatures" with "Legislatures" and replace "states" with "States"

Page 1, line 21, replace "three-fourths" with "three fourths"

Renumber accordingly

SCR 4049: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 13, after "state" insert "provided the in-state investments yield an equal or better return for the State Investment Board"

Renumber accordingly

SCR 4060: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4060 was placed on the Tenth order.

SCR 4062: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4062 was placed on the Tenth order.

HB 1026: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1026 was placed on the Fourteenth order on the calendar.

HB 1032: Committee on Political Subdivisions (Sen. Graba, 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 12, after "subdivision" insert "that has a population of less than five thousand persons"

Renumber accordingly

HB 1033: Committee on Political Subdivisions (Sen. Graba, 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 5, after the second "county" insert "that has a population of less than five thousand persons"

Renumber accordingly

HB 1043, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING).

HB 1044, as engrossed: 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 3, line 18, replace "vistor's" with "visitors"

Renumber accordingly

HB 1045: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1045 was placed on the Tenth order.

HB 1131: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1131 was placed on the Tenth order.

HB 1137: Committee on Agriculture (Sen. Kelsh, 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 1, after "Act" insert "to create and enact a new section to chapter 60-02 of the North Dakota Century Code, relating to warehouse charges for grain owned by the United States;"

Page 1, line 2, after "sections" insert "60-02-17,"

Page 1, line 7, after "warehousemen" insert "; and to repeal section 60-02-31.1 of the North Dakota Century Code, relating to delivery of dry edible beans"

Page 1, replace lines 17 and 18 with "must reference, in lieu of a grade designation, the number of the scale tickets containing a description of the beans including the percentage of foreign material, splits, check seed coats, total pick, and moisture"

Page 1, line 19, remove "association standards"

Page 1, after line 21, insert:

"SECTION 2. AMENDMENT. Section 60-02-17 of the North Dakota Century Code is amended and reenacted as follows:

60-02-17. Warehouse and storage contract - Storage rates - Terminal delivery. A warehouse receipt shall contain, either on its face or reverse side, the following warehouse and storage contract:

"This grain is received, insured, and stored subject to the following charges: one-tenth of one cent per net bushel [35.24 liters] per day, except for dry edible beans which shall be subject to a daily storage rate fixed at the time of delivery no greater than one-half of one cent per net hundredweight [45.36 kilograms] per day, provided, however, that no storage shall be charged for grain so stored for fifteen days from date of delivery if such grain is sold within such fifteen-day period; however, if such grain is not sold within the fifteen days, storage charges shall commence from the date a warehouse receipt was issued. All grain received for storage shall be subject to a charge of seven cents per net bushel [35.24 liters], except for flax which shall be subject to a charge of seven cents per gross bushel [35.24 liters] and dry edible beans which shall be subject to a charge of ten cents per net hundredweight [45.36 kilograms]. Grain purchased by the warehouseman shall be exempt from the receiving and redelivery charges. Upon Except for dry edible beans, upon surrender of this receipt and payment or tender of a delivery charge per gross bushel [35.24 liters] of five cents on flax, three dollars per net hundredweight [45.36 kilograms] on dry edible beans, and five cents per net bushel [35.24 liters] on all other grains and all other stated lawful charges accrued up to the time of surrender of this receipt, the above amount, kind, and grade of grain will be delivered to the person named above or the person's order as rapidly as due diligence, care, and prudence will permit. At the option of the holder of this receipt, the amount, kind, and grade of grain for which this receipt is issued, upon demand, shall be delivered back to the holder at any terminal point customarily shipped to, or at the place where received, upon the payment of the above charges for receiving, handling, storage, and insurance and in case of terminal delivery, the payment in addition to the above of the regular freight charges on the gross amount called for by this ticket or in lieu thereof, a receipt issued by a bonded warehouse or elevator company doing business at the terminal point. Nothing in this receipt requires the delivery of the identical grain specified herein, but an equal amount of grain of the same kind and grade shall be delivered. Dry edible beans will be delivered to the holder in accordance with the warehouseman's delivery policy upon the surrender of this receipt and payment or tender of all lawful charges accrued up to the time of surrender including the charge for delivery contained in the delivery policy."

Page 2, line 4, overstrike "and seeds" and insert immediately thereafter "except dry edible beans"

Page 2, line 9, replace "Bean" with "Warehousemen of dry edible beans shall purchase, store, and deliver beans in accordance with their policy which must be filed with the commission and posted in a conspicuous place in their warehouse."

Page 2, remove lines 10 and 11

Page 2, after line 28, insert:

"SECTION 5. A new section to chapter 60-02 of the North Dakota Century Code is created and enacted as follows:

Warehouse charges for grain owned by the United States. Notwithstanding any other provision of this chapter, the commission may establish charges by rule for the storage, receipt, and redelivery of grain owned by the United States or its agencies when necessary to allow public warehousemen to store that grain, recover their costs, and obtain a reasonable return. A warehouse receipt issued to the United States or its agencies must identify the charges established by the commission. Unless otherwise prohibited or limited by the commission, the charges may remain effective after assignment of the grain by the United States for such time as agreed to by the warehouseman after which time the grain is subject to the charges prescribed by this chapter.

SECTION 6. REPEAL. Section 60-02-31.1 of the North Dakota Century Code is repealed."

Renumber accordingly

HB 1135: Committee on Agriculture (Sen. Kelsh, 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 8, replace "A" with "Upon request of the department, a" and remove "to the"

Page 1, line 9, remove "department" and remove "sold,"

Page 1, line 10, remove ", or otherwise distributed" and replace "at the" with "by March first"

Page 1, remove line 11

Page 1, line 12, remove "department"

Page 1, line 13, remove "sold," and remove ", or otherwise"

Page 1, line 14, remove "distributed"

Renumber accordingly

HB 1141, as engrossed: 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 11, after "industries" insert "similar to those"

Page 1, line 17, remove the overstrike over "by", remove the overstrike over "the chairperson", and remove "by the chairman"

Renumber accordingly

HB 1156: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). HB 1156 was placed on the Fourteenth order on the calendar.

HB 1160: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS,

0 NAYS, 2 ABSENT AND NOT VOTING). HB 1160 was placed on the Tenth order.

HB 1201, as engrossed: 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 14, line 5, overstrike "in the office of" and insert immediately thereafter "that is responsible to"

Re-number accordingly

HB 1248, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 17, line 13, after "if" insert "false or misleading statements concerning the product are disseminated in any manner or by any means, if"

Re-number accordingly

HB 1268: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1268 was placed on the Tenth order.

HB 1270, as engrossed: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 3, line 9, remove "a."

Page 3, line 11, replace "b" with "2"

Page 3, line 13, replace "(1)" with "a."

Page 3, line 14, replace "(a)" with "(1)"

Page 3, line 16, replace "(b)" with "(2)"

Page 3, line 23, replace "(2)" with "b."

Page 4, line 3, replace "(3)" with "c."

Page 4, line 7, replace "(4)" with "d."

Page 4, line 9, replace "(5)" with "e."

Page 4, line 11, replace "(6)" with "f."

Re-number accordingly

HB 1318, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1318 was placed on the Fourteenth order on the calendar.

HB 1322, as engrossed: 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 8, replace "new material" with "documents that address an employee's character or performance"

Page 3, line 1, remove "This section applies if access has been"

Page 3, remove lines 2 through 8

ReNUMBER accordingly

HB 1328: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 2, after "to" insert "presumed"

Page 1, line 3, remove "and presumed lease renewals"

Page 1, line 8, after "lease" insert "of a specified term of two months or more"

Page 1, line 13, remove "or if in the absence of"

Page 1, line 14, replace "an automatic renewal clause a" with ", the" and remove "possession by the lessee"

Page 1, line 15, remove "continues," and remove "a lease renewal has not been agreed upon,"

Page 1, line 16, replace "are in effect on" with "convert to" and replace "basis" with "tenancy"

ReNUMBER accordingly

HB 1351: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1351 was placed on the Tenth order.

HB 1365: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1365 was placed on the Fourteenth order on the calendar.

HB 1367, as engrossed: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1367 was placed on the Fourteenth order on the calendar.

HB 1381, as engrossed: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 8, after "road" insert "for which the county receives federal highway aid"

ReNUMBER accordingly

HB 1382: Committee on State and Federal Government (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 15, line 14, replace "cetifies" with "certifies"

ReNUMBER accordingly

HB 1405, as engrossed: Committee on Education (Sen. Heinrich, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1405 was placed on the Fourteenth order on the calendar.

HB 140B: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 140B was placed on the Fourteenth order on the calendar.

HB 1425: Committee on Industry, Business and Labor (Sen. Langley, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). HB 1425 was placed on the Fourteenth order on the calendar.

HB 1445: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 1, line 1, remove "subsection 2 of section 11-10.1-01 and"

Page 1, line 3, remove "directors of tax equalization and"

Page 1, remove lines 6 through 18

Re number accordingly

HB 1451, as engrossed: 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 31, line 16, after "employment" insert ", as defined in section 26.1-21-10.1"

Re number accordingly

HB 1504, as engrossed: Committee on Natural Resources (Sen. Meyer, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 5, overstrike "the east one-half of"

Re number accordingly

HB 1511, as engrossed: Committee on Appropriations (Sen. Tallackson, Chairman) recommends DO PASS (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1511 was placed on the Fourteenth order on the calendar.

HB 1512: Committee on Agriculture (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT 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 2, remove "and"

Page 1, line 4, after "potatoes" insert "; and to provide an effective date"

Page 4, after line 9, insert:

"SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective when the council certifies to the secretary of state that a referendum was conducted among the growers on or before August 30, 1991, and that a majority of the growers voting on the issue voted in favor of repealing North Dakota Century Code section 4-10.1-12. The secretary of state shall forward a copy of the certification to the legislative council. Any certification to the secretary of state under this section must be made within one week after the referendum."

Renumber accordingly

HB 1529: Committee on Education (Sen. Heinrich, Chairman) recommends DO NOT PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1529 was placed on the Fourteenth order on the calendar.

HB 1543, as engrossed: Committee on Political Subdivisions (Sen. Graba, Chairman) recommends DO PASS and BE REREFERRED to the Committee on Appropriations (7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING).

HB 1571, as engrossed: Committee on Agriculture (Sen. Kelsh, 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 5, after the first comma insert "4-12.2-22,"

Page 1, line 9, after the semicolon insert "to provide a penalty; to provide an appropriation;"

Page 5, line 11, overstrike "twenty-five" and insert immediately thereafter "thirty"

Page 5, line 25, overstrike ", setting forth specifically the"

Page 5, line 26, overstrike "type of apiary, the location"

Page 10, after line 6, insert:

"SECTION 13. AMENDMENT. Section 4-12.2-22 of the North Dakota Century Code is amended and reenacted as follows:

4-12.2-22. Penalties - Criminal - Civil - License revocation or nonrenewal.

1. A person who violates this chapter or any rules adopted under this chapter is guilty of a class A misdemeanor.
2. In addition to criminal sanctions which may be imposed pursuant to subsection 1, a person found guilty of violating this chapter or rules adopted under this chapter is subject to a civil penalty not to exceed five thousand dollars for each violation. The civil penalty may be adjudicated by the courts or by the commissioner through an administrative hearing pursuant to chapter 28-32.
3. The department may, in accordance with the laws of this state, maintain an appropriate civil action in the name of the state against any person violating this chapter or rules adopted under this chapter.
4. The commissioner may refuse to grant a license to any person found guilty of repeated violations of this chapter or rules adopted under this chapter, or to any person who has failed to pay an adjudicated civil penalty for violation of this chapter within thirty days after a final determination that the civil penalty is owed.
5. Any person who knowingly makes a false statement, representation, or certification in any application, record, report, or other document may be subject to the penalties provided in this chapter."

Page 11, after line 9, insert:

"SECTION 16. APPROPRIATION. The funds provided in this section, or so much thereof as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, to the commissioner of agriculture for the purpose of defraying administrative expenses created as a result of this Act for the biennium beginning July 1, 1991, and ending June 30, 1993.

| | |
|----------------------------------|------------------|
| Salaries and wages | \$ 8,000 |
| Operating expenses | 16,000 |
| Total general fund appropriation | <u>\$24,000"</u> |

Renumber accordingly

HCR 3006: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3006 was placed on the Tenth order.

HCR 3017: Committee on State and Federal Government (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3017 was placed on the Tenth order.

HCR 3035, as engrossed: Joint Constitutional Revision Committee (Sen. O'Connell, Chairman) recommends DO PASS (10 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3035 was placed on the Fourteenth order on the calendar.

HCR 3037: Committee on Transportation (Sen. Schoenwald, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). The proposed amendment was placed on the Sixth order on the calendar.

Page 2, line 18, after the semicolon insert "and"

Page 2, after line 18, insert:

"WHEREAS, there are engineers, contractors, suppliers, and administrators native to and located within this state who should receive priority consideration in the planning and construction of the new bridge over the Missouri River midway between Bismarck, North Dakota, and Mobridge, South Dakota;"

Page 2, after line 28, insert:

"BE IT FURTHER RESOLVED, that the United States Army Corps of Engineers is urged to specify the use of North Dakota engineers, contractors, suppliers, and administrators for the planning and construction of the bridge over the Missouri River in the vicinity of Fort Yates and Emmons County, North Dakota; and"

Renumber accordingly

HCR 3046: Committee on Judiciary (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3046 was placed on the Tenth order.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2059, SB 2060, SB 2089, SB 2143, SB 2182, SB 2189, SB 2355, SB 2381, SB 2393, SB 2406, SB 2437, SB 2555.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2059, SB 2060, SB 2089, SB 2143, SB 2182, SB 2189, SB 2355, SB 2381, SB 2393, SB 2406, SB 2437, SB 2555.

SIGNING of BILLS and RESOLUTIONS

The President signed the following enrolled resolution: SCR 4064.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SCR 4064.

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

MARION HOUN, Secretary