

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, March 29, 1993

The Senate convened at 9:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. Garry Crites, United Church of Christ, New Salem.

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

A quorum was declared by the President.

MOTION

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

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

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

March 26, 1993

This is to inform you that on March 26, 1993, I signed the following: SB 2417, SB 2478, SB 2484, and SB 2494.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1498 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1498: Reps. Porter; Gates; Ness

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2225 and wishes to inform you that the Senate does now concur with the House amendments to SB 2225 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2225.

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

MR. SPEAKER: The Senate has reconsidered its action whereby it did not concur with the House amendments to SB 2231 and wishes to inform you that the Senate does now concur with the House amendments to SB 2231 and subsequently passed the same. Also, the Senate has dissolved the Senate Conference Committee on SB 2231.

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

MR. SPEAKER: The Senate has concurred in the House amendments and subsequently passed: SB 2390.

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

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

HB 1019: Sens. Yockim; Tallackson; Goetz
 HB 1079: Sens. Tomac; W. Stenehjem; Krebsbach
 HB 1104: Sens. Scherber; Tomac; Krebsbach
 HB 1158: Sens. O'Connell; Kelsh; Evanson
 HB 1178: Sens. Scherber; Evanson; Sand
 HB 1208: Sens. Tallackson; Kelly; Lips

HB 1212: Sens. Dotzenrod; Kinnoin; Tennefos

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

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

HB 1219: Sens. O'Connell; Schoenwald; Tennefos
 HB 1383: Sens. Graba; Lindgren; B. Stenehjem
 HB 1438: Sens. Scherber; Kelsh; Freborg
 HB 1463: Sens. Heinrich; Evanson; W. Stenehjem
 HB 1490: Sens. Graba; Mathern; Nalewaja

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2002, SB 2008, SB 2010, SB 2017, SB 2200, and SB 2440 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2002: Sens. Kelly; Yockim; Lips
 SB 2008: Sens. DeMers; Redlin; Thane
 SB 2010: Sens. Redlin; DeMers; Lips
 SB 2017: Sens. Yockim; Lindaas; Goetz
 SB 2200: Sens. Schoenwald; Keller; Mutch
 SB 2440: Sens. Tomac; Scherber; W. Stenehjem

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

MR. SPEAKER: The Senate has adopted the conference committee report and subsequently passed: SB 2027, SB 2051, SB 2095, SB 2120, SB 2144, SB 2327, SB 2359, SB 2468, SCR 4070.

MOTION

SEN. MATHERN MOVED that HB 1180 be moved to the bottom of the Sixth order, which motion prevailed.

MOTION

SEN. MATHERN MOVED that HB 1416 be placed following HB 1028 on the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1013: SEN. KELLY (Appropriations Committee) MOVED that the amendments on SJ pages 1294-1295 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1013: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

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

NAYS: Andrist; Bowman; Mutch; Solberg; Stenehjem, B.; Streibel; Tennefos

HB 1013 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1008: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 1293-1294 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

MOTION

SEN. SOLBERG MOVED that Engrossed HB 1008 be amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 1293-1294 of the Senate Journal, Engrossed House Bill No. 1008 is amended as follows:

Page 1, line 1, after "Act" insert "to amend and reenact section 36-01-08 of the North Dakota Century Code, relating to user fees charged by the state board of animal health; and"

Page 1, line 10, replace "348,378" with "376,529"

Page 1, line 14, replace "486,269" with "514,420"

Page 1, line 15, replace "54,922" with "55,597"

Page 1, line 16, replace "431,347" with "458,823"

Page 1, after line 16, insert:

"**SECTION 2. AMENDMENT.** Section 36-01-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

36-01-08. Duties of board - Rules - Fees. The state board of animal health shall protect the health of the domestic animals and captive wildlife of this state and shall determine and employ the most efficient and practical means for the prevention, suppression, control, and eradication of dangerous, contagious, and infectious diseases among the domestic animals and captive wildlife of this state. The board may make rules for the conduct of its business and to carry into effect the purposes of this chapter and other duties prescribed in this title. The rules of the state board of animal health must be adopted in accordance with chapter 28-32. The board shall collect twenty-five cents for each brucellosis tag, six cents for each identification tag, and eight dollars for each health book it distributes. The fees collected by the board must be paid over to the state treasurer for deposit in a special operating account known as the state board of animal health account, to be used by the state board of animal health, within the limits of legislative appropriation."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 617 - BOARD OF ANIMAL HEALTH

SENATE - This amendment makes the following changes:

The salaries and wages line item is increased by \$10,881 from the general fund to reflect Governor Sinner's salary increase recommendation for state employees.

Funding of \$17,270, \$16,595 of which is from the general fund, is added for pay equity increases for the two veterinarians (director and deputy) on staff. This change provides a total of \$46,577, \$44,404 of which is from the general fund, for pay equity increases.

A section is added authorizing the board to charge fees for health books and tags.

In total, this amendment increases funding for the Board of Animal Health by \$28,151, \$27,476 of which is from the general fund and \$675 of other funds.

REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1008, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1008, the roll was called and there were 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Jerome; Kinnoin; Krauter; Krebsbach; Lindgren; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Keller; Kelly; Kelsh; Langley; Lindaas; Lips; Mushik; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

The proposed amendments to Engrossed HB 1008 were adopted.

MOTION

SEN. MATHERN MOVED that HB 1008 be placed at the bottom of the calendar, which motion failed on a verification vote.

MOTION

SEN. WOGSLAND MOVED that HB 1008 be placed at the bottom of the calendar, which motion prevailed on a verification vote.

CONSIDERATION OF AMENDMENTS

HB 1028: SEN. ROBINSON (Appropriations Committee) MOVED that the amendments on SJ pages 1295-1296 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1028: A BILL for an Act to establish a program to provide specialized telecommunications services and equipment to the communications impaired; to provide for a telephone access line surcharge to fund the program; to provide an appropriation; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, 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; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: Kinnoin; Mutch; O'Connell; Stenehjem, B.; Streibel; Tennefos; Yockim

HB 1028 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. REDLIN MOVED that the Senate reconsider its action whereby HB 1026 failed to pass, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1026: A BILL for an Act to create and enact a new section to chapter 54-06 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to discharge or replacement of certain governmental employees to avoid providing benefits; to amend and reenact section 54-06-14 and subsection 4 of section 54-52.1-01 of the North Dakota Century Code, relating to sick, annual, and family leave and group medical benefits; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 27 YEAS, 22 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjøm, B.; Stenehjøm, W.; Streibel; Tennefos; Traynor; Urlacher

HB 1026 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1013, HB 1026, and HB 1028 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 5:00 p.m., which motion prevailed.

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

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1013, HB 1026.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1028.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:20 p.m., March 29, 1993: SB 2086, SB 2092, SB 2110, SB 2199, SB 2226, SB 2351, SB 2396, SB 2475, SB 2482, SB 2492, SB 2498, SB 2528, SB 2529, SB 2536, SB 2537, SB 2538.

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

MADAM PRESIDENT: The House has amended and subsequently failed to pass: SB 2466.

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

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

SB 2096: Reps. Jacobs; C. Carlson; Kilichowski

SB 2200: Reps. Dorso; Froseth; Mahoney

SB 2227: Reps. Soukup; Froseth; Mahoney

SB 2440: Reps. Dorso; Tollefson; Mahoney

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

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

SB 2295: Reps. Svedjan; Price; Kerzman

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolution was delivered to the Secretary of State for his filing at the hour of 4:48 p.m., March 29, 1993: SMR 8001.

CONSIDERATION OF AMENDMENTS

HB 1416: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ pages 1296-1319 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. LANGLEY MOVED that Engrossed HB 1416 be amended as follows, which motion prevailed.

That the amendments to Engrossed House Bill No. 1416 as printed on pages 1296-1319 of the Senate Journal be amended as follows:

Page 1305 of the Senate Journal, replace lines 47 through 55 with:

"e. No licensed organization or closely connected licensed organizations as a unit may have more than thirty authorized sites unless granted a waiver by the attorney general. However, after June 30, 1995, no licensed organization or closely connected licensed organizations as a unit may have more than twenty-five authorized sites unless granted a waiver by the attorney general. If the attorney general finds that there is no other licensed organization willing to conduct gaming at a site for which a waiver is being sought, the attorney general may approve the waiver. The attorney general may not grant a licensed organization a waiver for more than five sites. Closely connected licensed organizations are two or more organizations which have unitary characteristics that may include common primary purposes, members on boards of directors, officers, management, employees, bookkeepers, program services, integrations of gaming activities, and shared facilities."

Page 1306 of the Senate Journal, remove lines 2 and 3

Re-number accordingly

SECOND READING OF HOUSE BILL

HB 1416: A BILL for an Act to amend and reenact section 53-06.1-01, subsection 1 of section 53-06.1-01.1, sections 53-06.1-01.2, 53-06.1-02, 53-06.1-02.1, 53-06.1-03, 53-06.1-03.3, 53-06.1-05, 53-06.1-05.1, 53-06.1-06, 53-06.1-07, 53-06.1-07.1, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-08, 53-06.1-08.1, 53-06.1-09, 53-06.1-10, 53-06.1-10.1, 53-06.1-11, 53-06.1-12, 53-06.1-12.2, 53-06.1-13, 53-06.1-13.1, 53-06.1-14, 53-06.1-15, 53-06.1-15.1, 53-06.1-15.4, 53-06.1-16, 53-06.1-16.1, 53-06.1-16.2, and 53-06.1-17 of the North Dakota Century Code, relating to games of chance and the gaming commission.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 1 NAY, 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; 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; Urlacher; Wogsland

NAYS: Yockim

ABSENT AND NOT VOTING: Traynor

HB 1416 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1180: SEN. KELLER (Natural Resources Committee) MOVED that the amendments on SJ pages 1275-1278 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1180: A BILL for an Act to amend and reenact sections 20.1-03-04, 20.1-03-12, and 20.1-03-12.2 of the North Dakota Century Code, relating to licenses and permits for game, fish, predators, and boating; and to provide an effective date.

MOTION

SEN. MATHERN MOVED the previous question, which motion prevailed.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Schoenwald; Tallackson; Tennefos; Thane; Urlacher; Wogsland; Yockim

NAYS: Bowman; Mutch; Naaden; O'Connell; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tomac

ABSENT AND NOT VOTING: Traynor

HB 1180 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2257 be reconsidered pursuant to Article V, Section 9, of the Constitution of the State of North Dakota for the purpose of overriding the Governor's veto, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFFER

March 23, 1993

I am returning SB 2257, which I hereby veto.

Section 3 of the bill seeks to expand the protections afforded to North Dakota's children under chapter 12.1-35 during the child's involvement in legal proceedings. Our children rightfully deserve the protection of the courts and the law in such instances. However, the North Dakota courts have the inherent power to protect witnesses, including children from badgering,

harassment, or abuse as they testify in court. In addition, North Dakota law also currently provides protection to witnesses during discovery proceedings. (See for example, Criminal Procedure Rule 15, and Civil Procedure Rule 26(c).)

Section 4 places a mandatory obligation on the court to allow an individual to sit with, accompany, or be in close proximity to the child during the child's testimony. That obligation is mandatory to the court in all cases regardless of the age of the child so long as a request for the assistance is made. I believe the bill goes too far by requiring the court to permit such a procedure in all cases and gives rise to the potential for coaching during testimony. Section 4 of the bill also requires the court to hold a hearing at the request of the state to see if the courtroom should be closed during the child's testimony. The accused has a constitutional right to a speedy and public trial - which, of course, is not absolute. Nonetheless, I am troubled by the constitutional implications and direction that the bill takes with respect to open and public proceedings within our judicial system. I believe that an open and public judicial system promotes greater understanding and respect for the courts, court personnel, and the law itself.

For these reasons, I respectfully return SB 2257, having vetoed the same.

RECONSIDERATION OF A VETOED MEASURE

SB 2257: A BILL for an Act to create and enact three new sections to chapter 12.1-35 and a new subsection to section 12.1-35-02 of the North Dakota Century Code, relating to testimony and proceedings involving a witness or victim who is a minor; and to amend and reenact sections 12.1-35-01 and 12.1-35-04 of the North Dakota Century Code, relating to victim and witness standards.

ROLL CALL

The question being on the passage of the bill, as enrolled over the Governor's veto, which has been read, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Freborg; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Marks; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Goetz; Grindberg; Holmberg; Krebsbach; Lindgren; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Urlacher

ABSENT AND NOT VOTING: Traynor

The Senate sustained the Governor's veto on SB 2257.

MOTION

SEN. MATHERN MOVED that the vote by which HB 1180 and HB 1416 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal (Sen. Yockim, Chairman) has carefully reexamined the Journals of the Twenty-fifth, Twenty-seventh, Thirty-second, and Fifty-fourth Days and recommends that it be corrected as follows and when so corrected, recommends that it be approved:

Page 393, line 15, remove "SB 2508"

Page 503, line 50, after "10-15-52.1" insert ", and 10-15-52.3"

Page 681, line 28, after "SB 2112," insert "SB 2121,"

Page 1194, line 38, after "10-15-52.1" insert ", and 10-15-52.3"

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

MOTION

SEN. MATHERN MOVED that the absent member be excused, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the Senate be on the Fourth, Fifth, Seventh, Twelfth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Tuesday, March 30, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1399: 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 1399 was placed on the Sixth order on the calendar.

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

Page 1, line 2, replace "sections" with "section"

Page 1, line 5, remove "and marking of diesel fuel claimed as exempt"

Page 1, line 6, remove "from per-gallon special fuel taxes" and after the first semicolon insert "to amend and reenact subsection 1 of section 57-43.2-14 and section 57-43.2-15 of the North Dakota Century Code, relating to special fuel users;"

Page 1, underscore lines 11 through 21

Page 2, underscore lines 1 through 25

Page 2, underscore lines 28 and 29

Page 3, underscore lines 1 through 29

Page 4, underscore lines 1 through 6

Page 4, replace lines 7 through 12 with:

"SECTION 3. AMENDMENT. Subsection 1 of section 57-43.2-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Except as otherwise provided in this section, the commissioner may proceed to audit the returns of special fuel dealers and purchase records of special fuel users and, not later than three years after the due date of the return, or three years after the return was filed, whichever period expires later, or three years after purchase by a special fuel user, assess the tax and, if any additional tax is found due, the commissioner shall notify the taxpayer in detail of the reason for the increase.

SECTION 4. AMENDMENT. Section 57-43.2-15 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-43.2-15. Refusal or failure to file return or pay tax when due - Deficiencies - Penalties. If any special fuel dealer refuses or

fails to file a return required by this chapter or fails to pay the tax due within the time prescribed by section 57-43.2-12, there is imposed a penalty of five dollars or a sum equal to five percent of the tax due, whichever is greater, together with interest at the rate of one percent per month on the tax due, for each calendar month or fraction of a month during which ~~such~~ the refusal or failure continues, excepting the month within which the tax became due. If any special fuel user fails to pay any tax due under this chapter, the commissioner shall impose a penalty of five dollars or a sum equal to five percent of the tax due, whichever is greater, together with interest at the rate of one percent per month on the tax due, for each calendar month or fraction of a month during which the refusal or failure continues, not including the month within which the tax became due. The commissioner, for good cause shown, may waive the penalty or the interest provided by this section."

Page 4, underscore lines 16 and 17

Page 4, line 29, replace "June 30" with "December 31"

ReNUMBER accordingly

REPORT OF CONFERENCE COMMITTEE

SB 2074: Your conference committee (Sens. Keller, Schoenwald, Sträbel and Reps. Shide, C. Carlson, Mahoney) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 1028 and place SB 2074 on the Seventh order.

SB 2074 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2082, as engrossed: Your conference committee (Sens. Krauter, Keller, Mutch and Reps. Keiser, Jacobs, Stenson) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 834 and place SB 2082 on the Seventh order.

Engrossed SB 2082 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2088, as engrossed: Your conference committee (Sens. Marks, Kinnoin, Freborg and Reps. Rennerfeldt, Johnson, Kerzman) recommends that the **SENATE RECEDE** from the House amendments on SJ page 814, adopt amendments as follows, and place SB 2088 on the Seventh order:

That the House recede from its amendments as printed on page 814 of the Senate Journal and page 880 of the House Journal and that Engrossed Senate Bill No. 2088 be amended as follows:

Page 1, line 9, replace "each" with "category one" and after the period insert "Category one species of captive wildlife include those animals that are similar to domestic species including turkeys, geese, and ducks. The license fee for all other categories of species of captive wildlife is ten dollars."

Page 1, line 10, after "year" insert "for category one species and seventy-five dollars for all other categories of species"

ReNUMBER accordingly

Engrossed SB 2088 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2131: Your conference committee (Sens. O'Connell, Schoenwald,

B. Stenehjem and Reps. Boehm, Bernstein, Allmaras) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 766 and place SB 2131 on the Seventh order.

SB 2131 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2453: Your conference committee (Sens. Marks, Andrist, W. Stenehjem and Reps. Brown, Klein, Sitz) recommends that the **SENATE ACCEDE** to the House amendments on SJ pages 1067-1068 and place SB 2453 on the Seventh order.

SB 2453 was placed on the Seventh order of business on the calendar.

FIRST READING OF SENATE BILL

Sen. Wogsland introduced:

(Approved by the Delayed Bills Committee)

SB 2539: A BILL for an Act to amend and reenact subsection 1 of section 57-36-25, subsection 1 of section 57-36-26, subdivisions a and b of subsection 1 of section 57-36-27, subsection 1 of section 57-36-28, and section 57-36-32 of the North Dakota Century Code, relating to the taxation of cigarettes and tobacco products.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Nelson, Wogsland introduced:

(Approved by the Delayed Bills Committee)

SCR 4072: A concurrent resolution urging the Garrison Diversion Conservancy District, with the cooperation of the State Water Commission, the Governor, the Garrison Diversion Overview Committee, and each member of the North Dakota Congressional Delegation, to attempt to negotiate promptly, with the appropriate federal officials, a greater role for the state in the development, construction, operation, and maintenance of the Garrison Diversion Project.

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

Sen. Goetz introduced:

(Approved by the Delayed Bills Committee)

SCR 4073: A concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of permitting Roughrider Industries to manufacture and sell products that may be produced and sold by the private sector.

Was read the first time and referred to the **Industry, Business and Labor Committee**.

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

CAROL SIEGERT, Secretary