

## JOURNAL OF THE SENATE

## Fifty-second Legislative Assembly

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Bismarck, April 5, 1991  
The Senate convened at 8:00 a.m., with President Omdahl presiding.

The prayer was offered by Mike Chuppe (lay minister), First United Pentecostal Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MATHERN MOVED that the Senate do concur in the House amendments to Reengrossed SB 2384 as printed on SJ pages 1476-1477, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to adopt a statement of legislative policy relating to the family; to provide for family life education; to create and enact two new sections to title 50, a new subsection to section 50-06-05.1, a new section to chapter 50-09, and a new section to chapter 50-11.1 of the North Dakota Century Code, relating to the coordination of services for pregnant women, benefits for pregnant women, aid to dependent children and medical assistance for adopted children with special needs, and early childhood services resource and referral programs; to provide an appropriation; and to provide an effective date.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; 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; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Kinnoin; Meyer; Moore; Mutch

ABSENT AND NOT VOTING: Naaden

SB 2384 passed and the title was agreed to.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. GRABA MOVED that the Senate do concur in the House amendments to Reengrossed SB 2509 as printed on SJ pages 1483-1485, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to provide for infrastructure construction, improvement, rehabilitation, operation, or management by private operators and to provide for development agreements between public authorities and private operators.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; Dotzenrod; Evanson; Freborg; Goetz; Graba; Hanson, O.; Holmberg; Ingstad; Jerome; Kelly; Kelsh; Kinnoin; Krebsbach; Langley; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mutch; Nalewaja; Nelson; Nething; Peterson; Redlin; Satrom; Solberg; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Traynor; Vosper; Yockim

NAYS: Hanson, E.; Heigaard; Heinrich; Keller; Krauter; Lindaas; Mushik; O'Connell; Robinson; Schoenwald; Tomac; Wogsland

ABSENT AND NOT VOTING: Naaden

SB 2509 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Reengrossed SB 2591 as printed on SJ page 1493 be adopted, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2591: A BILL for an Act to amend and reenact section 4-13.2-06 of the North Dakota Century Code, relating to violations of the poultry law.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; Meyer; Moore; Mushik; Mutch; 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: Naaden

SB 2591 passed and the title was agreed to.

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## MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 10:00 a.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3070.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2384 and SB 2509 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1051 and HB 1073 and subsequently passed the same.

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

MR. SPEAKER: The Senate has adopted the conference committee report on HB 1053 and HB 1132.

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

MR. SPEAKER: The Senate has adopted the conference committee report on SB 2090, SB 2149, SB 2205, and SCR 4058 and subsequently passed the same.

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

MR. PRESIDENT: The Speaker has appointed as a conference committee to act with a like committee from the Senate on:

SB 2234: Reps. Clayburgh; Kelsch; Ring

SB 2451: Reps. Rennerfeldt; Bateman; Anderson, B.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1381, HB 1424, and HCR 3038.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1135, HB 1138, HB 1200, HB 1262, HB 1300, HB 1313, and HB 1333 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1343, HB 1441, HB 1450, HB 1483, HB 1507, HB 1569, and HB 1597 and subsequently passed the same.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1571, subsequently passed the same, and the emergency clause carried.

#### REPORT OF PROCEDURAL COMMITTEE

MR. PRESIDENT: Your procedural Committee on Delayed Bills (Sen. Wogsland, Chairman) has examined a concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

It shall be numbered SCR 4073.

Your Committee on Delayed Bills cast a unanimous ballot in favor of this resolution.

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

#### FIRST READING OF SENATE CONCURRENT RESOLUTION

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

SCR 4073: A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

Was read the first time.

#### MOTION

SEN. SATROM MOVED that the rules be suspended, that SCR 4073 not be printed, not be referred to committee, but be read in title only, and be printed in the Journal, and placed on the calendar for second reading and final passage, which motion prevailed.

Committee on Employment introduced:

(Approved by the Committee on Delayed Bills)

#### SENATE CONCURRENT RESOLUTION NO. 4073

A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

WHEREAS, it is necessary to complete and close work of the regular session of the Fifty-second Legislative Assembly; and

WHEREAS, certain legislative employees should be retained to complete and close this work;

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

That the following named positions may be retained by the Senate and the House of Representatives after the adjournment of the regular session:

#### SENATE POSITIONS

Secretary of the Senate  
Desk Reporter  
Bill Clerk  
Sergeant-at-Arms  
Deputy Sergeant-at-Arms  
Deputy Sergeant-at-Arms  
Chief Page and Bill Book Clerk  
Chief Stenographer and Payroll Clerk  
Stenographer  
Chief Committee Clerk  
Appropriations Committee Clerk  
Judiciary Committee Clerk  
Secretary to Majority Leader  
Staff Assistant to Majority Leader  
Secretary to Minority Leader  
Staff Assistant to Minority Leader  
Journal Room Clerk  
Chief Telephone Attendant

#### HOUSE POSITIONS

Chief Clerk  
Assistant Chief Clerk  
Desk Reporter  
Bill Clerk  
Sergeant-at-Arms  
Chief Page and Bill Book Clerk  
Chief Stenographer and Payroll Clerk  
Appropriations Committee Clerk  
Assistant Appropriations Committee Clerks  
Secretary to Speaker  
Secretary to Majority Leader  
Secretary to Minority Leader  
Desk Pages  
Assistant Sergeant-at-Arms  
Chief Bill and Journal Room Clerk  
Bill Room Clerk  
Chief Assistant Committee Clerk

BE IT FURTHER RESOLVED, that the above-listed Senate and House employees shall serve at the request of, and under the supervision of, the Secretary of the Senate and the Chief Clerk of the House, and that all of the listed employees, including the Secretary of the Senate and the Chief Clerk of the House may not be employed for more than 200 man-days in the aggregate. The Secretary of the Senate and the Chief Clerk of the House shall assign work among the available Senate and House employees, respectively, in the appropriate manner. The Secretary of the Senate and the Chief Clerk of the House shall coordinate the work assignments in their respective houses in such a manner that the total number of man-days utilized does not exceed the aggregate limit on man-days in this resolution. The Secretary of the Senate and the Chief Clerk of the House shall minimize the days spent in completion of legislative business to the extent consistent with that completion; and

BE IT FURTHER RESOLVED, that the employees in the above-named positions be paid their regular rates of pay as specified in House Concurrent Resolution No. 3025 for work pursuant to this resolution, and all of these

sums are to be paid out of the appropriation to the Fifty-second and Fifty-third Legislative Assemblies, and after completion of the work, provided that each above-listed employee must be paid on a pro rata basis if the total number of man-days exceeds the aggregate limit.

#### SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4073: A concurrent resolution authorizing the retention of certain employees of the Senate and House to allow for the completion of legislative work after the close of the session.

#### ROLL CALL

The question being on the final adoption of the resolution, which has been read, the roll was called and there were 50 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Tallackson; Wogsland

SCR 4073 was declared adopted on a recorded roll call vote.

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#### MOTIONS

SEN. DOTZENROD MOVED that the Conference Committee on HB 1117 be dissolved, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4073.

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

MR. SPEAKER: The Joint Senate-House Rules govern the procedure to be followed in handling the reports of Conference Committees. Subsection 6 of Joint Rule 301 requires the house of origin to act first and Subsection 7 requires the second house to act on the report. On April 4, the Senate received SB 2324 from the House, which bill had been referred to a conference committee. Pursuant to Section 6, the Senate had originally acted on the Conference Committee report and notified the House. The House Journal of April 4 indicates that the House has not acted on the Conference Committee report on SB 2324 pursuant to Subsection 7. Therefore, we are returning SB 2324 to the House so that the House can act on the Conference Committee report as required by Subsection 7.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1031.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1061, HB 1145, and HB 1152 and subsequently passed the same.

#### MOTION

SEN. WOGSLAND MOVED that SB 2294 be reconsidered pursuant to Article V, section 9, of the Constitution of the state of North Dakota for the purpose of overriding the Governor's veto, which motion prevailed.

## RECONSIDERATION OF VETOED MEASURE

SB 2294: A BILL for an Act providing an appropriation to the agricultural experiment station to purchase Hastings hall from the state seed department.

## ROLL CALL

The question being on the final passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 26 YEAS, 25 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Mushik; Tallackson

The Senate sustained the Governor's veto on Engrossed SB 2294.

## MOTION

SEN. WOGSLAND MOVED that the Senate stand in recess until 4 p.m., which motion prevailed.

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

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

MR. PRESIDENT: The House does not concur in the Senate amendments to HB 1031, and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1031: Reps. Jensen; Dalrymple; Stofferahn

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

MR. PRESIDENT: The House has not adopted the conference committee report on HB 1384.

## SIGNING OF BILLS and RESOLUTIONS

The President signed the following enrolled bills: SB 2069, SB 2169, SB 2346.

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

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2069, SB 2169, SB 2346.

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

MR. PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1028, HB 1256, HB 1266, HB 1325, HB 1552, HB 1596.

## APPOINTMENT OF CONFERENCE COMMITTEES

SEN. MATHERN MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1031, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1031: Sens. Mushik, Thane, Mathern.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1022, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1022: Sens. Robinson, Redlin, Nething.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1006, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1006: Sens. Mushik, Redlin, Goetz.

SEN. TALLACKSON MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1021, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1021: Sens. Yockim, Redlin, Lips.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2001 as printed on SJ pages 1479-1483 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2001: Sens. Tallackson, Robinson, Nething.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2002 as printed on SJ pages 1454-1464 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2002: Sens. Mushik, Kelly, Thane.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2004 as printed on SJ pages 1465-1466 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2004: Sens. Kelly, Mushik, Goetz.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2005 as printed on SJ page 1466 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2005: Sens. Satrom, Lindaas, Goetz.

#### REPORT OF CONFERENCE COMMITTEE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2007, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide for an appropriation for defraying the expenses of the adjutant general; to provide for an appropriation of funds from the national guard tuition trust fund; to provide an appropriation for the North Dakota veterans' cemetery; and to provide legislative intent.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Tallackson; Tomac

SB 2007 passed and the title was agreed to.

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THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Jim Cussons

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

MR. SPEAKER: The President has signed: HB 1028, HB 1256, HB 1266, HB 1552, HB 1596.

## MOTION

SEN. WOGSLAND MOVED that pursuant to Senate Rule 605 the Senate proceed with the Seventh order of business, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1061, as engrossed: Your conference committee (Sens. Graba, Maxson, Nalewaja and Reps. A. Olson, Urlacher, Oban) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1201, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1201 of the Senate Journal and pages 1417 and 1418 of the House Journal, and that Engrossed House Bill No. 1061 be amended as follows:

Page 1, line 2, remove "and"

Page 1, line 3, after "penalty" insert "; to provide an appropriation; and to state legislative intent"

Page 1, line 21, replace "twenty-five" with "a monthly surcharge of twenty"

Page 2, line 1, remove "household," replace "or" with "residence," and after "residence" insert "of not more than three units"

Page 2, line 2, replace "seventy-five" with "the following monthly surcharges"

Page 2, line 3, remove "cents", remove "each", and replace "account, which" with "accounts:

1. For each commercial account for which the monthly collection fee is not more than ten dollars, twenty cents.
2. For each commercial account for which the monthly collection fee is more than ten dollars but not more than fifty dollars, seventy-five cents.
3. For each commercial account for which the monthly collection fee is more than fifty dollars but not more than one hundred dollars, one dollar and fifty cents.



4. For each commercial account for which the monthly collection fee is more than one hundred dollars but not more than five hundred dollars, three dollars.
5. For each commercial account for which the monthly collection fee is more than five hundred dollars, one percent of the gross receipts for collection services.

The monthly surcharge for a multiple unit commercial account is twenty cents per unit or the applicable commercial rate under subsections 1 through 5, whichever is higher. For the purposes of this section, a commercial account"

Page 2, line 4, after "a" insert "multiple residence of four or more units, mobile home park," and after "office" insert "building"

Page 2, line 5, after the period insert "A multiple unit commercial account includes a multiple residence of four or more units, a mobile home park, a shopping center, an office building, and any other commercial account in which four or more units pay a single collection fee."

Page 2, line 8, after the period insert "A surcharge equivalent to that for commercial accounts must be assessed on fees imposed on municipal waste delivered directly to a landfill but not included in the collection surcharge above." and after "surcharge" insert "collected under this section"

Page 2, line 9, replace "monthly" with "quarterly"

Page 2, line 10, replace "collected" with "received"

Page 2, line 11, replace "monthly" with "quarterly"

Page 2, line 16, replace "the twenty-fifth day of" with "thirty days after the conclusion of each quarter"

Page 2, line 17, remove "each month"

Page 2, line 19, replace "month" with "quarter"

Page 2, line 20, after the period insert "The provisions of chapter 57-39.2 relating to the administration of the sales tax, except the provisions relating to refunds and credits and any provision in conflict with this Act, govern the administration of the surcharge imposed under section 2 of this Act. A surcharge that has been collected, but which is not due, must be used to offset any surcharge to be imposed against the person from whom the surcharge was originally collected. A dispute relating to the imposition of the surcharge may be appealed to the department for a final decision. The department's decision may not be appealed under chapter 28-32."

Page 2, line 23, replace "appropriated" with "in the solid waste management fund"

Page 2, line 24, remove "under section 1 of this Act"

Page 3, after line 8, insert:

"SECTION 5. APPROPRIATION. There is hereby appropriated out of any moneys in the state aid distribution fund, not otherwise appropriated, the sum of \$350,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories for distribution to the solid waste management districts to assist the districts in developing comprehensive solid waste management plans for each district, and \$100,000, or so much thereof as may be necessary, to the department of health and consolidated laboratories to provide assistance to the solid waste management districts in developing the

comprehensive plans for the biennium beginning July 1, 1991, and ending June 30, 1993.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the legislative assembly that any moneys remaining in the solid waste management fund on June 30, 1993, be available for appropriation for the biennium beginning July 1, 1993, and ending June 30, 1995, and that the fund be used solely for the purpose of solid waste management activities."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. GRABA MOVED that the conference committee report on Engrossed HB 1061 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1061: A BILL for an Act to create and enact four new sections to chapter 23-29 of the North Dakota Century Code, relating to solid waste management; to provide a penalty; to provide an appropriation; and to state legislative intent.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 31 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Evanson; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Moore; Mushik; Nalewaja; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Thane; Wogsland; Yockim

NAYS: Bowman; David; DeKrey; Freborg; Hanson, O.; Krauter; Langley; Meyer; Mutch; Naaden; Nelson; Nething; O'Connell; Peterson; Solberg; Streibel; Tennefos; Tomac; Traynor; Vosper

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1061 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1135: Your conference committee (Sens. Kinnoin, Langley, Bowman and Reps. Rennerfeldt, Bateman, Anderson) recommends that the SENATE RECEDE from the Senate amendments on SJ page 942, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 942 of the Senate Journal and page 1084 of the House Journal and that House Bill No. 1135 be amended as follows:

Page 1, line 8, replace "A" with "Upon request of the department, a" and remove "to the"

Page 1, line 9, remove "department"

Page 1, line 10, replace "at the" with "by March first"

Page 1, remove line 11

Page 1, line 12, remove "department"

Renumber accordingly

## REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Reengrossed HB 1135 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

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

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; 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; Tennefos; Thane; Tomac; Traynor; Vosper; Wogslund; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Tallackson

HB 1135 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1138, as engrossed: Your conference committee (Sens. Meyer, DeKrey, Solberg and Reps. Kretschmar, Brown, Grumbo) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 901 and then place it on the Seventh order.

## REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1138 be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1145, as engrossed: Your conference committee (Sens. Marks, Traynor, Stenehjem and Reps. Kelsch, Kretschmar, Skar) recommends that the HOUSE ACCEDE to the Senate amendments on SJ pages 901-902 and then place it on the Seventh order.

## REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Engrossed HB 1145 be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1152, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, Tennefos and Reps. Belter, Delzer, Hokana) recommends that the SENATE RECEDE from the Senate amendments on SJ page 856, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 988 of the House Journal and page 856 of the Senate Journal and that House Bill No. 1152 be amended as follows:

Page 1, line 12, replace "; however, any" with ". A"

Page 1, line 14, replace "one hundred" with "fifty" and after "dollars" insert "; however, if the person provides proof of registration since the violation, the fee may be reduced by one-half"

Renumber accordingly

## REPORT OF CONFERENCE COMMITTEE

SEN. SCHOENWALD MOVED that the conference committee report on Engrossed HB 1152 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1152: A BILL for an Act to amend and reenact section 39-24-11 of the North Dakota Century Code, relating to penalties for failure to register ownership of snowmobiles and for trespassing with a snowmobile on posted land.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 7 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Bowman; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennesfos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: David; Hanson, O.; Langley; Meyer; Moore; Mutch; Naaden

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Tallackson

HB 1152 passed and the title was agreed to.

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

MR. PRESIDENT: The House has amended and subsequently passed: SCR 4073.

## HOUSE FLOOR AMENDMENT TO SCR 4073

Page 2, after line 25, insert:

"Supply Room Clerk"

Renumber accordingly

## REPORT OF CONFERENCE COMMITTEE

HB 1200: Your conference committee (Sens. Wogsland, Kinnoin, Moore (refused to sign) and Reps. Gorman, A. Olson, Anderson) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 982-983, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on pages 982 and 983 of the Senate Journal and pages 1154 and 1155 of the House Journal and that House Bill No. 1200 be amended as follows:

Page 2, line 12, remove the overstrike over "~~ten~~", remove "five", remove the overstrike over "~~4-05~~", and remove "2.02"

Page 2, line 14, remove the overstrike over "~~five~~", remove "two", remove the overstrike over "~~2-02~~", and remove "0.40"

Page 2, line 16, remove the overstrike over "~~ten~~" and remove "five"

Page 2, line 17, remove the overstrike over "~~4-05~~" and remove "2.02"

Page 2, line 18, after "a" insert "metes and bounds"

Renumber accordingly

## MOTION

SEN. WOGSLAND MOVED that HB 1200, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1262, as engrossed: Your conference committee (Sens. Marks, Solberg, Traynor and Reps. Clayburgh, Kretschmar, Jacobson) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 997 and then place it on the Seventh order.

## REPORT OF CONFERENCE COMMITTEE

SEN. MAXSON MOVED that the conference committee report on Engrossed HB 1262 be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1300, as engrossed: Your conference committee (Sens. Dotzenrod, Wogsland, Tennefos and Reps. Freier, Gorman, Hokana) recommends that the HOUSE ACCEDE to the Senate amendments on SJ page 1096 and then place it on the Seventh order.

## REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed HB 1300 be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1313: Your conference committee (Sens. Tomac, Krauter, Traynor and Reps. Henegar, Brown, Hanson) recommends that the SENATE RECEDE from the Senate amendments on SJ page 857, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 857 of the Senate Journal and page 989 of the House Journal and that House Bill No. 1313 be amended as follows:

Page 1, line 1, replace "two" with "three"

Page 1, line 6, replace "Two" with "Three"

Page 1, after line 10, insert:

"For a resident and nonresident sandhill crane license, five dollars."

Page 1, line 15, after the first underscored comma insert "or" and remove "deer with"

Page 1, line 16, remove "muzzle-loading long guns, wild turkeys, swans, or sandhill cranes"

ReNUMBER accordingly

## REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Reengrossed HB 1313 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1313: A BILL for an Act to create and enact three new subsections to section 20.1-03-12 of the North Dakota Century Code, relating to fees for game and fish licenses and permits; and to amend and reenact section 20.1-03-12.2 of the North Dakota Century Code, relating to game and fish application fees.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehj m; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Holmberg; Solberg

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1313 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1333, as engrossed: Your conference committee (Sens. Meyer, Tomac, Moore and Reps. Byerly, A. Olson, Williams) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1150, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1366 of the House Journal and page 1150 of the Senate Journal and that Engrossed House Bill No. 1333 be amended as follows:

Page 2, line 3, replace "sixty-five" with "seventy"

Page 2, line 5, replace "sixty-five" with "seventy"

Page 4, line 4, replace "sixty-five" with "seventy"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Engrossed HB 1333 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1333: A BILL for an Act to amend and reenact sections 38-08-09.5 and 38-08-09.9 of the North Dakota Century Code, relating to ratification or approval of unitization plans.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Bowman; Kinnoin; Krauter; Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1333 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1343, as engrossed: Your conference committee (Sens. Evanson, Lindgren, E. Hanson and Reps. St. Aubyn, Delzer, Gilmore) recommends that the SENATE RECEDE from the Senate amendments on SJ page 989, amend as follows, and then place on the Seventh order:

That the Senate recede from the Senate amendments as printed on page 989 of the Senate Journal and page 1264 of the House Journal, and that Engrossed House Bill No. 1343 be amended as follows:

Page 2, line 2, replace "stipulation of all parties" with "request of any of the parties or upon the determination of the court that it would be appropriate"

Page 2, line 5, after "section" insert "and the court may appoint a guardian ad litem to protect the interests of the child"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Reengrossed HB 1343 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1343: A BILL for an Act to provide for the admission as evidence of the videotaped statement of the child victim of certain sexual offenses.

#### ROLL CALL

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

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1343 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1381, as engrossed: Your conference committee (Sens. Schoenwald, O'Connell, David and Reps. Delzer, Bernstein, Kroeber) recommends that the SENATE RECEDE from the Senate amendments on SJ page 944 and then place it on the Seventh order.

#### MOTION

SEN. WOGSLAND MOVED that HB 1381, which is on the Seventh order, be laid over one legislative day, which motion prevailed.

#### REPORT OF CONFERENCE COMMITTEE

HB 1424, as engrossed: Your conference committee (Sens. Mathern, Jerome, Lindgren and Reps. Larson, Henegar, Cleary) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 868-869 and then place it on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1424 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1424: A BILL for an Act to amend and reenact section 26.1-17-12 of the North Dakota Century Code, relating to contract limitations of a health service corporation.

## ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 45 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Heigaard; Heinrich; Keller; O'Connell; Schoenwald; Wogsland

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1424 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1441, as engrossed: Your conference committee (Sens. Langley, Krauter, Mutch and Reps. Soukup, Carlisle, Skjerven) recommends that the SENATE RECEDE from the Senate amendments on SJ page 923, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 923 of the Senate Journal and pages 1068-1069 of the House Journal and that Engrossed House Bill No. 1441 be amended as follows:

Page 2, line 26, remove the overstrike over "~~A policy may not be issued covering property.~~"

Page 2, remove the overstrike over line 27

Page 2, line 28, remove the overstrike over "~~unless:~~"

Page 3, remove the overstrike over lines 1 through 7

Page 3, line 8, remove the overstrike over "~~limits of any incorporated city with a population of less than~~" and after "two" insert "ten"

Page 3, line 9, remove the overstrike over "~~thousand~~" and remove the overstrike over "~~located within the territory comprised in the~~"

Page 3, remove the overstrike over lines 10 through 12

Page 3, line 13, remove the overstrike over "~~company~~" and insert immediately thereafter an underscored period

Renumber accordingly

## REPORT OF CONFERENCE COMMITTEE

SEN. LANGLEY MOVED that the conference committee report on Engrossed HB 1441 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1441: A BILL for an Act to amend and reenact sections 26.1-13-01, 26.1-13-02, and 26.1-13-15 of the North Dakota Century Code, relating to organization and territorial limits of a county mutual insurance company.

## ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.



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

NAYS: Keller; Krebsbach; Lips; Meyer; Schoenwald

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1441 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1450, as engrossed: Your conference committee (Sens. Heinrich, Graba, Freborg and Reps. Porter, Muhs, Huether) recommends that the HOUSE ACCEDE to the Senate amendments on SJ pages 983-984 and then place it on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

SEN. HEINRICH MOVED that the conference committee report on Engrossed HB 1450 be adopted, which motion prevailed.

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

MR. SPEAKER: The President has appointed as a conference committee to act with a like committee from the House on:

HB 1006: Sens. Mushik; Redlin; Goetz  
HB 1021: Sens. Yockim; Redlin; Lips  
HB 1031: Sens. Mushik; Thane; Mathern  
HB 1022: Sens. Robinson; Redlin; Nething

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2007 and subsequently passed the same.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2001, SB 2002, SB 2004, and SB 2005, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2001: Sens. Tallackson; Robinson; Nething  
SB 2002: Sens. Mushik; Kelly; Thane  
SB 2004: Sens. Kelly; Mushik; Goetz  
SB 2005: Sens. Satrom; Lindaas; Goetz

#### REPORT OF CONFERENCE COMMITTEE

HB 1483, as engrossed: Your conference committee (Sens. E. Hanson, Bowman, Mathern and Reps. D. Olsen, Svedjan, Peterson) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1028, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1028 of the Senate Journal and page 1265 of the House Journal and that Engrossed House Bill No. 1483 be amended as follows:

Page 2, line 2, replace "The board, in" with "If an applicant has not completed three years of postgraduate training in a program approved by the board or by an accrediting body approved by the board, but has met all other licensing requirements and has successfully completed one year of postgraduate training in the United States or Canada in a program approved by the board, and if the board finds that the applicant has other professional experience and training that is substantially equivalent to the second and third year of postgraduate training, then the applicant may be deemed eligible for licensure. The

board is granted broad discretion in determining whether to apply this exception to the normal licensing requirements"

Page 2, remove lines 3 and 4

Page 2, line 5, remove "lieu of the second or third year of postgraduate training"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1483 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1483: A BILL for an Act to amend and reenact subsection 3 of section 43-17-18 of the North Dakota Century Code, relating to the qualifications of foreign medical graduates for a license to practice medicine.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 49 YEAS, 2 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Nalewaja; Peterson

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1483 passed and the title was agreed to.

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#### REPORT OF CONFERENCE COMMITTEE

HB 1507, as engrossed: Your conference committee (Sens. Dotzenrod, Tomac, Moore and Reps. Grosz, Freier, Linderman) recommends that the HOUSE ACCEDE to the Senate amendments on SJ pages 1028-1029, further amend as follows, and then place on the Seventh order:

That the House accede to the Senate amendments as printed on pages 1265 and 1266 of the House Journal and pages 1028 and 1029 of the Senate Journal and that Engrossed House Bill No. 1507 be further amended as follows:

Page 1, line 3, after "commissioner" insert "; and to provide an expiration date"

Page 3, after line 27, insert:

"SECTION 4. EXPIRATION DATE. Section 3 of this Act is effective through June 30, 1993, and after that date is ineffective."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. DOTZENROD MOVED that the conference committee report on Engrossed HB 1507 be adopted, which motion prevailed.

## SECOND READING OF HOUSE BILL

HB 1507: A BILL for an Act to amend and reenact sections 10-22-01, 10-27-01, and 57-39.2-23 of the North Dakota Century Code, relating to the right of foreign corporations to transact business in this state and the release of certain confidential information by the tax commissioner; and to provide an expiration date.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; 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; Tennefos; Thane; Tomac; Traynor; Vosper; Wogslund; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Tallackson

HB 1507 passed and the title was agreed to.

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## REPORT OF CONFERENCE COMMITTEE

HB 1569, as engrossed: Your conference committee (Sens. Mathern, Lindgren, Bowman and Reps. Larson, Svedjan, Scherber) recommends that the HOUSE ACCEDE to the Senate amendments on SJ pages 984-985 and then place it on the Seventh order.

## REPORT OF CONFERENCE COMMITTEE

SEN. MATHERN MOVED that the conference committee report on Engrossed HB 1569 be adopted, which motion prevailed.

## REPORT OF CONFERENCE COMMITTEE

HB 1571, as engrossed: Your conference committee (Sens. Kelsh, Marks, Freborg and Reps. Miller, Shide, Kerzman) recommends that the SENATE RECEDE from the Senate amendments on SJ pages 959-960, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1317 of the House Journal and pages 959 and 960 of the Senate Journal and that House Bill No. 1571 be amended as follows:

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;" 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."

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. KELSH MOVED that the conference committee report on Engrossed HB 1571 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE BILL

HB 1571: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to revocation of registration of an apiary; to amend and reenact sections 4-12.2-01, 4-12.2-04, 4-12.2-04.1, 4-12.2-06, 4-12.2-07, 4-12.2-08, 4-12.2-14, 4-12.2-18, 4-12.2-19, 4-12.2-20, 4-12.2-21, 4-12.2-22, and 4-12.2-24 of the North Dakota Century Code, relating to licensure of beekeepers, and registration, identification, and certification of apiaries; to repeal sections 4-12.2-09, 4-12.2-10, 4-12.2-11, 4-12.2-12, and 4-12.2-13 of the North Dakota Century Code, relating to a two-mile radius restriction for apiary locations; to provide a penalty; and to declare an emergency.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Heigaard; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Meyer; Moore; Mushik; Nalewaja; Nelson; Nething; Peterson; Redlin; Robinson; Satrom; Schoenwald; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

NAYS: Bowman; David; Hanson, O.; Kinnoin; Mutch; Naaden; O'Connell; Solberg

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

HB 1571 passed, the title was agreed to, and the emergency clause carried.

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#### REPORTS OF CONFERENCE COMMITTEES

HB 1597: Your conference committee (Sens. Graba, Maxson, Nalewaja and Reps. Soukup, Muhs, Gilmore) recommends that the SENATE RECEDE from the

Senate amendments on SJ page 1152, amend as follows, and then place on the Seventh order:

That the Senate recede from its amendments as printed on page 1152 of the Senate Journal and pages 1421 and 1422 of the House Journal and that House Bill No. 1597 be amended as follows:

Page 1, line 11, overstrike "fifty"

Page 1, line 20, after the comma insert "one hundred", remove the overstrike over "~~fifty~~", and remove "two hundred"

Page 2, line 1, replace "three" with "two"

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

Renumber accordingly

HCR 3038, as engrossed: Your conference committee (Sens. Meyer, Traynor, DeKrey and Reps. Urlacher, Brown, Nelson) recommends that the SENATE RECEDE from the Senate amendments on SJ page 1059 and then place it on the Seventh order.

#### REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Engrossed HCR 3038 be adopted, which motion prevailed.

#### SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3038: A concurrent resolution urging the Office of Surface Mining, Reclamation and Enforcement of the United States Department of the Interior and the North Dakota Public Service Commission to exempt surface coal mining permits of five acres or less in size from the requirements of the Surface Mining Control and Reclamation Act of 1977 and the North Dakota surface coal mining and reclamation operations laws.

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

HCR 3038 was adopted.

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#### REPORT OF CONFERENCE COMMITTEE

SB 2231, as reengrossed: Your conference committee (Sens. Tomac, Moore, DeKrey and Reps. Brown, Schindler, Nelson) recommends that the HOUSE RECEDE from the House amendments on SJ page 1420, amend as follows, and then place on the Seventh order:

That the House recede from its amendments as printed on page 1142 of the House Journal and page 1420 of the Senate Journal, and that Reengrossed Senate Bill No. 2231 be amended as follows:

Page 2, line 10, remove "health-based generic"

Page 2, line 16, after "the" insert "department shall implement or require appropriate mitigation activities or remedial action to prevent future contamination of ground water. The"

Page 2, line 17, replace the second "or" with "pursuant to chapter 4-35"

Page 2, line 18, remove "remedial action"

Page 2, line 19, remove "The department may do the same as it relates to"

Page 2, remove line 20

Page 3, line 10, replace "Siting" with "Pollution prevention"

Page 3, line 12, replace "shall" with "may" and remove "site and"

Page 3, line 13, remove "the"

Page 3, line 14, after "chemicals" insert "at the retail and end use levels" and remove "The department in cooperation with the state"

Page 3, remove lines 15 and 16

Page 3, line 23, after "commissioner" insert "and the state engineer"

Renumber accordingly

#### REPORT OF CONFERENCE COMMITTEE

SEN. MEYER MOVED that the conference committee report on Reengrossed SB 2231 be adopted, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2231: A BILL for an Act relating to protection of ground water resources, use of chemicals, coordination of educational programs and safe disposal of wastes, and water monitoring authority where contamination may exist.

#### ROLL CALL

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

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjelm; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogslund; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

SB 2231 passed and the title was agreed to.

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#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2282 as printed on SJ page 1476 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2282: Sens. Robinson, Lindaas, Thane.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2594 as printed on SJ page 1478 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed.

#### APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on SB 2594: Sens. Satrom, Yockim, Goetz.

#### CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2259 as printed on SJ page 1453, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2259: A BILL for an Act to establish a North Dakota real estate appraiser qualifications and ethics board; to provide for the licensure and certification of real estate appraisers; to provide a penalty; to provide an appropriation; and to declare an emergency.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; 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; Meyer; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Peterson; Redlin; Robinson; Satrom; Schoenwald; Solberg; Stenehjem; Streibel; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Tallackson

SB 2259 passed, the title was agreed to, and the emergency clause carried.

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## CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TALLACKSON MOVED that the Senate do concur in the House amendments to Reengrossed SB 2272 as printed on SJ pages 1475-1476, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to amend and reenact section 57-15-56 of the North Dakota Century Code, relating to state matching funds for services and programs for senior citizens; and to provide an appropriation from the state aid distribution fund.

## ROLL CALL

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

YEAS: Bowman; David; DeKrey; Evanson; Freborg; Goetz; Graba; Hanson, E.; Hanson, O.; Heinrich; Holmberg; Ingstad; Jerome; Keller; Kelly; Kelsh; Kinnoin; 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; Tennefos; Thane; Tomac; Traynor; Vosper; Wogsland; Yockim

ABSENT AND NOT VOTING: Dotzenrod; Heigaard; Tallackson

SB 2272 passed and the title was agreed to.

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## POINT OF PERSONAL PRIVILEGE

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

I shall not be here tomorrow, Saturday, April 6. My son is home on the ranch and we are now into calving season. He has National Guard duty this weekend so he cannot be on the ranch. If I had more lead time I might have been able to work something out. But I cannot do that in a few hours. I regret that I cannot be present.

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

MR. PRESIDENT: The House has adopted the conference committee report on HB 1157 and subsequently passed the same.

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

MR. SPEAKER: The Senate has concurred in the House amendments to SB 2259 and SB 2272 and subsequently passed the same.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2282 and SB 2594, and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2282: Sens. Robinson; Lindaas; Thane

SB 2594: Sens. Satrom; Yockim; Goetz

#### 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 stand adjourned until 8:00 a.m., Saturday, April 6, 1991, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

HB 1079, as engrossed: Committee on Appropriations (Sen. Mushik, Vice Chairman) recommends DO PASS (8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING). HB 1079 was placed on the Fourteenth order on the calendar.

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

MARION HOUN, Secretary