

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 2, 1993

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

The prayer was offered by Rev. Wilber Fisher, Our Saviors Lutheran Church, Larimore.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (CAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HB 1034, HB 1053, HB 1059, HB 1074, HB 1095, HB 1098, HB 1117, HB 1130, HB 1146, HB 1159, HB 1244, HB 1288, HB 1358, HB 1385.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The Speaker has signed: SB 2031, SB 2044, SB 2057, SB 2087, SB 2094, SB 2113, SB 2118, SB 2126, SB 2127, SB 2140, SB 2141, SB 2151, SB 2158, SB 2160, SB 2169, SB 2179.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has failed to pass: SB 2117, SB 2314.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2067, SB 2070, SB 2072, SB 2099, SB 2100, SB 2102, SB 2103, SB 2137, SB 2173, SB 2178, SB 2188, SB 2202, SB 2203, SB 2311, SB 2380, SB 2399, SB 2489, SB 2510.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2120, SB 2161, SB 2288.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2120

Page 1, line 4, after "fund" insert "; and to provide an expiration date"

Page 1, after line 20, insert:

"SECTION 2. EXPIRATION DATE. This Act is effective through June 30, 1995, and after that date is ineffective."

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2161

Page 5, line 15, after "business" insert "selling petroleum products at retail"

Re-number accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2288

Page 1, line 11, after "land" insert "and improvements to the land such as ditching, surfacing, and leveling"

Page 2, line 2, remove ", exclusive of land,"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

HB 1110: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ page 784 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1072: A BILL for an Act to create and enact a new section to chapter 54-52 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to continuing appropriations for certain retirement benefits and health insurance benefits; to amend and reenact subsection 18 of section 54-52-01, sections 54-52-02.6, 54-52-03, subsection 8 of section 54-52-04, and sections 54-52-17, 54-52-17.4, and 54-52-26 of the North Dakota Century Code, relating to definitions repurchase of past service, public employees retirement system board authority, public employees retirement system board membership and compensation, purchase of additional credit, payment for prior service, service benefits, consultant fees, and confidentiality of records under the public employees retirement system; and to provide a continuing appropriation.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1072 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1157: A BILL for an Act to create and enact a new section to chapter 43-07 of the North Dakota Century Code, relating to change of a contractor's name; and to amend and reenact sections 43-07-09, 43-07-14, 43-07-15, and 43-07-17 of the North Dakota Century Code, relating to contractor licensing.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1157 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1182: A BILL for an Act to create and enact four new sections to chapter

4-30 of the North Dakota Century Code, relating to complaint investigation under dairy products laws, inspections, the grade A pasteurized milk ordinance, and labeling standards; to amend and reenact sections 4-30-01, 4-30-02, 4-30-03.9, 4-30-05, 4-30-06, 4-30-09, 4-30-10, 4-30-11, 4-30-12, 4-30-15, 4-30-23, 4-30-24, 4-30-27, 4-30-28, 4-30-29, 4-30-30, 4-30-31, 4-30-32, 4-30-33, 4-30-34, 4-30-35, 4-30-36, 4-30-37, 4-30-38, 4-30-39, 4-30-42, 4-30-48, 4-30-49, 4-30-52, and 4-30-53 of the North Dakota Century Code, relating to dairy products laws; to repeal chapter 4-29, sections 4-30-06.1, 4-30-13, 4-30-14, 4-30-16, 4-30-17, 4-30-41.1, 4-30-45, and 4-30-51 of the North Dakota Century Code, relating to the dairy department, personal notice to file claims, complaints upon violation, place of hearing, witness subpoenas, court review, prohibitions against sales of imitation milk and filled dairy products, labeling of milk and milk products for retail sale and complaint investigation; to provide penalties; and to provide an effective date.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1182 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1188: A BILL for an Act to amend and reenact section 3 of chapter 720 of the 1987 Session Laws of North Dakota as amended by section 6 of chapter 686 of the 1991 Session Laws of North Dakota, relating to the expiration date of the emergency services communication system advisory committee.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1188 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1263: A BILL for an Act to amend and reenact section 61-24.5-06 of the North Dakota Century Code, relating to election of county directors of the southwest water authority; and to repeal section 57-15-26.7 and chapter 61-24.2 of the North Dakota Century Code, relating to the west river water supply district.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Lindgren

HB 1263 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1308: A BILL for an Act to amend and reenact section 34-06-15 of the North Dakota Century Code, relating to a special license issued by the commissioner of labor to employ a person at less than minimum wage.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Graba; Heinrich; Holmberg; Marks; Maxson; Mushik

HB 1308 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1380: A BILL for an Act to amend and reenact subsection 1 of section 57-55-10 of the North Dakota Century Code, relating to exemption from mobile home taxation for a permanently and totally disabled person.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1380 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact subdivision a of subsection 4 of section 39-03.1-11 of the North Dakota Century Code, relating to retirement benefits under the highway patrolmen's retirement system; to repeal section 39-03.1-24 of the North Dakota Century Code, relating to military service under the highway patrolmen's retirement system; and to provide for application of this Act.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1076 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1083: A BILL for an Act to create and enact a new subsection to section 20.1-03-04 of the North Dakota Century Code, relating to times when residents may fish without a license; and to amend and reenact section 20.1-03-08 of the North Dakota Century Code, relating to times when nonresidents may fish without a license.

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 48 YEAS, 1 NAY, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Nelson

HB 1083 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1093: A BILL for an Act to amend and reenact section 34-06-12 of the North Dakota Century Code, relating to the posting of orders issued by the commissioner of labor.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell;

Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1093 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1101: A BILL for an Act to amend and reenact subsection 6 of section 37-26-01 of the North Dakota Century Code, relating to the definition of "period of service" for adjusted compensation paid to national guard and reserve veterans of the Persian Gulf War.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1101 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1132: A BILL for an Act to amend and reenact section 49-10.1-14 of the North Dakota Century Code, relating to the public service commission's jurisdiction to prescribe and enforce safety rules.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1132 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1143: A BILL for an Act to amend and reenact section 61-04-23 of the North Dakota Century Code, relating to forfeiture of water rights by state agencies.

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter;

Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Kelsh

HB 1143 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to amend and reenact section 61-02-12 of the North Dakota Century Code, relating to compensation and expenses of water commission members.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1148: A BILL for an Act to create and enact a new section to chapter 61-16 of the North Dakota Century Code, relating to consolidation of water resource districts.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1148 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act to create and enact a new section to chapter 20.1-03 of the North Dakota Century Code, relating to bowhunter education requirements; to provide a penalty; to provide an effective date; to provide an expiration date; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Freborg

HB 1243 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. MATHERN MOVED that HB 1256, which is on the Fourteenth order, be rereferred to the **Government and Veterans Affairs Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1256 was rereferred.

MOTION

SEN. MATHERN MOVED that HB 1475 be returned to the Senate floor from the **Human Services Committee** and be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. Mathern's motion, HB 1475 was rereferred.

SECOND READING OF HOUSE BILL

HB 1314: A BILL for an Act to create and enact a new subsection to section 61-16.1-09 of the North Dakota Century Code, relating to powers of water resource boards.

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, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

HB 1314 passed and the title was agreed to.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 1:54 p.m., March 2, 1993: SB 2031, SB 2044, SB 2057, SB 2087, SB 2094, SB 2113, SB 2118, SB 2126, SB 2127, SB 2140, SB 2141, SB 2151, SB 2158, SB 2160, SB 2169, SB 2179.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Twelfth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Wednesday, March 3, 1993, which motion prevailed.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HCR 3047, HCR 3065, HCR 3068, HCR 3069, HCR 3070.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)
MADAM PRESIDENT: The House has passed unchanged: SCR 4029.

REPORT OF STANDING COMMITTEE

SCR 4054: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SCR 4054 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4058: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4058 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "feasibility and desirability of closing" with "programming offered at"

Page 1, line 3, after "Jamestown" insert "and the relationship of the programming to the community-based services offered throughout the state,"

Page 1, line 17, replace "141" with "53"

Page 1, line 20, replace "feasibility and desirability of" with "programming offered at"

Page 1, line 21, remove "closing" and after "Hospital" insert "and the relationship of the programming to the community-based services offered throughout the state,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1031: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1031 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1043: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1043 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1046: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1046 was placed on the Sixth order on the calendar.

Page 6, line 23, remove "not" and replace "and" with a comma

Page 6, line 24, remove "low pressure boilers and" and after "engines" insert ", and thirty-six months for low pressure boilers"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 401 - INSURANCE COMMISSIONER

SENATE - This amendment extends the period of time for which a boiler inspection certificate may be issued for low pressure boilers by 12 months, from 24 to 36 months.

REPORT OF STANDING COMMITTEE

HB 1051: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1051 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1061: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1061 was placed on the Sixth order on the calendar.

Page 2, line 5, after "subsection" insert "2 or"

Page 2, line 14, replace "1989" with "1992"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1068: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1068 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1069: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1069 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1107: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1107 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1126: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1126 was placed on the Sixth order on the calendar.

Page 1, line 5, after the semicolon insert "to amend and reenact section 57-38-60.1 of the North Dakota Century Code, relating to corporate officer liability for compliance with income tax laws;"

Page 1, line 10, underscore "An employer, required to file returns under" and remove "subsection 1 of"

Page 1, underscore lines 11 through 16

Page 1, underscore lines 19 through 21

Page 2, underscore lines 1 and 2

Page 2, after line 2, insert:

"SECTION 3. AMENDMENT. Section 57-38-60.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-38-60.1. Corporate officer liability. If a corporation is an employer and fails for any reason to file the required returns or to pay the tax due, ~~the chairman, president, or chief operating officer, any of its officers~~ jointly or severally charged with the responsibility of supervising the preparation of ~~such the~~ returns and payments ~~shall be~~ are personally liable for ~~such that~~ failure. The dissolution of a corporation ~~shall~~ does not discharge an officer's liability for a prior failure of the corporation to file a return or

remit the tax due. The taxes, penalty, and interest may be assessed and collected pursuant to ~~the provisions of~~ this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1141: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1141 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1156: Education Committee (Sen. Heinrich, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1156 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1171: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1171 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1173: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1173 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1176: Industry, Business and Labor Committee (Sen. Langley, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1176 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1185: Transportation Committee (Sen. Schoenwald, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1185 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209: Education Committee (Sen. Heinrich, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). HB 1209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1214: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1214 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1223: Agriculture Committee (Sen. Kelsh, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1223 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1233: Education Committee (Sen. Heinrich, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). HB 1233 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1246: Political Subdivisions Committee (Sen. Graba, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1246 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 50-11.1 of the North Dakota Century Code, relating to prohibiting smoking in child care facilities; and to"

Page 2, after line 3, insert:

"SECTION 2. A new section to chapter 50-11.1 of the North Dakota Century Code is created and enacted as follows:

Smoking prohibited in certain facilities. Smoking is not permitted in an early childhood facility at any time during which a child who receives early childhood services from that facility is present and receiving services at that facility."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1297: Agriculture Committee (Sen. Kelsh, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1297 was placed on the Sixth order on the calendar.

Page 1, line 11, after the second underscored comma insert "llama, alpaca."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1301: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1301 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1319: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1319 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1343: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1343 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1415: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). HB 1415 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1492: Finance and Taxation Committee (Sen. Dotzenrod, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1492 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1493: Education Committee (Sen. Heinrich, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HB 1493 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3004: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3004 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3005: Human Services Committee (Sen. Mathern, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). HCR 3005 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HCR 3033: Judiciary Committee (Sen. Maxson, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HCR 3033 was placed on the Tenth order on the calendar.

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

CAROL SIEGERT, Secretary