

JOURNAL OF THE SENATE

Fifty-first Legislative Assembly

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Bismarck, March 21, 1989

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

The prayer was offered by Rev. John Miller, Baptist Temple Church, Mandan.

Our Father, You have taught us to pray: "Our Father who art in Heaven, Hallowed be Thy name. Thy kingdom come. Thy will be done, on earth as it is in Heaven. Give us this day our daily bread. And forgive us our debts, as we also have forgiven our debtors. And do not lead us into temptation, but deliver us from evil. For Thine is the kingdom, and the power, and the glory, forever."

Thank You for giving us this way of communicating with You. We acknowledge our need of Your help. We confess our limited knowledge and wisdom. We confess our limited knowledge of the future. You have asked us to come to You and ask for these qualities and You would give them. We come asking today.

We give thanks for Your faithfulness to the seasons. We give thanks for the gift of eternal life through Jesus Christ. Thank You for Easter, a time of celebration and remembrance of Your love for us.

I ask for these Senators, wisdom, knowledge to make good decisions, and a compassionate spirit toward each other. Put the fear of You in their minds. Give them compassion for the poor, the homeless, the less fortunate, and those who have no advocate. I ask protection and Your blessing on their families.

We thank You for giving life to us and giving us the food, shelter, and clothing so necessary for life. We pray that You will send adequate moisture for the summer crops to produce a good harvest. We ask for wisdom and energy to strengthen the economy in North Dakota.

We pray these things in the name of Jesus Christ, Your Son and our Savior. Amen.

The roll was called and all Senators were present, except Senators Lashkowitz and J. Meyer.

A quorum was declared by the President.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently failed to pass: HB 1383, HB 1643.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1119, HB 1127, HB 1167, HB 1249, HB 1451, HB 1510, HB 1585.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has passed unchanged: HB 1014, HB 1032, HB 1145, HB 1163, HB 1342, HB 1343, HB 1400, HB 1411, HB 1419, HB 1456, HB 1463, HB 1468, HB 1472, HB 1473, HB 1505.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)
 MR. SPEAKER: The Senate has failed to pass: HB 1277.

MESSAGE to the SENATE from the HOUSE (Roy Gilbreath, Chief Clerk)
 MR. PRESIDENT: The House has amended and subsequently passed: SB 2043, SB 2098, SB 2192, SB 2193, SB 2523.

PROPOSED HOUSE AMENDMENTS TO SB 2043

Page 2, line 11, overstrike "sales by an issuer to not more than twenty persons (other"

Page 2, line 12, overstrike "than those designated in subsection 5)" and insert immediately thereafter "offer or sale" and after "state" insert "of common stock or limited partnership interests of an issuer"

Page 2, line 13, overstrike ", whether or not any of the"

Page 2, line 14, overstrike "buyers is then present in this state,"

Page 2, line 24, after "chapter" insert "or others who the commissioner may designate by rule"

Page 3, line 1, overstrike "The issuer has, ten days prior to any sale pursuant to"

Page 3, overstrike lines 2 through 18

Page 3, line 19, overstrike "be used in connection with any sale" and insert immediately thereafter:

"At least eighty percent of the net proceeds from the sale of the securities must be used in connection with the operations of the issuer in this state. "Net proceeds" means gross proceeds less commissions and sales expenses.

- (6) An offering disclosure document in the form approved by the commissioner must be delivered to each offeree no less than seventy-two hours prior to the sale of the security.
- (7) The gross proceeds of the offering may not exceed five hundred thousand dollars.
- (8) The issuer must apply for and obtain the written approval of the commissioner prior to making any offer or sale in this state by filing an application prescribed by the commissioner, a copy of the offering disclosure document, and any other information or documents the commissioner may require, together with a filing fee of one hundred dollars.

(9) All funds raised in the offering are placed in an escrow account until the total offering has been sold"

Page 3, line 22, overstrike ", or"

Page 3, line 23, overstrike "increase or decrease the number of buyers permitted,"

Page 3, line 24, overstrike "1, 2, and 3 with or without the"

Page 3, line 25, overstrike "substitution of a limitation on remuneration" and insert immediately thereafter "6 and 7"

Page 3, line 27, after "with" insert "a limited offering" and replace "exemptions" with "exemption"

Page 3, line 28, replace "facilitating sales of" with "compatibility with the exemptions from securities registration authorized by the Securities Act of 1933 and"

Page 4, line 1, remove "securities by North Dakota issuers or providing"

Renumber accordingly

PROPOSED HOUSE AMENDMENTS TO ENGROSSED SB 2098

Page 2, line 19, after "damaged" insert ", but not to exceed fifteen days"

Renumber accordingly

PROPOSED HOUSE AMENDMENTS TO REENGROSSED SB 2192

Page 2, line 9, remove "Except in proceedings before the"

Page 2, remove lines 10 and 11

Page 2, line 12, replace "board, or the central personnel division, any" with "Any"

Renumber accordingly

PROPOSED HOUSE AMENDMENTS TO REENGROSSED SB 2193

Page 1, line 19, after "procedures" insert ", although need not be legally trained,"

Page 1, line 20, replace "political or economic association" with "bias or prejudice"

Page 1, remove line 22

Page 2, remove line 1

Page 2, line 2, remove "officer."

Page 2, line 6, after "section" insert "or by an administrative agency"

Page 2, line 9, after "section" insert "or by an administrative agency"

Page 2, line 10, after "and" insert ", if legally trained,"

Page 2, remove lines 26 through 29

Renumber accordingly

PROPOSED HOUSE AMENDMENTS TO SB 2523

Page 1, line 13, after the period insert "The board may grant the Bank a security interest in the facility and any lease of the facility."

Renumber accordingly

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

MR. PRESIDENT: The Speaker has signed: SB 2060, SB 2067, SB 2108, SB 2109, SB 2169, SB 2180, SB 2200, SB 2207, SB 2208, SB 2229, SB 2283, SB 2299, SB 2338, SB 2431, SB 2457.

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

MR. PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1658, HB 1668.

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

MR. PRESIDENT: The House has failed to pass: SB 2506, SB 2509, SCR 4011.

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

MR. PRESIDENT: The House has passed unchanged: SB 2071, SB 2117, SB 2118, SB 2122, SB 2123, SB 2191, SB 2323, SB 2337, SB 2367, SB 2405, SB 2450, SB 2476, SB 2492, SB 2507, SCR 4005, SCR 4038.

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

MR. PRESIDENT: The House has passed unchanged: SB 2434, SB 2479.

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

MR. PRESIDENT: In accordance with House Rule 316, the House divided the question on the final passage of SB 2234 into Division A and Division B.

The House failed to pass Division A, passed Division B, and subsequently passed SB 2234, excluding Division A and including Division B, with title amended appropriately, and lines, sections, and pages renumbered accordingly.

This in effect is a House amendment to SB 2234.

HOUSE AMENDMENT - DIVISION A - SB 2234

"including an allocation by the industrial commission of profits from the Bank of North Dakota or the state mill and elevator"

HOUSE AMENDMENT - DIVISION B - SB 2234

A BILL for an Act to provide for the establishment of a statewide nonprofit equity corporation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. Definitions. As used in this chapter unless the context otherwise requires, the term:

1. "Board of directors" means the board of directors of the corporation.
2. "Corporation" means the corporation established under this chapter.

3. "North Dakota business" means a business owned by a North Dakota resident, a partnership, association, or corporation domiciled in North Dakota or a corporation, including a wholly owned subsidiary of a foreign corporation that does business primarily in North Dakota or does substantially all of its production in North Dakota.
4. "Primary sector business" means an individual, corporation, partnership, or association which through a process employing knowledge and labor adds value to a product produced for resale.

SECTION 2. Purpose. It is the purpose of this Act to create a statewide nonprofit development corporation that will have the authority to take equity positions in new and existing businesses in North Dakota. The corporation's principal mission is the development and expansion of primary sector business in North Dakota. The corporation may form additional corporations, partnerships, or other forms of business associations in order to further its mission of primary sector economic development.

The exclusive focus of this corporation is business development in the state of North Dakota, however, it is not excluded from participation with other states or organizations in projects that have a clear economic benefit to North Dakota residents in the creation of jobs or secondary business.

SECTION 3. Organization. The statewide nonprofit development corporation must be managed by a board of directors. The board of directors shall adopt articles of incorporation and bylaws consistent with the purposes detailed in section 2 of this Act. The board of directors consists of five members who shall serve three-year terms. The terms must be staggered so that no more than two positions require reappointment in any one year. Members must be appointed by the governor who shall consider representatives from the following areas in making the selections: manufacturing, higher education, finance, industrial technology and research, and private sector business. Members may be reappointed for additional terms.

SECTION 4. Powers. The corporation must be organized as a nonprofit corporation under chapter 10-24. In addition to the powers in chapter 10-24, the corporation has the power to:

1. Cooperate and contract with state agencies, colleges, universities, other private and public academic and research sources, agencies and organizations of the federal government, and all public or private entities.
2. Receive appropriations from the legislative assembly and other public moneys as well as contributions from other public agencies, private individuals, companies, and other contributors.

SECTION 5. Management. The board of directors shall ensure that the corporation is managed by a full-time director. The board of directors shall determine minimum qualifications of all staff positions.

All investments, contracts, partnerships, and business transactions of the corporation are the responsibility of the board of directors. The board may provide that normal operating costs anticipated in an approved budget may be incurred and paid without prior board approval.

SECTION 6. Divestiture. The board of directors shall establish a policy for divesting the corporation's interest in any business when certain levels of profitability are obtained.

SECTION 7. Confidentiality of corporation records. The following records of the corporation are confidential:

1. Commercial or financial information, whether obtained by the corporation directly or indirectly, of any entity in which an equity interest is purchased or considered for purchase under this chapter.
2. Internal or interagency memorandums or letters which would not be available by law to a party other than in litigation with the corporation.

SECTION 8. Annual audit. The board of directors shall contract with a certified public accounting firm to audit annually the financial statements of the corporation in accordance with generally accepted auditing standards. The cost of the audit must be borne by the corporation.

SECTION 9. Annual report. The corporation shall prepare and publish an annual report of its activities for the information of the governor, the legislative assembly, and the public. The report must include audited financial statements of the corporation for the fiscal year covered by the report and must specify:

1. The investment strategy and workplan approved by the board of directors.
2. The total investments made annually by the corporation in North Dakota businesses.
3. An estimate of jobs created and jobs preserved by investments of the corporation in North Dakota businesses.

CORRECTION and REVISION of the JOURNAL (Sen. Axtman, Chairman)

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

Page 1213, line 8, replace "adopted" with "lost"

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

MOTION

SEN. MAIXNER MOVED that SCR 4031 be placed immediately after SCR 4032 on the calendar, which motion prevailed.

REQUEST

SEN. HEIGAARD REQUESTED that the following remarks be printed in the Journal, which request was granted.

SEN. MATHERN: Mr. President and distinguished members of the Senate. It is an honor to respond yes to the Joint Constitutional Revision Committee's request that I explain and support SCR 4031 and SCR 4032. In the interest of saving your time, if there is no objection on your part Mr. President, I would like to consider these resolutions together.

SCR 4031 summarizes the historical situation as to the forming of our state. The resolution asks the Congress of the United States to amend the Enabling Act--the Act through which we became a state--so as to allow the state to change its name to Dakota.

The second resolution, SCR 4032, calls for changes in our Constitution that relate to the name "North Dakota" becoming "Dakota". Initially, the resolutions would have first asked Congress to amend the Enabling Act and then, if Congress had done so, the people of the state would have been authorized to vote on changing the name in the Constitution. The Senate last Friday, at the request of its Constitutional Revision Committee, amended the resolutions. The amended resolutions change the process somewhat. SCR 4032 now calls for a vote by the people of North Dakota in the 1990 fall general election on the state's name. Then and only if the voters approve the name Dakota, Congress is asked to amend the Enabling Act to authorize the name change. The name Dakota would not go into effect until the date that the Enabling Act was amended. Stated otherwise, passage of these two resolutions, SCR 4031 and SCR 4032, does not change the name of the state but begins a process to consider this matter within the framework of our government.

Some years ago while working for the F-M Indian Association, I became aware of the meaning and significance of the word Dakota. I noted the respect of Indian people in their use of Dakota, a word meaning friend or ally. It seemed unfortunate that we as non-Indians did not recognize the value of the term. Maybe this happens in part--because "Dakota" does not stand alone. A North tends to change the meaning of our state's name from the warmer word "Friend" to only a matter of geographic location.

Senators, you and I are keenly aware of the successful marketing strategy of "Pride of Dakota" that experts have developed to promote North Dakota products. The bright and catchy logo is on billboards near our highways and on products that support the economy of our state. Earlier in this session, as in others, we have had a Pride of Dakota Day in the Great Hall and last Friday we had a display of Dakota Days - photography of North Dakotans. These are a few examples of people all around us using Dakota singularly with enthusiasm. Each day I see more of our citizens using the name Dakota. Other examples, include Dakota Family, the official publication of the North Dakota Farm Bureau, Online Dakota Information Network, the computer book cataloging system being implemented in North Dakota; Dakota Safety News, the newsletter of the North Dakota Highway Department; Dakota West Arts Council, the name of a North Dakota Arts Organization in Bismarck. There are dozens of others. These are North Dakota groups, including state government, using Dakota. I note, too, that even a tree has been developed that is being promoted by the North Dakota Centennial Commission. The tree developed specifically for North Dakota is officially named Dakota Centennial Ash.

These and other factors you will hear about from other Senators indicated it was time we begin to officially consider Dakota on its own.

People like the word Dakota. It is poetic and denotes a rugged and simple spirit. It was this word that was chosen by our forefathers to name the people and the land in which we live. Dakota is nostalgic but yet adventuresome - the word has strength and integrity.

Passage of the resolutions before you is not to require new signs, is not to require the printing of new stationery, and is not to change the names of our institutions. Passage is to give our citizens the opportunity in our Centennial Year to consider their name. Should the change be agreed to in a few years, the change would be gradual, similar to how we deal with changes in gender-specific language in North Dakota Century Code. Items costing money would be changed only when necessary for other ongoing reasons, i.e., a sign needing repair or a supply of forms being exhausted.

My friends, I do not reject North Dakota or idly question our history. It pains me to see my intentions distorted and questioned. My response is simple, and I hope clear. I say only that it appears to me that the most positive word of North Dakota is Dakota. Dakota speaks to what we are most proud--the wholesomeness, friendliness, and hospitality of our people. In any final analysis these are the attributes we all long for and give meaning to. Words are important and this is the meaning of Dakota. Let us put our best foot forward. Let us express directly the best part of our self-image.

I am proud of North Dakota, I am respectful and appreciative of its beautiful four season climate, happy to live here with my family and most important, I love its people, this is Dakota--I ask for your support of SCR 4031 and SCR 4032.

SEN. WALDERA: Thank you, Mr. President and members of the Senate: Obviously there is much enthusiasm for, and interest in, this name change. One can look at the gallery and the cameras to know that is so. There are very strong feelings on both sides. I have received a lot of correspondence on this issue since I became a cosponsor of this proposed legislation, this proposed Constitutional Amendment. I think one of my favorite letters was written by a rancher in the west and her message on the call slip was "Let us vote. Give me a chance, give us a chance to recover the heritage of our pioneer ancestors."

She obviously understood our early history, which I would like to briefly review as a background for discussion on this legislation. During the 1880's as talk of statehood for the Dakota Territory increased, two factions emerged - the southern and the northern. The southern faction, the more populous section of the Territory, was much more eager for statehood than the northern folks. George Kingsbury and Howard Lamar are two of North Dakota's historians who refer to an episode in which the folks to the south decided to make their part of the Dakota Territory a state and to call their state Dakota. And so, in 1883, there was a Constitutional Convention in Sioux Falls, and a constitution was written in which the State of Dakota was to be the name of the new state. That movement failed, but it almost succeeded. If they had succeeded, that would have left those to the north with the name of Lincoln or Pembina or Harrison or something else.

These early historians also write that there was very strong resistance to the Sioux Falls Convention in North Dakota. A North Dakota group met in Fargo and protested the appropriation of the name Dakota, which the Fargo

delegates asserted rightfully belonged in the north because of Dakota hard wheat which was famous around the world. As I indicated, the 1883 Dakota Constitution movement failed, but the vote on the state constitution in the south passed: 12,336 votes in favor of the State of Dakota and 6,814 against. What saved us, I guess, was that Congress failed to act. Congress, at the point for a lot of reasons, was not impressed with that vote so that Constitution was not acted upon. One wonders what if they had acted? Division then between north and south was voted on in November of 1887, you remember. The northern Dakota counties - those above the 46th parallel - voted against division. One reason is that we wanted to come in as the State of Dakota. Over the next year, in 1888, the issue was hotly debated. Minds were finally changed and an omnibus bill was introduced calling for the creation of two states on January 15, 1889. To quote from the historian, Kingsbury, "This omnibus bill proposed that North Dakota might take the name North Dakota or any other name and that South Dakota might take the name of South Dakota or any other name except Dakota." A second omnibus bill was passed later and signed by the President, February 22, 1889, and it deleted the above reference and called the states, North and South Dakota. It is obvious that those of our forebears who lived in the north wanted to be certain that South Dakota did not wander into statehood alone and steal the name which rightfully belonged to us. Northern Dakotans felt strongly that they had made Dakota famous.

Mr. President, if I can get unanimous consent, I would like to read a brief editorial in the Dickinson Press of 1888.

Is there objection? Hearing none, proceed.

Thank you. This is January 5, 1889 - I am sorry. A part of the editorial reads, "What's in a name? There is a great deal in it for the peerless territory. It is well known throughout the world that the best grade of wheat comes from Dakota, the best small grains of all varieties are raised in Dakota; the best brands of flours are known as "Dakota"; the finest horses and the fattest beeves are branded "Dakota"; the famous munch grass regions where this stock is raised and fattened for the markets are Dakota; the rich farming lands and the free homes for the homeless in the east are in Dakota;" and the editor goes on to say "and we might go on enumerating indefinitely to show that there is more in the name than a great many suppose so let us have Dakota." As I indicated, and as you all know, there are strong feelings on this issue with people saying "Change the name" and others saying "Do not change the name". Well, we cannot change the name here. We can only provide an opportunity for our constituents, our fellow citizens, to vote on this issue, and I hope we give them an opportunity - at the very least this will encourage all of us to review, examine, and evaluate our history in this Centennial Year and that would be a very valuable exercise for all of us. I stand in support of these two resolutions.

SEN. YOCKIM: Thank you, Mr. President and members of the Senate. I have heard a lot of comments on this resolution. People say: "If you loved your state, you would not be doing this." "If you do not like the name - leave." "It is going to cost too much." "You oughta get your head examined." "How would anybody know where we lived if we did not have the North in front of Dakota?" "Haven't you really got something better to do?"

Well, I love my state. I love its great heritage and what better thing to do in this Centennial Year than to draw attention to ourselves and to this great state. To our great state's heritage, that heritage which is tied so closely to our name. Where did the name come from? The seven tribes of the council

fire, those early inhabitants that came here to Dakota; they were the Dakotas. Their name meant "friend or ally". Long before the Wacicucu came to this area, it was Dakota. When the early settlers thought about becoming a state and thought about what its name ought to be, that fight was not in jest, it was a serious fight. The name, to them, was a serious issue.

So, is this debate really important? Haven't we really got better things to do? Don't we have more serious problems facing us? We need to make some tough decisions here, but don't we really have better things to do than celebrate our Centennial? I think not sometimes. I think something is right about a people who take time to respect their heritage, to get a perspective on who we are as a people; why we are unique as Dakotans; and what sets us apart from others; and what makes us so like our predecessors in this land. We have a reverence for our Creator. We have a respect for that creation and we show a zest in all that we do. To debate our name as was done a hundred years ago is not out of the ordinary for us. Mr. President, without objection I would like to read a portion of a debate.

Is there objection? Hearing none, proceed.

There was another debate over a name hundreds of years ago in that garden owned by the Capulets, Act. II, Scene 2 of Romeo and Juliet. Juliet cried out, "Oh Romeo, Romeo, wherefore art thou, Romeo? Deny thy father and refuse thy name or thou wilt not be but sworn, my love, and I will no longer be a Capulet. 'Tis but thy name that is thy enemy. But thou art thyself though not a Montague. What is Montague? It is not a hand nor foot nor arm nor face, nor any other part belonging to a man. Oh, be some other name. What is in a name? That which we call a rose by any other name would smell as sweet. So, Romeo, would were he not Romeo called, retain that dear perfection which he owes without that title. Romeo, doff thy name and for thy name, which is no part of thee, take all myself." Romeo replied, "By a name I know not how to tell thee who I am. My name, dear saint, is hateful to myself because it is an enemy to thee. Had I it written, I would tear the words."

Juliet knew then what we know now, that a name can be hateful to many and it may make all the difference. Let us now restore to our great state its heritage. Let us show our respect to our predecessors by returning to our original name. Let us acknowledge what we all know inside - that Dakota is a great name. Let us acknowledge what businesses and promoters all across this country know - Dakota works. They use it over and over. It is a warm name, like its people - it is a name with Chutzpah.

SEN. REDLIN: Mr. President and ladies and gentlemen of the Senate. I rise in support of these resolutions. I don't believe North Dakota is a barren waste and I recall very distinctly, as a member of the United States House of Representatives, going to the well of the House to greet some astronauts who had just returned from circling the globe. The only thing they could find to say to me was, "How much snow do you have up there in North Dakota?" I was appalled that that was the connotation, because I came from a state of Dakota Pride, Dakota Gold, Dakota Maid. The fact is, Dakota Maid was the first product of the political movement - the grassroots political movement - that was established in our state by the Non Partisan League a long time ago.

I want to remind people all over America that we have symphonies and theatres and choral groups. We have more TV channels than we can use, and without fear of contradiction, we have among the finest in fishing opportunities with the largest man-made lake perhaps in a huge area of this globe, and we can fish

there both in winter and in summer. We have hunting second to none and I know we are also in the major flyway of some of the greatest concentrations of ducks and geese. We are in a beautiful area to hunt deer and antelope and even mountain sheep and upland game birds. The beauty of the waves of grain of North Dakota added to its coal and oil resources make one beautiful sight. If one is a lover of spaghetti or macaroni, it's good to know that North Dakota is the U.S. supplier for 80 percent of that product and we know that can't be raised in the snow. It is even a major place for the habitation of the honey bee which develops barrels of the sweetest product in the world.

Let our state be known by the meaning of the beautiful Indian word "dakota", meaning friend and connoting the finest in hospitality in America. I believe that we should give the people an opportunity, by passing these resolutions, to have the privilege of asking for the privilege of calling ourselves Dakota.

SEN. HEINRICH: Thank you, Mr. President. A while ago, during a vacation in another state, when we introduced ourselves as being from North Dakota, the fellow responded, "Well, that is the state that has 11 months of winter and one month of poor ice skating." Once, at an out-of-state convention, after the introductions, another fellow came up and said, "Oh, you are from North Dakota? Then you must know Fred." We laughed, but it is an uncomfortable laugh, because that is not what North Dakota is like. This room is full of people who love this state and love the traditions of this state. Something that has not been said here is that we are one of those rare states that has not hesitated at times to be untraditional. For instance, we actually succeeded in North Dakota, in an agrarian movement. We broke oppression by setting up the only state-owned bank, the only state-owned mill and elevator in the country. Maybe we were able to do that because we live in a country where sometimes outrageous ideas can be accepted. Outrageous ideas, like immigrants can be welcome, women can vote, outrageous ideas like that. Still, when I went into committee and I saw this resolution, I said, boy that is a wild one. I never would have predicted that I would have come out of that committee hearing and voted for this resolution. But I did. I did so because during that hearing I realized that this resolution was not introduced because the sponsors did not have anything else to do. We have a hundred other "else" things to do and we are doing them all. They did not introduce it because it was a way we could spend some money on an election, because it is not going to do that. It was not introduced to be negative. It was introduced out of pride for what this state is. It is a way for our citizens to express their own pride. They can vote to keep North Dakota as a name because they like it and they are proud of what it means, or they can vote to shorten it to Dakota because they like even better for the future a name that means what that name does. But, either way, it is a chance not to be negative, but positive in our pride at what we really are. Sure it is different. I do not know any other state in their Centennial Year that dared to let the citizens vote on this kind of thing. Some of our citizens have reacted very negatively, and I think I probably know the real reasons why. Some feel it might create an opportunity for others to ridicule us. Some have a gut feeling that this resolution somehow must mean we are not proud of what we have done or what we are. The sponsors introduced it out of exactly the opposite feeling - out of pride in North Dakota. Sure it is a different way to show it - to allow the citizens a chance to go to the polls and vote on their identity and express their own kind of pride. That is different. So what?

SECOND READING OF SENATE CONCURRENT RESOLUTIONS

SCR 4032: A concurrent resolution for the amendment of the Preamble; section 23 of article I; section 1 of article II; section 1 of article IV; section 6 of article V; section 3 of article VII; section 1 and subsections 2 and 6 of section 6 of article VIII; sections 5, 6, 11, subsections 3 and 5 of section 12, and subsection 2 of section 13 of article IX; section 10, subsection 1 of section 12, and section 20 of article X; and sections 1, 2, and 4 of article XI of the Constitution of the State of North Dakota, relating to the name of the State of North Dakota; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the amended resolution, which has been read and has committee recommendation of DO PASS, the roll was called and there were 15 YEAS, 36 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Kelsh; Maixner; Mathern; Mushik; O'Connell; Redlin; Richard; Satrom; Shea; Stromme; Waldera; Yockim

NAYS: Axtman; David; Ewen; Freborg; Hanson; Hilken; Holmberg; Ingstad; Keller; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maxson; Meyer, D.; Meyer, W.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Robinson; Schoenwald; Stenehjem; Streibel; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland

ABSENT AND NOT VOTING: Lashkowitz; Meyer, J.

SCR 4032 was declared lost on a roll call vote.

SCR 4031: A concurrent resolution urging Congress to amend this state's Enabling Act to allow the name of the state of North Dakota to be changed to "Dakota".

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

SCR 4031 was declared lost on a voice vote.

MOTION

SEN. MAIXNER MOVED that United States Sen. Kent Conrad is in the Senate Chambers, and that a committee of two be appointed to escort him to the rostrum, which motion prevailed.

THE PRESIDENT APPOINTED as such committee Sens. Satrom and Moore.

REMARKS BY UNITED STATES SENATOR KENT CONRAD

Mr. President, ladies and gentlemen of the North Dakota legislature:

Thank you for inviting me to address you as you tackle the difficult task of setting our state's path for the coming two years.

You can be proud of what you do. Every two years, you and your colleagues come together in these chambers to make the laws that will guide North Dakota for the future. You represent different districts, with different problems,

and different priorities. You each come to Bismarck with your own ideas about what needs to be done, and how it should be accomplished.

The potential for conflict and cooperation is always present. From time to time, the fur flies. You argue and debate, you have skirmishes and battles. Yet every two years, the men and women of the North Dakota legislature cooperate, reach compromises, and forge a consensus. You confront the issues and you settle the debate. That's a real accomplishment.

As a former tax commissioner, I've fought some of our state's legislative battles. Like you, I've won and I've lost. In the process, I've developed great respect for North Dakota legislators, and that respect has grown since I've become a federal legislator. We could use your spirit in Washington.

You face our state's problems head on. You use honest numbers and honest projections and you balance your budget. It would be nice if the Congress and the President would take a page from your book.

I know. I sit on the Senate Budget Committee, and the North Dakota legislature could teach Washington a few things. In fact, you could teach the whole country valuable lessons about facing facts and getting the job done. As I say, you can be proud of what you do.

I like to think: It's always darkest just before dawn. I believe North Dakota has a bright future. Our state has a great story to tell, and real opportunities to tell it.

We'll only have to wait for tomorrow to see new evidence of that. Tomorrow, Congressman Dorgan, the Governor's Office, and I will host a Data Day here in Bismarck, a program on attracting new information processing industries to our state.

You all know the story of Hal Rosenbluth and the jobs he brought to Linton. Hal is the travel executive from Philadelphia who decided to help out during last summer's drought. He learned North Dakota was the state hit hardest, and in a few weeks, he provided new jobs to farm families.

He saw the project as a temporary helping hand. But those jobs are still here. Hal Rosenbluth came out of compassion. But his business stayed because he discovered what we've always known. North Dakota has hard-working, efficient, well-educated people and a positive business climate. For Hal Rosenbluth, doing a good deed was also doing good business.

And there's no reason Hal Rosenbluth's discovery can't spread to others. Hal Rosenbluth will be here to share the vision. Businesses that rely on computers and telephones can locate in North Dakota, just as well as North Carolina or New York.

Smart businessmen like Hal Rosenbluth are looking more and more to rural America to locate their operations. They can set up shop where the people have a strong work ethic, where families spend time together, where the air and water are clean, where children are well-educated and safe, where there's room to grow and expand.

That's the story we have to tell. It's a good story. And it's the truth. We've got to get out there and tell it. But that's only part of our story.

Tomorrow, I'll also be attending the dedication of Coastal Biotech right here in Bismarck. Coastal is at the forefront of an exciting new field: the clean-up of chemical wastes through biotechnology. Over the years, the United States has paid a price in polluted land and water for our industrial advances. The work being done at Coastal may provide the keys to repairing some of that damage.

We know that North Dakota is blessed with an abundance of energy and water. Companies like Coastal Biotech are only the beginning. The Dakota Gasification plant is back in private hands, and we expect that transfer will signal a new era of innovation for North Dakota and the nation.

Beyond the production of synthetic natural gas, the byproducts from the Dakota Gas plant have great commercial potential. And of course, the plant itself remains one of the world's premier examples of synthetic fuels technology.

Our state is home not only to North America's first commercial coal gasification plant, but also to the world's top research facility for low-rank coal. The University of North Dakota's Energy and Minerals Research Center is second to none. North Dakota has billions of tons of lignite coal. UND has the scientific resources to help us use that resource wisely and well.

UND has also put our state at the cutting edge of another exciting and growing field: aviation and aerospace training and technology. The Center for Aerospace Studies is world class.

This spring, the Ambassador from Indonesia will be coming to visit those outstanding facilities and we hope to pursue a partnership with his country.

Beyond the opportunities that exist for us in aerospace, energy and information services, we must not forget that agriculture is the backbone of North Dakota's economy. While the '80s haven't been kind to agriculture, and last summer's drought was a blow, our farmers will fight back.

I serve on the Senate Agriculture Committee, and last year, we came very close to getting a rural development package onto the Senate floor. I believe momentum is growing to address the problems facing rural America.

Last week, I reintroduced legislation that was part of the original rural development legislation - the Agricultural Research Commercialization Corporation. The idea behind ARCC is simple. The bill is designed to take new ideas for industrial products made from the renewable resources grown on our farms, and take them to the marketplace.

We have strong bipartisan support for this legislation. At our announcement, Senators Boschwitz and Bond, Senators Harkin and Glenn joined in support with five key colleagues from the House. The bill has also been endorsed by the National Governors Association. We know that our farmers are the most productive in the world. We know that our researchers do outstanding basic research to find new and innovative uses for farm products. But so far, we have missed opportunities to commercialize those products, taking them from the farm to the factory to the final point of sale.

We know how to make biodegradable plastics from corn. We know how to make high-quality ink from soybeans. We know how to make nylon motor parts from rapeseed and meadowfoam. Researchers right here at North Dakota State

University have developed a red dye from sunflower hulls that won't cause cancer.

Common sense tells us there's good reason to promote these products, that natural markets exist for them. Waste landfills across the country are filled beyond capacity. Garbage barges sail the high seas in search of a dumping ground. The world's oil resources are disappearing, and we're discarding tons of plastic every day that will outlast the Egyptian pyramids.

Yet right here at home, we've got abundant, renewable resources, and the know-how to make products that can ease some of our most pressing problems.

We need to bridge the gap from the test tube to the store shelf.

That's what ARCC is designed to do. The bill will establish a public-private partnership to support the commercialization of new nonfood, nonfeed products.

The potential benefits to North Dakota are clear. We already grow many of the most useful crops for industry; many more can be grown here. Rapeseed, for example, is the base for a tremendous variety of products, from lubricating oil to nylon fibers. The United States currently imports rapeseed oil - there's no reason we can't grow it right here.

I know that North Dakota, with the top-notch researchers at NDSU, can play an important role in that process.

It's sometimes hard to convince my urban colleagues of the need to invest in rural America. But the fact is that our problems become their problems. The rural economy is linked to the urban economy. We can't afford an economy that has good times on the coast and hard times in the heartland.

In addition to the ARCC bill, I've been working with the Senate leadership to start a bipartisan Rural Development Task Force. The idea is to bring together the committees of Congress that have jurisdiction over rural development - to work together instead of separately. We did that with the drought bill and the trade bill, and it worked.

The nation's rural areas face a growing set of problems - declining population, decreased access to health care, a crumbling infrastructure supported by a shrinking tax base, and an outmigration of the bright young people to the cities that must be stopped.

Tinkering with existing programs isn't going to do it. We need a comprehensive package to address the challenges - and a bipartisan task force to develop a broad-based initiative is a good beginning.

I think sometimes we focus too much on our struggles, and not enough on our strengths. Times are changing for North Dakota.

The real answers to our problems lie right here - with us, with you, with me, and with our families and friends, the people of North Dakota. If we are bold and brave, creative and unafraid, if we maintain a positive and energetic attitude, we cannot fail.

We have a bright future. Oh, yes, there will be a few bumps along the way, even a few flat-out failures, but we have everything we need for our state to

grow and to prosper. It's up to us to find those good ideas, to promote them, and to make them happen.

Let me share an excellent example of just how far we can go when we put our minds to it, just how far the "yes, we can" spirit of North Dakotans can take us.

A little more than a year ago, a young man in the town of Lehr got word that a fast-growing Minnesota company was looking to expand. Now, Lehr has just 254 people, but Jay Scherbenske didn't let that bother him. He got cracking. In the space of a few months, he convinced that Minnesota firm that Lehr was the place to build its new printing plant.

My office helped them apply for federal financing. Lehr got the money and the jobs.

The new printing plant will mean 60 permanent jobs. Sixty jobs, in a town with fewer than 300 people. The ripple effect of the new business and employment will strengthen the whole county.

That's a success story. And it happened because Jay Scherbenske, and the other people of Lehr who helped him, believed in their town and themselves. They had a good idea, and they stuck to it until they convinced everyone involved that it was a good idea. And they succeeded.

That's the kind of spirit we need. Let's not ask why, let's ask why not? Let's take charge of our own destiny. Let's look at our potential, look at our strengths, and say together, "Yes, we can!"

Thank you.

MOTIONS

SEN. MAIXNER MOVED that the address of United States Sen. Kent Conrad be printed in the Senate Journal, which motion prevailed.

THE PRESIDENT REQUESTED that Sens. Satrom and Moore escort United States Sen. Kent Conrad from the chambers.

SEN. MAIXNER MOVED that SB 2528 which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. KELSH MOVED that the amendments to HB 1058 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 1234-1235 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS and be rereferred to the Committee on Appropriations, which motion prevailed.

HB 1058 was rereferred to the Committee on Appropriations.

SEN. DOTZENROD MOVED that the amendments to HB 1075 as recommended by the Committee on Political Subdivisions as printed on pages 1235-1236 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS.

The motion to adopt the amendments to HB 1075 lost.

HB 1075 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. KELSH MOVED that HB 1076 which is on the Sixth order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SEN. W. MEYER MOVED that the amendments to HB 1200 as recommended by the Committee on Agriculture as printed on page 1237 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

MOTION

SEN. MAIXNER MOVED that the rules be suspended, that HB 1200 be deemed properly reengrossed and placed on the calendar, as amended, for second reading and final passage, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1200: A BILL for an Act to amend and reenact sections 4-14.1-01, 4-14.1-03, and 4-14.1-04 of the North Dakota Century Code, relating to the contracting of services by the agricultural products utilization commission with the department of agriculture.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 14 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Ewen; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Langley; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Mushik; O'Connell; Olson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Vosper; Waldera; Wogsland; Yockim

NAYS: David; Freborg; Krebsbach; Lodoen; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Peterson; Streibel; Tennefos; Todd

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Meyer, J.

HB 1200 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to HB 1266 as recommended by the Committee on Industry, Business and Labor as printed on page 1238 of the Senate Journal be adopted, and when so amended, recommends the same DO PASS, which motion prevailed.

HB 1266 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MOTION

SEN. MAIXNER MOVED that HB 1665 be moved to the top of the Fourteenth order on the calendar, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1665: A BILL for an Act to amend and reenact sections 60-02-30 and 60-02-31 of the North Dakota Century Code, relating to termination of

public grain warehouse storage contracts on edible beans; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read and has committee recommendation of DO PASS, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; David; Dotzenrod; Ewen; Freborg; Hanson; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, W.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Olson; Peterson; Redlin; Richard; Robinson; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Tennefos; Thane; Todd; Vosper; Wogsland; Yockim

NAYS: None

ABSENT AND NOT VOTING: Heigaard; Lashkowitz; Meyer, J.; Waldera

HB 1665 passed, the title was agreed to, and the emergency clause carried.

MOTIONS

SEN. MAIXNER MOVED that the vote by which HB 1665 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

SEN. MAIXNER MOVED that the rules be suspended and that HB 1665, be messaged to the House immediately, which motion prevailed.

MESSAGE to the HOUSE from the SENATE (Patricia Conrad, Secretary)

MR. SPEAKER: The Senate has passed unchanged: HB 1665.

MOTIONS

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

SEN. MAIXNER MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order, the Senate be on the Twelfth order of business, and at the conclusion of the Twelfth order, the Senate be on the Thirteenth order of Business, and at the conclusion of the Thirteenth order, the Senate be on the Sixteenth order of business, and at the conclusion of the Sixteenth order, and after the reading of HB 1618, HB 1226, HB 1354, HB 1457, HB 1434, HB 1042, HB 1413, HB 1509, HB 1116, HCR 3081, HCR 3082, HCR 3083, SB 2532, and SB 2525, the Senate stand adjourned until 1:00 p.m., Wednesday, March 22, 1989, which motion prevailed.

REPORTS OF STANDING COMMITTEES

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2525 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

SB 2525 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred SB 2532 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SB 2532 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1041 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 6, after the second "facilities" insert "; to provide an appropriation; and to declare an emergency"

Page 2, after line 24, insert:

"9. A school board member, appointed by the governor.

10. A school administrator, appointed by the governor.

11. A school teacher, appointed by the governor"

Page 3, line 5, overstrike the first "two" and insert immediately thereafter "three" and overstrike the second "two" and insert immediately thereafter "three"

Page 3, line 6, remove "and" and overstrike "two" and insert immediately thereafter "and three"

Page 3, line 8, after the period insert "At all times either the school board member or the school administrator must be from a school with an enrollment of less than five hundred students."

Page 3, line 10, replace "of the council" with "the school board member, the school administrator, and the school teacher"

Page 3, line 16, replace "divided among" with "paid by" and remove "the"

Page 3, remove line 17

Page 3, line 18, remove "budget, and the board of higher education"

Page 5, after line 21, insert:

"SECTION 7. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$2,500, or so much thereof as may be necessary, to the superintendent of public instruction for the purpose of reimbursing the necessary expenses of certain members of the North Dakota educational telecommunications council, for the biennium beginning July 1, 1989, and ending June 30, 1991.

SECTION 8. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

HB 1041 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1042 has had the same under consideration and recommends by a vote of 7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1042 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred Engrossed HB 1116 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1116 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred Engrossed HB 1205 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "Act" insert "to create and enact a new section to chapter 50-26 of the North Dakota Century Code, relating to a committee on protection and advocacy;"

Page 1, after line 6, insert:

"SECTION 1. If Senate Bill No. 2357 does not become effective, a new section to chapter 50-26 of the North Dakota Century Code is hereby created and enacted to read as follows:

Committee on protection and advocacy. The governor shall appoint a committee on protection and advocacy. The committee must consist of seven members who broadly represent or are knowledgeable about the needs of the persons served by the protection and advocacy project. The committee is responsible for the administrative supervision and direction and for the planning, design, implementation, and functioning of the state's protection and advocacy project. The committee in its capacity of supervising and directing the protection and advocacy project shall operate independently of the governor or any state agency that provides treatment, services, or habilitation to persons with developmental disabilities or mental illness."

Page 3, line 6, overstrike "the handicapped" and insert immediately thereafter "persons with disabilities" and replace "committee" with "commission"

Page 3, line 16, overstrike "executive"

Page 3, line 27, overstrike the second "the"

Page 3, line 28, overstrike "handicapped" and insert immediately thereafter "persons with disabilities, the commission on the status of women"

Page 4, line 24, remove "Each committee of the governor's"

Page 4, remove lines 25 and 26

Page 4, line 27, remove "independent of the governor or any other state entity."

Renumber accordingly

HB 1205 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HB 1226 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1226 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred Engrossed HB 1354 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HB 1354 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1413 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

HB 1413 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1434 has had the same under consideration and recommends by a vote of 8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1434 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1455 has had the same under consideration and recommends by a vote of 5 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 18, replace "November" with "January"

Page 1, line 19, after "year" insert ". A teacher hired after January first has all the rights provided in section 15-47-27.1"

Renumber accordingly

HB 1455 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1457 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1457 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1462 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 1, after "Act" insert "to amend and reenact section 22-01-06.3 of the North Dakota Century Code, relating to a guaranty of delivery; and" and remove "22-01-06.3,"

Page 1, after line 4, insert:

"SECTION 1. AMENDMENT. Section 22-01-06.3 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

22-01-06.3. When account furnished surety or guarantor. ~~In every case in which the~~ When a manufacturer, wholesaler, or distributor ~~is furnishing~~ furnishes merchandise to any agent, salesman, or dealer whose execution of bond or obligation to ~~such the~~ manufacturer, wholesaler, or distributor has been joined in by ~~any~~ a surety or guarantor, ~~such the~~ manufacturer, wholesaler, or distributor ~~shall each month during the life of such bond or obligation upon written request by the surety or guarantor, shall furnish each such surety or guarantor either by mail or personal delivery a statement each month during the life of the bond or obligation showing the debit and credit items incurred and made in the account between the manufacturer, wholesaler, or distributor and such the agent, salesman, or dealer during the immediately preceding month and the exact balance owing from the agent, salesman, or dealer thereon at the date of such the notice."~~

Page 1, line 5, remove "22-01-06.3,"

Re-number accordingly

HB 1462 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred Engrossed HB 1481 has had the same under consideration and recommends by a vote of 6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 2, line 7, after the period insert "The term does not include the provision of appropriate nutrition and hydration or the performance of any medical procedure necessary to provide comfort, care, or alleviate pain."

Page 4, remove lines 15 and 16

Page 5, remove lines 22 and 23

Page 6, line 28, replace "of sound mind" with "competent"

Page 7, remove lines 10 through 17

Page 7, line 23, replace "Treatment" with "Management"

Page 7, line 25, replace "of sound mind" with "competent"

Page 11, line 2, after "valid" insert "for five years from the effective date of this Act unless the declarant becomes incompetent within five years after the execution of the declaration and remains incompetent at the time of the determination of a terminal condition under section 4 of this Act, in which case the declaration continues in effect. When the declaration expires, a new declaration must be executed if the declarant wishes to make a written declaration under this Act"

ReNUMBER accordingly

HB 1481 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Political Subdivisions (Sen. Dotzenrod, Chairman) to which was referred HB 1494 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 5, line 29, replace "five" with "three"

Page 6, line 20, after the underscored period insert "The levy under this section does not apply to any property located in a city in which park district taxes are levied, unless the governing body of the city in which the property is located consents, by resolution, to the levy."

ReNUMBER accordingly

HB 1494 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Industry, Business and Labor (Sen. Langley, Chairman) to which was referred Engrossed HB 1509 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HB 1509 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was referred HB 1526 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, after "if" insert "the presentation for payment is"

ReNUMBER accordingly

HB 1526 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Judiciary (Sen. J. Meyer, Chairman) to which was rereferred Engrossed HB 1564 has had the same under consideration and recommends by a vote of 4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 13, replace "shall" with "may"

Page 1, line 21, replace "shall" with "may"

Renumber accordingly

HB 1564 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Human Services and Veterans Affairs (Sen. Kelsh, Chairman) to which was referred Engrossed HB 1599 has had the same under consideration and recommends by a vote of 5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 12, remove "including that" and replace "employees and contractors of a" with "qualified mental health professionals."

Page 1, remove line 13

Page 1, line 16, replace "general service" with "individual treatment"

Page 2, line 12, after "the" insert "active"

Page 2, line 13, replace "that" with "or a distinct part of a facility that provides to children and adolescents, a total, twenty-four hour, therapeutic environment integrating group living, educational services, and a clinical program based upon a comprehensive, interdisciplinary clinical assessment and an individualized treatment plan that meets the needs of the child and family. The services are available to children in need of and able to respond to active psychotherapeutic intervention and who cannot be effectively treated in their own family, in another home, or in a less restrictive setting."

Page 2, remove lines 14 and 15

Page 2, replace lines 23 through 25 with:

- "2. The program director of the center holds, at a minimum, a master's degree in social work, psychology, or in a related behavioral science with at least two years of professional experience in the treatment of children and adolescents suffering from mental illnesses or emotional disturbances. The executive director of the center must have, at a minimum, a bachelor's degree in a behavioral science or a bachelor's degree in any field and two years of experience in administration;
3. The staff employed by the center is supervised by the program director and qualified by training and experience to provide services to children and adolescents suffering from mental illnesses or emotional disturbances. The center annually

must provide training to staff which is relevant to the needs of the client population;"

Page 3, line 4, replace "Appropriate arrangements are made" with "The center will provide"

Page 3, line 5, after "resident" insert "within seventy-two hours of admission and thereafter as needed by the resident" and remove "and"

Page 3, after line 5, insert:

"7. An interdisciplinary team consisting of at least one qualified mental health professional will review each individual treatment plan at least monthly and update or amend the plan to meet the needs of the resident; and"

Page 3, after line 21, insert:

"Admission criteria. A child may be admitted to a residential treatment center for children if, the child has been diagnosed by a psychiatrist or psychologist as suffering from a mental illness or emotional disturbance and the child is in need of and able to respond to active psychotherapeutic intervention and cannot be effectively treated in the child's family, in another home, or in a less restrictive setting. The center must take into account the age and diagnosis of the child in order to provide an environment that is safe and therapeutic for all residents."

Re-number accordingly

HB 1599 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred HB 1618 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

HB 1618 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on Education (Sen. Heinrich, Chairman) to which was referred Engrossed HB 1640 has had the same under consideration and recommends by a vote of 5 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

Page 1, line 4, remove "subsection 4 of section"

Page 1, line 5, remove "11-10-10,"

Page 1, line 6, remove "salary,"

Page 2, remove lines 26 through 29

Page 3, remove lines 1 through 16

Page 4, line 28, remove "Each county"

Page 5, remove lines 1 and 2

Page 6, line 5, after the period insert "Biennial plan required -"

Page 6, line 6, remove the overstrike over the overstruck dash and insert immediately thereafter "Appeals"

Page 8, line 11, after the overstruck period insert "i."

Page 8, line 20, after the underscored period insert "If the board of county commissioners of each county cannot agree to share a county superintendent of schools, the superintendent of public instruction may require a county to participate in a plan to jointly employ a county superintendent of schools."

Page 8, line 21, after "the" insert "presidents of the"

Page 8, line 22, replace "in the counties" with "of each county", after "affected" insert "by the plan", and after "and" insert "must be confirmed"

Page 8, line 23, replace "the counties cannot agree to share a county superintendent" with "a majority of the presidents of the school boards in each county cannot agree to the plan, both the presidents of the school boards of the counties affected and the boards of county commissioners of the counties affected shall submit a plan to the superintendent of public instruction for resolution. The decision of the superintendent may be appealed as provided in subsection 3. The plan must describe the amount and quality of educational services to be provided to school districts in the counties by the county superintendent of schools. The plan must be reviewed, and amended if necessary, by the boards of county commissioners and submitted to the presidents of the school boards for approval and to the superintendent of public instruction for confirmation biennially."

Page 8, remove lines 24 and 25

Page 9, after line 6, insert:

"2. The board of county commissioners of any county that elects not to share a county superintendent of schools with another county, or that has been exempted from sharing a county superintendent of schools by the superintendent of public instruction, must submit a plan biennially to the school boards of the school districts located within the county. The plan must describe the amount and quality of educational services to be provided to school districts in the county by the county superintendent of schools. The plan is approved if a majority of the presidents of the school boards in the county approve the plan and the plan is confirmed by the superintendent of public instruction. If a majority of the presidents of the school boards in the county cannot agree to the plan, both the presidents of the school boards and the board of county commissioners shall submit a plan to the superintendent of public instruction for resolution. The decision of the superintendent of public instruction may be appealed as provided in subsection 3.

3. If the superintendent of public instruction does not confirm a plan that has been approved locally, the superintendent of public instruction shall submit the plan to the state board of public school education for final resolution. A majority of the presidents of the school boards in a county or a board of county commissioners aggrieved by a decision of the superintendent of public instruction may appeal the decision to the state board of public school education. A decision of or resolution by the state board of public school education under this section is final. The superintendent of public instruction may not serve on the board when the board is resolving disputes under this section."

Page 9, line 14, after "Sections" insert "5," after "6" insert a comma, and replace "7" with "9"

Page 9, line 15, replace "5, 8," with "7, and" and remove ", and 11"

Renumber accordingly

HB 1640 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HCR 3081 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3081 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HCR 3082 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO NOT PASS.

HCR 3082 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

MR. PRESIDENT: Your Committee on State and Federal Government (Sen. D. Meyer, Chairman) to which was referred HCR 3083 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same DO PASS.

HCR 3083 was placed on the Fourteenth order of business on the calendar for the succeeding legislative day.

FIRST READING OF HOUSE BILLS

HB 1658: A BILL for an Act to provide for deposit of certain revenue in a rainy day fund and other special funds if general fund revenue is in excess of estimates; and to provide a continuing appropriation.

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

HB 1668: A BILL for an Act to amend and reenact section 57-02-26 of the North Dakota Century Code, relating to the assessment of pipeline property; and to provide an effective date.

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

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

PATRICIA CONRAD, Secretary