

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 22, 1995

The Senate convened at 10:30 a.m., with President Myrdal presiding.

The prayer was offered by Pastor Donald W. DeKok, Bismarck Reformed Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4065, SCR 4066.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1004, HB 1008, HB 1010, HB 1026, HB 1041, HB 1089, HB 1151, HB 1168, HB 1210, HB 1214, HB 1220, HB 1252, HB 1317, HB 1318, HB 1355, HB 1360, HB 1367, HB 1369, HB 1375, HB 1379, HB 1441, HB 1463, HCR 3038.

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

MADAM PRESIDENT: The House has passed unchanged: SB 2068, SB 2096, SB 2369, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, SB 2532, SCR 4045, SCR 4055, SCR 4056, SCR 4057, SCR 4060, SCR 4061.

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

MADAM PRESIDENT: The House has failed to pass: SB 2113, SB 2372, SB 2387, SB 2507, SB 2514, SB 2518, SB 2526, SB 2531.

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

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2029.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2029

Page 1, line 4, replace "14" with "21"

Page 1, line 5, replace "38" with "1" and replace "Bank of North Dakota" with "state employee defense costs"

Page 1, line 6, remove "profits transfers"

Page 2, replace lines 5 through 7 with:

"NORTH DAKOTA STATE UNIVERSITY - BOTTINEAU"	
Capital improvements	\$42,000
Total general fund appropriation	\$42,000"

Page 2, line 11, replace "general fund" with "special funds"

Page 2, line 16, replace "702,027" with "526,000"

Page 2, line 17, replace "2,000,000" with "2,081,527"

Page 2, line 18, replace "2,702,027" with "2,607,527"

Page 3, replace lines 3 through 10 with:

SECTION 4. VETERANS' POSTWAR TRUST FUND. The total special funds appropriation line item in subdivision 4 of section 1 of this Act includes \$81,527, or so much of the sum as may be necessary, from the veterans' postwar trust fund.

SECTION 5. AMENDMENT. Section 21 of chapter 1 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 21. BONDING FUND - ATTORNEY GENERAL. The appropriation in subdivision 3 of section 1 of this Act includes up to \$250,000, or so much of the sum as may be necessary, from the state bonding fund to the attorney general for the purpose of providing state employee defense services pursuant to section 26.1-21-10.2. The emergency commission, notwithstanding section 54-16-04, is authorized during the biennium beginning July 1, 1993, and ending June 30, 1995, to approve the expenditure of the funds from the state bonding fund appropriated in subdivision 3 of section 1 of this Act to the extent necessary and based upon applications by the attorney general. ~~Funds expended by the attorney general for state employee defense must be reimbursed to the state bonding fund through deficiency appropriation and the attorney general shall report to the budget section of the legislative council the amount of any deficiency appropriation that may be introduced to the fifty fourth legislative assembly.~~

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment removes the \$136,500 general fund appropriation provided to repay the bonding fund for 1993-95 biennium state employee defense costs. A section is added removing 1993 Session Laws provisions that require the state bonding fund to be reimbursed for 1993-95 state employee defense costs.

DEPARTMENT 243 - NDSU-BOTTINEAU

HOUSE - This amendment provides \$42,000 from the general fund for steamline repairs at NDSU-Bottineau.

DEPARTMENT 313 - VETERANS' HOME

HOUSE - This amendment changes the funding source for veterans' home workers' compensation payments of \$81,527 from the general fund to the veterans' postwar trust fund.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

HOUSE - The section amending 1993 Session Laws provisions relating to Bank of North Dakota profits transfers to the general fund is removed. House Bill No. 1017 (the Industrial Commission appropriation bill) includes provisions relating to Bank of North Dakota profits transfers.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2103, SB 2264, SB 2388, SB 2455, SCR 4046.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2103

Page 1, line 1, replace "section" with "sections 23-29-06 and"

Page 1, line 2, after "management" insert "districts and solid waste management" and remove "and"

Page 1, line 5, after "surcharge" insert "; and to provide an effective date"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 23-29-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-29-06. District solid waste management —Penalty.

1. All land in ~~this state~~ Benson, Cavalier, Eddy, Ramsey, Rolette, Towner, Grand Forks, Nelson, Pembina, and Walsh counties must be within a solid waste management district.
2. ~~The boundaries of each district must be established pursuant to chapter 54 40.1 and as delineated by executive order of the governor number 1978 12, affirmed by executive order number 1986 4.~~
3. The governing board of each solid waste management district must include a representative of each county within the district, one representative from cities within each county within the district, a representative of each city in the district which has a population of more than ten thousand, a representative of the licensed disposal facilities within the district, and a representative of the waste haulers within the district. Members representing political subdivisions must be appointed by the subdivisions involved. The members representing licensed disposal facilities and waste haulers must be selected by the members appointed by the political subdivisions from a list of candidates submitted by each of those groups. The members of the board may be the members of the regional planning councils appointed under subdivision a of subsection 1 of section 54-40.1-03.
- 4- 3. The members of the district board annually shall select a chairman and vice chairman. Each member may receive compensation for service on the board and is entitled to reimbursement of expenses at the rate provided by law for state officials. Any compensation and reimbursement of expenses of the public entity representatives must be made by the governing bodies of the entities making the appointments to the district board and any compensation and reimbursement of expenses of the private entity representatives must be made by the private entity represented by the member.
- 5- 4. A political subdivision may ~~opt out of one to join another~~ solid waste management district and join another if the board of ~~each the~~ the district ~~involved the~~ political subdivision wishes to join consents ~~to the change.~~
- 6- 5. Solid waste must be managed at solid waste management facilities identified in the district's solid waste management plan. ~~A person who violates this subsection is subject to a civil penalty not to exceed twenty five thousand dollars per day per violation.~~
- 7- By ~~January 1, 1992,~~ the department shall adopt rules establishing guidelines for the submission of comprehensive solid waste management plans as required under subsection 8.
- 8- 6. By ~~January 1, 1993,~~ each solid waste management district shall submit a comprehensive solid waste management plan to the department for approval. The plan must include the district's ability to properly manage and plan for adequate capacity, accessibility, and waste flow control. ~~The plan must take into consideration existing waste transportation~~

~~patterns and the ability of existing landfills to handle solid waste.~~

9. ~~By July 1, 1993, the department shall incorporate all of the district solid waste management plans into a comprehensive statewide solid waste management plan."~~

Page 3, line 28, remove "23-29-06.1,"

Page 3, line 29, remove "23-29-06,"

Page 4, line 1, remove the comma

Page 4, after line 2, insert:

"SECTION 4. REPEAL. Section 23-29-06.1 of the North Dakota Century Code and section 23-29-06 of the 1993 Supplement to the North Dakota Century Code are repealed.

SECTION 5. EFFECTIVE DATE. Section 4 of this Act becomes effective on August 1, 1997."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2264

Page 1, line 6, replace "loss" with "suspension"

Page 1, line 7, replace "loss" with "suspension"

Page 1, line 12, replace "loss" with "suspension"

Page 9, line 5, replace "loss" with "suspension"

Page 9, line 7, replace "loss" with "suspension"

Page 10, line 6, replace "Loss" with "Suspension"

Page 10, line 9, replace "loss" with "suspension"

Page 10, line 12, replace "loss" with "suspension"

Page 10, line 14, replace "loss" with "suspension"

Page 10, line 18, replace "loss" with "suspension"

Page 10, line 20, replace "loss" with "suspension"

Page 10, line 21, remove "may not be considered a revocation or suspension and"

Page 10, line 24, replace "loss" with "suspension"

Page 10, line 28, replace "loss" with "suspension"

Page 14, line 10, replace the first "loss" with "suspension" and replace the second "loss" with "suspension"

Page 22, line 25, replace "loss" with "suspension"

Page 22, line 26, replace "loss" with "suspension"

Page 22, line 27, replace "cancel" with "suspend"

Page 22, line 28, replace "loss" with "suspension"

Page 23, line 1, replace "loss" with "suspension"

Renumber accordingly

HOUSE AMENDMENTS TO REENGGRESSED SEWATE BILL NO. 2388

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to the preparation of taking assessments in an administrative rulemaking procedure and reconsideration of administrative rules.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 28-32 of the North Dakota Century Code is created and enacted as follows:

Takings assessment of government agency appeal.

1. An agency shall prepare a written assessment of the constitutional takings implications of a proposed rule that may limit the use of private real property. The agency's assessment must:
 - a. Assess the likelihood that the proposed rule may result in a taking or regulatory taking.
 - b. Clearly and specifically identify the purpose of the proposed rule.
 - c. Explain why the proposed rule is necessary to substantially advance that purpose and why no alternative action is available that would achieve the agency's goals while reducing the impact on private property owners.
 - d. Estimate the potential cost to the government if a court determines that the proposed rule constitutes a taking or regulatory taking.
 - e. Identify the source of payment within the agency's budget for any compensation that may be ordered.
 - f. Certify that the benefits of the proposed rule exceed the estimated compensation costs.
2. Any private landowner who is or may be affected by a rule that limits the use of the landowner's private real property may request in writing that the agency reconsider the application or need for the rule. Within thirty days of receiving the request, the agency shall consider the request and shall in writing inform the landowner whether the agency intends to keep the rule in place, modify application of the rule, or repeal the rule.
3. In an agency's analysis of the takings implications of a proposed rule, "taking" means the taking of private real property, as defined in section 47-01-03, by government action which requires compensation to the owner of that property by the fifth or fourteenth amendment to the Constitution of the United States or section 16 of article I of the Constitution of North Dakota. "Regulatory taking" means a taking of real property through the exercise of the police and regulatory powers of the state which reduces the value of the real property by more than fifty percent. However, the exercise of a police or regulatory power does not effect a taking if it substantially advances legitimate

state interests, does not deny an owner economically viable use of the owner's land, or is in accordance with applicable state or federal law."

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2455

Page 1, line 1, replace "subsections 1 and" with "subsection"

Page 1, line 2, remove "16.1-01-10,"

Page 2, line 19, replace "Subsections 1 and" with "Subsection"

Page 2, line 20, replace "are" with "is"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 8

Page 5, remove lines 24 through 29

Page 6, remove lines 1 through 11

Page 8, line 23, remove the overstrike over "~~for misconduct, malfeasance, crime in office,~~"

Page 8, line 24, remove the overstrike over "~~neglect of duty in office, habitual drunkenness, or gross incompetency~~"

Page 9, line 3, remove the overstrike over the first "~~must~~" and remove "may"

Renumber accordingly

HOUSE AMENDMENTS TO ENGROSSED SENATE CONCURRENT RESOLUTION NO. 4046

Page 1, line 2, after "providing" insert ", in cooperation with tribal governments,"

Page 1, after line 6, insert:

"WHEREAS, a survey conducted by the Department of Human Services indicated that 12.3 percent of adult American Indians may be experiencing moderate to severe problems related to their gambling; and"

Page 2, line 2, after "providing" insert ", in cooperation with tribal governments,"

Renumber accordingly

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263.

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1134 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1134: Reps. Timm; Nicholas; Dobrinski

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 2035: Reps. Byerly; Bateman; Huether
 SB 2072: Reps. Olson; Brown; Hanson
 SB 2152: Reps. Nicholas; Johnson; Sitz
 SB 2195: Reps. Shide; Thompson; Boucher
 SB 2204: Reps. Grosz; Rennerfeldt; Dobrinski
 SB 2524: Reps. Belter; Lloyd; Gulleeson

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

MADAM PRESIDENT: The Speaker has signed and your signature is respectfully requested on: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

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

MADAM PRESIDENT: The Speaker has signed: SB 2024, SB 2135, SB 2194, SB 2203, SB 2213, SB 2215, SB 2216, SB 2220, SB 2223, SB 2230, SB 2267, SB 2278, SB 2280, SB 2290, SB 2295, SB 2296, SB 2297, SB 2302.

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

MADAM PRESIDENT: The Speaker has signed: SB 2304, SB 2315, SB 2334, SB 2336, SB 2354, SB 2356, SB 2360, SB 2362, SB 2416, SB 2418, SB 2433, SB 2461, SB 2489, SB 2521, SCR 4006, SCR 4007, SCR 4013, SCR 4025, SCR 4058, SCR 4062.

CONSIDERATION OF AMENDMENTS

HB 1009, as engrossed: SEN. TALLACKSON (Appropriations Committee) MOVED that the amendments on SJ pages 1057-1058 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

MOTION

SEN. TALLACKSON MOVED that Engrossed HB 1009 be amended as follows:

In addition to the amendments to Engrossed House Bill No. 1009 as printed on pages 1057 and 1058 of the Senate Journal, Engrossed House Bill No. 1009 is amended as follows:

Page 1, line 2, after "affairs" insert "; to provide an exemption from the certificate of need process; and to provide for a basic care facility at the developmental center at Grafton"

Page 2, after line 10, insert:

"SECTION 3. CERTIFICATE OF NEED - EXEMPTION. The basic care facility for veterans at the developmental center at Grafton is not subject to the certificate of need process under chapter 23-17.2.

SECTION 4. BASIC CARE FACILITY FOR VETERANS. The developmental center at Grafton may operate a basic care facility for veterans in cooperation with the administrative committee on veterans' affairs. The developmental center may contract for services with the administrative committee on veterans' affairs, the veterans' administration, and other entities as necessary to operate the basic care facility for veterans. The residency requirements for admission to the veterans' home in section 37-15-10 do not apply to admissions to the basic care facility for veterans at the developmental center. No general fund moneys may be used for operation of the basic care facility for veterans at the developmental center."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 313 - VETERANS HOME

SENATE - This amendment authorizes the Developmental Center at Grafton to operate a basic care facility for veterans and exempts the facility from the certificate of need process.

REQUEST

SEN. TALLACKSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed HB 1009, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed HB 1009, the roll was called and there were 25 YEAS, 24 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Kringstad; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; O'Connell; Redlin; Robinson; Sand; Tallackson; Tennefos; Thane; Tomac; Traynor; Wanzek; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Krebsbach; LaFountain; Lee; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjsem, B.; Stenehjsem, W.; Streibel; Urlacher; Watne

The proposed amendments to Engrossed HB 1009 were adopted.

SECOND READING OF HOUSE BILL

HB 1009: A BILL for an Act to provide an appropriation for defraying the expenses of the veterans' home and the department of veterans' affairs; to provide an exemption from the certificate of need process; and to provide for a basic care facility at the developmental center at Grafton.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 6 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjsem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Bowman; DeMers; Nelson, C.; Scherber; Stenehjsem, B.; Yockim

Engrossed HB 1009, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that HB 1178, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. GOETZ MOVED that after action taken on the Sixth order, all bills be placed on the Fourteenth order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1052, as engrossed: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments on SJ page 1013 be adopted and then be placed on the Fourteenth order with DO PASS, which motion failed on a verification vote. Engrossed 1052 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1052: A BILL for an Act to amend and reenact section 53-06.1-11 of the North Dakota Century Code, relating to the expense limitation for games of chance; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Goetz; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lindaas; Lips; Mushik; Mutch; Nalewaja; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; Streibel; Tallackson; Thane; Tomac; Traynor; Wanzek; Watne; Wogsland

NAYS: DeMers; Freborg; Holmberg; LaFountain; Lee; Mathern; Naaden; Nelson, C.; Nelson, G.; Redlin; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Urlacher; Yockim

Engrossed HB 1052 passed, the title was agreed to, but the emergency clause lost for lack of two-thirds majority.

CONSIDERATION OF AMENDMENTS

HB 1326, as engrossed: SEN. O'CONNELL (Transportation Committee) MOVED that the amendments on SJ page 1088 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1326: A BILL for an Act to create and enact a new subsection to section 43-28-25 of the North Dakota Century Code, relating to the practice of dentistry.

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, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; Grindberg; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Solberg; St. Aubyn

Engrossed HB 1326, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1392, as engrossed: SEN. KELSH (Transportation Committee) MOVED that the amendments on SJ pages 1089-1090 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1392: A BILL for an Act to create and enact a new chapter to title 39 of the North Dakota Century Code, relating to motor carriers of household goods.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1392, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1407, as engrossed: SEN. SCHOBINGER (Transportation Committee) MOVED that the amendments on SJ page 1090 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1407: A BILL for an Act to create and enact two new sections to chapter 43-11 of the North Dakota Century Code, relating to master esthetician, master manicurist and homebound licenses; and to amend and reenact sections 43-11-01, 43-11-21, subsection 1 of section 43-11-26, and subdivision a of subsection 1 of section 43-11-28 of the North Dakota Century Code, relating to cosmetology licenses and fees.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Freborg; Solberg; Tallackson

Engrossed HB 1407, as amended, passed and the title was agreed to.

MOTION

SEN. DEMERS MOVED that Engrossed HB 1452 be amended as follows, which motion prevailed.

That the proposed amendments to Engrossed House Bill No. 1452 as printed on pages 1090 and 1091 of the Senate Journal be amended as follows:

Page 1091 of the Senate Journal, line 12, after "work" insert "only"

Re-number accordingly

CONSIDERATION OF AMENDMENTS

HB 1452, as engrossed: SEN. DEMERS (Political Subdivisions Committee) MOVED that the amendments on SJ pages 1090-1091 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1452: A BILL for an Act to create and enact chapter 48-01.1 and a new section to chapter 48-02 of the North Dakota Century Code, relating to public construction and public improvement contracts; to amend and reenact sections 11-11-26, 15-47-15, 25-01.1-33, 39-03-08.1, 40-22-06, 40-22-19, 40-22-29, 40-24-19, 40-28-07, 40-29-07, 40-31-04, 40-33.2-09, subsection 7 of section 40-33.3-06, sections 40-49-14, 43-07-11, 48-02-10.1, 48-02-13, 48-02-15, 48-05-12, 57-40.2-14, 61-07-09, 61-12-25, 61-16.1-14, 61-21-25, 61-21-45, and 61-24.3-03.1 of the North Dakota Century Code, relating to public construction and public improvement contracts; and to repeal sections 11-11-31, 40-22-20, 40-22-22, 40-22-23, 40-22-24, 40-22-25, 40-22-27, 40-22-30, 40-22-31, 40-22-32, 40-22-33, 40-22-34, 40-28-08, 40-29-08, 40-31-03, 48-01-01, 48-01-01.1, 48-01-02, 48-01-03, 48-01-04, 48-01-05, 48-01-06, 48-02-01, 48-02-02, 48-02-03, 48-02-04, 48-02-05, 48-02-05.1, 48-02-06, and 48-02-06.1 of the North Dakota Century Code, relating to public construction and public improvement contracts.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1452, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1051, as engrossed: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 1112-1113 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1051: A BILL for an Act relating to product liability actions against manufacturers of general aviation light aircraft.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 44 YEAS, 4 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Heinrich; LaFountain; Scherber; Stenehjem, W.

ABSENT AND NOT VOTING: Stenehjem, B.

Engrossed HB 1051, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1243: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 1113-1115 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1243: A BILL for an Act relating to aftermarket risk contracts and insurance requirements for purchasers of aircraft and aircraft components manufactured in this state.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Largley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelsor, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: LaFountain; Scherber; Stenehjem, W.

HB 1243, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1289, as engrossed: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 1115 be adopted and then be placed on the Fourteenth order with DO PASS, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1289: A BILL for an Act to create and enact two new sections to chapter 10-30.4 of the North Dakota Century Code, relating to the establishment of the technology transfer economic development fund and the authority of technology transfer, incorporated; to amend and reenact sections 4-01-19, 6-09.10-02.1, 10-30.3-11, and 10-30.4-03 of the North Dakota Century Code, relating to an agriculture marketing bureau, the duties of the credit review board, the income level requirement of the North Dakota future fund, and the organization and management of technology transfer, incorporated; and to provide a continuing appropriation.

MOTION

SEN. GOETZ MOVED that the question be put at 12:11 p.m., 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 29 YEAS, 20 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Malewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Tomac; Wogsland; Yockim

Engrossed HB 1289, as amended, passed and the title was agreed to.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Sens. Gerry Meyer, Dale Marks, and Gene Hilken.

REQUEST

SEN. MATHERN REQUESTED that Engrossed HB 1326, as amended, be held over at the Senate desk for one day for the purpose of reconsideration, and that the Journal reflect this request, which request was granted.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:00 p.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2101 as printed on SJ page 1036 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2101: Sens. Traynor, W. Stenehjem, C. Nelson.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do not concur in the House amendments to Engrossed SB 2349 as printed on SJ pages 1048-1049 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2349: Sens. Traynor, W. Stenehjem, LaFountain.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. TRAYNOR MOVED that the Senate do not concur in the House amendments to Reengrossed SB 2463 as printed on SJ page 1047 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Reengrossed SB 2463: Sens. Traynor, Freborg, Heitkamp.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. THANE MOVED that the Senate do not concur in the House amendments to Engrossed SCR 4049 as printed on SJ page 1041 and that a conference committee be appointed to meet with a like committee from the House, which motion prevailed on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SCR 4049: Sens. Thane, B. Stenehjem, Mathern.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1027, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1027: Sens. W. Stenehjem, Traynor, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1032, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1032: Sens. Watne, Traynor, LaFountain.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1082, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1082: Sens. Traynor, Watne, LaFountain.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1165, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1165: Sens. W. Stenehjem, Traynor, LaFountain.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on Engrossed HB 1223, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1223: Sens. W. Stenehjem, Traynor, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1436, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1436: Sens. Watne, W. Stenehjem, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. W. STENEHJEM MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HCR 3017, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HCR 3017: Sens. Traynor, Watne, LaFountain.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your Delayed Bills Committee (Sen. Freborg, Chairman) has examined and has cast a unanimous ballot to recommend the introduction of a concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

The resolution will be SCR 4067.

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

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Holmberg, DeMers, Krebsbach, Mutch, Redlin, Schobinger, St. Aubyn, W. Stenehjem, Watne and Reps. Christenson, Clayburgh, Delmore, Glassheim,

Klein, Kliniske, Lloyd, Maragos, Mickelson, Nottestad, Poolman, Price, Shide, Svedjan, Timm, Tollefson, Walker, Wentz introduced:

(Approved by the Delayed Bills Committee)

SCR 4067: A concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

Was read the first time.

MOTION

SEN. HOLMBERG MOVED that the rules be suspended, that SCR 4067 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for second reading and final passage, which motion prevailed.

Sens. Holmberg, DeMers, Krebsbach, Mutch, Redlin, Schobinger, St. Aubyn, W. Stenehjem, Watne and Reps. Christenson, Clayburgh, Delmore, Glasheim, Klein, Kliniske, Lloyd, Maragos, Mickelson, Nottestad, Poolman, Price, Shide, Svedjan, Timm, Tollefson, Walker, Wentz introduced:

(Approved by the Delayed Bills Committee)

SENATE CONCURRENT RESOLUTION NO. 4067

A concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

WHEREAS, the Grand Forks Air Force Base and the Minot Air Force Base have served the nation admirably since 1957; and

WHEREAS, both the Grand Forks Air Force Base and the Minot Air Force Base serve dual missions, including the housing of minuteman missile wings; and

WHEREAS, continued maintenance of dual-mission bases provides the most efficient and economical use of government resources; and

WHEREAS, over the past 38 years, the communities of Grand Forks and Minot have developed strong social, cultural, and economic bonds with the Grand Forks and Minot Air Force bases and the personnel assigned to those bases;

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

That the Fifty-fourth Legislative Assembly expresses support for the maintenance of the current missions of the Grand Forks Air Force Base and the Minot Air Force Base and urges the Base Closure and Realignment Commission to recognize the important strategic and economic advantages of both facilities; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to the leaders of the Air Force base retention groups in Grand Forks and Minot and the mayors of Grand Forks and Minot.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4067: A concurrent resolution expressing support for the Grand Forks Air Force Base and the Minot Air Force Base.

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

SCR 4067 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. HOLMBERG MOVED that the vote by which SCR 4067 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. HOLMBERG MOVED that SCR 4067 be messaged to the House immediately, which motion prevailed.

FIRST READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution celebrating the 100th year of women serving in state legislatures.

Was read the first time.

MOTION

SEN. NALEWAJA MOVED that the rules be suspended, that HCR 3047 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and be placed on the calendar for second reading and final passage, which motion prevailed.

Reps. Aarsvold, Austin, Bateman, Belter, Berg, Bernstein, Boehm, Boucher, Brown, Byerly, Carlisle, Carlson, Christenson, Christopherson, Clark, Clayburgh, Coats, Dalrymple, Delmore, Delzer, DeKrey, DeWitz, Dobrinski, Dorso, Drovdal, Freier, Froseth, Galvin, Gerntholz, Glassheim, Gorder, Gorman, Grosz, Grumbo, Gulleason, Gurter, Hagle, Hanson, Hausauer, D. Henegar, K. Henegar, Holm, Howard, Huether, Jacobs, Johnson, Kaldor, Keiser, Kelsch, Kempenich, Kerzman, Klein, Kliniske, Koppelman, Kretschmar, Kroeber, Kunkel, Laughlin, Lloyd, Mahoney, Maragos, Martin, Martinson, Mickelson, Monson, Mutzenberger, Nicholas, Nichols, Nottestad, Oban, Olson, Payne, Poolman, Price, Rennerfeldt, Retzer, Rydell, Sabby, Sandvig, Schimke, Schmidt, Shide, Sitz, Skarphol, Soukup, Stenehjem, Svedjan, Sveen, Thompson, Thoreson, Timm, Tollefson, Torgerson, Wald, Walker, Wardner, Wentz, Wilkie and Sens. Andrist, Bowman, Christmann, DeMers, Freborg, Goetz, Grindberg, Heinrich, Heitkamp, Holmberg, Kelsh, Kinnoin, Krauter, Krebsbach, Kringstad, Langley, LaFountain, Lee, Lindaas, Lips, Mathern, Mushik, Mutch, Naaden, Nalewaja, C. Nelson, G. Nelson, Nething, O'Connell, Redlin, Robinson, Sand, Scherber, Schobinger, Solberg, St. Aubyn, B. Stenehjem, W. Stenehjem, Streibel, Tallackson, Tennefos, Thane, Tomac, Traynor, Urlacher, Wanzek, Watne, Wogsland, Yockim introduced:

(Approved by the Delayed Bills Committee)

HOUSE CONCURRENT RESOLUTION NO. 3047

A concurrent resolution celebrating the 100th year of women serving in state legislatures.

WHEREAS, women were elected to serve in state Legislative Assemblies even before American women received the right to vote; and

WHEREAS, in January 1895, the first three women were sworn in to serve as state legislators; and

WHEREAS, women have served diligently and enthusiastically in this Legislative Assembly and have devoted their lives to their communities and to this state; and

WHEREAS, the knowledge, expertise, and wise leadership of women legislators have served this state well in the past and will enhance the quality of our legislation in the Twenty-first Century; and

WHEREAS, the Legislative Assembly recognizes the outstanding contributions and accomplishments made by former and current women legislators; and

WHEREAS, the Legislative Assembly recognizes the need to celebrate the role of women in the Legislative Assembly and in the development of the state and to encourage public knowledge and awareness of the roles they have played and continue to play; and

WHEREAS, the National Foundation for Women Legislators, Incorporated, which serves as the educational arm of the National Order of Women

Legislators, the oldest professional association of women legislators in this country, is coordinating state, regional, and national celebrations to commemorate 100 years of women serving in state legislatures;

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

That the Legislative Assembly of North Dakota joins in the 100th year celebration of women in state legislatures and extends its appreciation to all the women who have served and are serving in the North Dakota Legislative Assembly; and

BE IT FURTHER RESOLVED, that the Secretary of State forward a copy of this resolution to every woman legislator serving in the Legislative Assembly, to every woman legislator, still living, who has served in the North Dakota Legislative Assembly, and to the National Foundation for Women Legislators, Incorporated.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3047: A concurrent resolution celebrating the 100th year of women serving in state legislatures.

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

HCR 3047 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. NALEWAJA MOVED that the vote by which HCR 3047 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. NALEWAJA MOVED that HCR 3047 be messaged to the House immediately, which motion prevailed.

CONSIDERATION OF AMENDMENTS

HB 1325, as engrossed: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 1116 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion failed on a verification vote. Engrossed HB 1325 was placed on the Fourteenth order.

SECOND READING OF HOUSE BILL

HB 1325: A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to chapter 15-36 of the North Dakota Century Code, relating to contracts for the provision of classroom instruction; to amend and reenact subsection 10 of section 15-29-08, section 15-36-12, subsection 11 of section 15-39.1-04, sections 15-41-25 and 15-47-42 of the North Dakota Century Code, relating to teacher certification; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 17 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kinnoin; Mutch; Naaden; Nelson, G.; Nething; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher; Wanzek

NAYS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber;

Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac;
Traynor; Watne; Wogsland; Yockim

Engrossed HB 1325 lost.

CONSIDERATION OF AMENDMENTS

HB 1337, as engrossed: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 1116 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1337: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to gains for individual income tax purposes derived from sale of stock of certain corporations that have relocated to this state; 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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzen; Watne; Wogsland; Yockim

Engrossed HB 1337, as amended, passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HCR 3006: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ page 1116 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3006: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of utilizing institutions of higher education to provide educational options and opportunities for North Dakota high school students.

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

HCR 3006, as amended, was declared adopted on a voice vote, and the title was agreed to.

CONSIDERATION OF AMENDMENTS

HB 1286, as engrossed: SEN. HEINRICH (Education Committee) MOVED that the amendments on SJ page 1018 be adopted and then be placed on the Fourteenth order with **DO PASS**, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1286: A BILL for an Act to amend and reenact section 28-25-11 of the North Dakota Century Code, relating to the suspension of an occupational or professional license for nonpayment of a defaulted state guaranteed student loan.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 3 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: O'Connell; Schobinger; Tallackson

Engrossed HB 1286, as amended, passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4042: A concurrent resolution for the amendment of section 25 of article XI of the Constitution of North Dakota, relating to the conduct of a lottery.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 10 YEAS, 39 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krebsbach; Mushik; Tallackson; Tomac; Wogsland

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krauter; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

SCR 4042 lost.

SECOND READING OF HOUSE BILL

HB 1076: A BILL for an Act to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to compensation of members of the legislative assembly; 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 NOT PASS, the roll was called and there were 0 YEAS, 49 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1076, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1129: A BILL for an Act to amend and reenact section 1 of chapter 573 of the 1991 Session Laws, relating to the centennial trees program and administration of the program by the state forester; and to provide for legislative intent.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Urlacher

Engrossed HB 1129, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1138: A BILL for an Act to amend and reenact subsections 5 and 6 of section 6-09.4-03, section 6-09.4-05, and subsection 4 of section 6-09.4-10 of the North Dakota Century Code, relating to the definitions applicable to the municipal bond bank, the lending powers of the municipal bond bank, and required debt service reserve for bonds of the municipal bond bank.

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 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: DeMers; LaFountain

HB 1138, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:35 p.m., which motion prevailed.

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

SECOND READING OF HOUSE BILL

HB 1276: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to a health insurance mandate review committee and to limitations on proposed legislation mandating, modifying, or eliminating health insurance coverage.

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 3 YEAS, 46 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Tallackson; Thane; Yockim

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

Engrossed HB 1276, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1344: A BILL for an Act to amend and reenact section 57-15-37.1 of the North Dakota Century Code, relating to township levies for airport purposes; and to provide an effective date.

MOTION

SEN. TOMAC MOVED that Engrossed HB 1344 be amended as follows, which motion prevailed on a verification vote.

In addition to the amendments to Engrossed House Bill No. 1344 as printed on page 957 of the Senate Journal, Engrossed House Bill No. 1344 is further amended as follows:

Page 1, line 14, remove "division of the"

Page 1, line 15, remove the overstrike over "~~to any city, park district, or other taxing district that~~" and remove "if"

Page 1, line 16, remove "the township is", remove the overstrike over "~~has~~", and remove "within an established taxing district for"

ReNUMBER accordingly

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 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Grindberg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; Langley; Lindaas; Mushik; Naaden; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Tallackson; Tomac; Watne; Wogsland; Yockim

NAYS: Bowman; Christmann; DeMers; Freborg; Goetz; Holmberg; Krebsbach; LaFountain; Lee; Lips; Mathern; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek

Engrossed HB 1344, as amended, lost.

SECOND READING OF HOUSE BILL

HB 1378: A BILL for an Act to create and enact a new section to chapter 25-16 of the North Dakota Century Code, relating to residential care and services for the developmentally disabled.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Kringstad

HB 1378, as amended, passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1012: A BILL for an Act to provide an appropriation for defraying the expenses of the council on the arts and an appropriation of funds from the cultural endowment fund.

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 40 YEAS, 9 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Andrist; DeMers; Heitkamp; Krauter; LaFountain; Mathern; Nelson, C.; Tomac; Yockim

HB 1012 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1020: A BILL for an Act making an appropriation for defraying the expenses of the office of administrative hearings.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1020 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1055: A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to accounts maintained by state agencies at banks other than the Bank of North Dakota.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Reengrossed HB 1055 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1145: A BILL for an Act to create and enact two new sections to chapter 10-30.2 of the North Dakota Century Code, relating to the conversion of the operations and resources of the Myron G. Nelson Fund, Incorporated, to a small business investment corporation; to amend and reenact sections 6-03-38, 7-02-10, 10-04-05, 10-04-06, subsection 2 of section 10-30.2-01, sections 10-30.2-07, 10-30.2-11, 10-30.2-12, 10-30.2-13.1, 10-30.2-14, 26.1-05-19, subdivision p of subsection 1 of section 57-38-01.2, and subdivision h of subsection 1 of section 57-38-01.3 of the North Dakota Century Code, relating to reporting requirements and tax credits and permitting investment in the Myron G. Nelson Fund, Incorporated, and a small business investment company; and to repeal chapter 6-09.2 and sections 10-30.2-02, 10-30.2-03, 10-30.2-04, 10-30.2-05, 10-30.2-06, 10-30.2-08, 10-30.2-09, and 10-30.2-10 of the North Dakota Century Code, relating to industrial development bonds and the creation and operation of the Myron G. Nelson Fund, Incorporated.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

HB 1145 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1146: A BILL for an Act to amend and reenact sections 23-29.1-15 and 23-29.1-16 of the North Dakota Century Code, relating to mandatory participation in the municipal waste landfill release compensation fund.

MOTION

SEN. GOETZ MOVED the time certain at 5:45 p.m., which motion prevailed.

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 22 YEAS, 27 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Freborg; Goetz; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mushik; O'Connell; Redlin; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wogsland

NAYS: Andrist; Christmann; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mathern; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Wanzek; Watne; Yockim

HB 1146 lost.

SECOND READING OF HOUSE BILL

HB 1177: A BILL for an Act to amend and reenact sections 4-10.5-07 and 4-10.5-08 of the North Dakota Century Code, relating to assessments for soybean promotion.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed HB 1177 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1194: A BILL for an Act to create and enact a new section to chapter 26.1-26 of the North Dakota Century Code, relating to a statute of limitations for insurance agents and brokers.

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 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Freborg; Grindberg; Kelsh; Krebsbach; Kringstad; Lee; Lips; Mutch; Nalewaja; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; Streibel; Tallackson; Tennefos; Thane; Wanzek

NAYS: Bowman; DeMers; Goetz; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mushik; Naaden; Nelson, C.; Redlin; Scherber; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

HB 1194 lost.

SECOND READING OF HOUSE BILL

HB 1217: A BILL for an Act to amend and reenact section 65-01-01 of the North Dakota Century Code, relating to the purposes of the workers' compensation law.

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 35 YEAS, 13 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanek; Watne

NAYS: DeMers; Heinrich; Holmberg; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Nelson, C.; O'Connell; Scherber; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

HB 1217 passed and the title was agreed to.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1030, HB 1074, HB 1075, HB 1160, HB 1180, HB 1218, HB 1264, HB 1269, HB 1271, HB 1279, HB 1287, HB 1315, HB 1328, HB 1330, HB 1331, HB 1332, HB 1334.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The President has signed: HB 1054, HB 1086, HB 1099, HB 1141, HB 1173, HB 1175, HB 1184, HB 1187, HB 1189, HB 1196, HB 1216, HB 1247, HB 1263.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed unchanged: HCR 3047.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4067.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2101, SB 2349, SB 2463, and SCR 4049 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2101: Sens. Traynor; W. Stenehjem; C. Nelson
 SB 2349: Sens. Traynor; W. Stenehjem; LaFountain
 SB 2463: Sens. Traynor; Freborg; Heitkamp
 SCR 4049: Sens. Thane; B. Stenehjem; Mathern

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

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

HB 1027: Sens. W. Stenehjem; Traynor; C. Nelson
 HB 1032: Sens. Watne; Traynor; LaFountain
 HB 1082: Sens. Traynor; Watne; LaFountain
 HB 1165: Sens. W. Stenehjem; Traynor; LaFountain
 HB 1223: Sens. W. Stenehjem; Traynor; C. Nelson
 HB 1436: Sens. Watne; W. Stenehjem; C. Nelson
 HCR 3017: Sens. Traynor; Watne; LaFountain

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1089 and HB 1151 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1089: Reps. Kelsch; DeKrey; Delmore

HB 1151: Reps. Monson; Mickelson; Grumbo

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 2439: Reps. Svedjan; K. Henegar; Kerzman

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 2349: Reps. Berg; Johnson; Boucher

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2004, SB 2017.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2004

Page 1, replace lines 12 through 14 with:

"Administration	\$ 240,655
Division of local government audits	1,046,622
Division of state audits	2,943,229
Mineral royalty auditing	<u>612,059"</u>

Page 1, line 15, replace "4,901,668" with "4,842,565"

Page 1, line 17, replace "3,247,624" with "3,188,521"

Page 1, line 19, replace "\$1,291,871" with "\$1,042,314"

Page 1, line 21, replace "\$1,291,871" with "\$1,042,314"

Page 2, after line 14, insert:

"SECTION 5. DEPUTY POSITION. The state auditor may fund a deputy state auditor position only to the extent funds are available within the agency's appropriation."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

HOUSE - This amendment makes the following changes to the State Auditor's programs:

	SENATE VERSION	HOUSE CHANGES	HOUSE VERSION
Administration	\$ 240,655		\$ 240,655
Division of local government audits	1,046,622		1,046,622
Division of state audits	3,002,332	\$(59,103)	2,943,229
Mineral royalty auditing	<u>612,059</u>		<u>612,059</u>
Total	\$4,901,658	\$(59,103)	\$4,842,565

This amendment makes the following line item changes:

	SENATE VERSION	REMOVE POSITION ADDED IN EXECUTIVE BUDGET	AUTHORIZE UNFUNDED DEPUTY POSITION	TOTAL HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$4,314,482	\$(59,103)		\$(59,103)	\$4,255,379
Operating expenses	530,786				530,786
Equipment	<u>56,400</u>				<u>56,400</u>
Total all funds	\$4,901,668	\$(59,103)		\$(59,103)	\$4,842,565
Less estimated income	<u>1,654,044</u>				<u>1,654,044</u>
Total general fund	\$3,247,624	\$(59,103)		\$(59,103)	\$3,188,521
FTE	54	(1)	1	0	54

This amendment also authorizes but does not fund a deputy state auditor position.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2017

Page 1, line 3, after "cemetery" insert "; to provide for a transfer from the veterans' postwar trust fund; and to amend and reenact section 54-45-03 of the North Dakota Century Code, relating to the administration of the civil air patrol by the adjutant general"

Page 1, line 13, replace "2,435,834" with "2,623,889"

Page 1, line 17, replace "410,720" with "373,950"

Page 1, line 19, replace "6,395,570" with "6,738,800"

Page 1, line 20, replace "923,250" with "1,498,250"

Page 1, line 21, replace "4,235,227" with "5,082,300"

Page 1, after line 21, insert:
"Civil air patrol

92,454"

Page 2, line 1, replace "16,830,365" with "18,839,407"

Page 2, line 2, replace "9,940,126" with "11,647,180"

Page 2, line 3, replace "6,890,239" with "7,192,227"

Page 2, line 4, replace "\$130,000" with "\$330,000"

Page 2, after line 15, insert:

"SECTION 4. SPECIAL FUNDS. The amount of \$375,000, or so much of the amount as is necessary, included in the estimated income line item in section 1 of this Act is to be spent from earnings of the veterans' postwar trust fund for the tuition programs provided for in chapters 37-07.1 and 37-07.2 for the biennium beginning July 1, 1995, and ending June 30, 1997.

SECTION 5. TRANSFER - APPROPRIATION. Notwithstanding the provisions of section 37-14-14, there is hereby appropriated and the state treasurer shall transfer, on December 31, 1996, the sum of \$1,000,000, from the principal balance of the veterans' postwar trust fund to the adjutant general for deposit in the North Dakota militia foundation, for the purpose of establishing a permanent endowment fund for the operations of the veterans' cemetery.

SECTION 6. AMENDMENT. Section 54-45-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-45-03. Expenditure of funds - Limitation. The commanding officer, North Dakota wing, civil air patrol, may expend appropriated grant funds as administered by the ~~aeronautics commission~~ adjutant general. A report of expenditure of grant funds must be issued to the ~~aeronautics commission~~ adjutant general annually. A general fund grant line item must be appropriated within the ~~aeronautics commission's~~ adjutant general's budget. These funds may be expended to support the mission of the civil air patrol as determined by the commanding officer. No funds may be expended for uniforms or personal equipment of any member of the civil air patrol. All state equipment on inventory with the civil air patrol on July 7, 1991, and related to the mission of the civil air patrol must be transferred to the North Dakota wing of the civil air patrol."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

HOUSE - This amendment makes the following changes:

	SENATE VERSION	RESTORE VACANT POSITIONS ¹	MOVE CIVIL AIR PATROL TO A SEPARATE LINE	TUITION WAIVER PROGRAM ²	HOUSE CHANGES	HOUSE VERSION
Salaries and wages	\$ 2,435,834	\$ 243,739	\$(55,684)		\$ 188,055	\$ 2,623,889
Operating expenses	2,350,464					2,350,464
Equipment	52,800					52,800
Capital improvements	25,000					25,000
Grants	410,720		(36,770)		(36,770)	373,950
Inauguration	1,500					1,500
Army Guard contract	6,395,570	343,230			343,230	6,738,800
Tuition and enlistment compensation	923,250			\$575,000	575,000	1,498,250
Air Guard contract	4,235,227	847,073			847,073	5,082,300
Civil Air Patrol			92,454		92,454	92,454
Total all funds	\$16,830,365	\$1,434,042	\$ 0	\$575,000	\$2,009,042	\$18,039,407
Less estimated income	<u>9,940,126</u>	<u>1,132,054</u>		<u>575,000</u>	<u>1,707,054</u>	<u>11,647,180</u>
Total general fund	\$ 6,890,239	\$ 301,988	\$ 0	\$ 0	\$ 301,988	\$ 7,192,227
FTE	112	23			23	135

¹ The House amendment restores all 23 vacant FTE positions and the related funding removed by the Senate.

² House Bill No. 1249 (1995) increases the tuition waiver from 75 percent to 100 percent. The total increase of \$575,000 includes \$375,000 from the veterans' postwar trust fund and \$200,000 from the National Guard tuition trust fund.

The amendment also adds a section transferring \$1 million from the veterans' postwar trust fund to the North Dakota Militia Foundation to establish a permanent endowment fund for the operations of the Veterans' Cemetery.

The amendment also amends section 54-45-03 of the North Dakota Century Code relating to the administration of the Civil Air Patrol by the Adjutant General instead of the Aeronautics Commission.

MOTION

SEN. G. NELSON MOVED that Senate Rule 507 be amended to read "House bills and resolutions must be reported back to the Senate by the fifty-sixth legislative day", which motion prevailed.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:30 a.m., Thursday, March 23, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

HB 1011, as engrossed: Appropriations Committee (Sen. Mething, Chairman) recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1011 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1016, as engrossed: Appropriations Committee (Sen. Mething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1016 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "; to repeal chapter 54-56 of the"

Page 1, remove line 3

Page 1, line 4, remove "committee; and to provide an effective date"

Page 1, line 16, replace "3,550,00" with "3,550,000"

Page 2, replace lines 15 through 18 with:

"SECTION 5. LEGISLATIVE INTENT - FUNCTION OF REGIONAL AND TRIBAL CHILDREN'S SERVICES COORDINATING COMMITTEES. It is the intent of the legislative assembly that each regional and tribal children's services coordinating committee function as a regional planning committee to monitor and coordinate children's services in each region and that the regional and tribal children's services coordinating committees do not directly provide services or programs unless the services or programs were being provided on January 1, 1995, for the biennium beginning July 1, 1995, and ending June 30, 1997."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 324 - CHILDREN'S SERVICES COORDINATING COMMITTEE

SENATE - A section of legislative intent is added providing that the regional and tribal children's services coordinating committees function as a regional planning committee to monitor and coordinate children's services in each region and precluding the committees from directly providing services or programs unless the services or programs were being provided on January 1, 1995.

The section added by the House eliminating the Children's Services Coordinating Committee on July 1, 1997, is removed.

REPORT OF STANDING COMMITTEE

HB 1017, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed HB 1017 was placed on the Sixth order on the calendar.

Page 1, line 18, replace "4,475,550" with "4,635,147"

Page 2, line 3, replace "35,185,704" with "35,345,301"

Page 2, line 4, replace "16,326,518" with "16,486,115"

Page 2, line 8, replace "11,560,606" with "12,092,826"

Page 2, line 13, replace "23,125,613" with "23,657,833"

Page 3, line 1, replace "2,147,744" with "2,252,671"

Page 3, line 6, replace "22,642,508" with "22,747,435"

Page 3, line 8, replace "79,704,406" with "80,501,150"

Page 3, line 9, replace "104,393,592" with "105,190,336"

Page 4, line 10, replace "\$17,640" with "\$178,640"

Page 4, line 12, after the comma insert "of which \$17,640"

Page 4, line 13, after "bank" insert "and \$161,000 to the extent available is from reserves of the municipal bond bank" and after "The" insert "available"

Page 6, line 19, remove "Upon reaching a capitalization of \$100,000,000, the industrial"

Page 6, remove line 20

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - This amendment makes the following changes:

	HOUSE VERSION	ADD BACK OIL AND GAS DIRECTOR'S POSITION	ADD AN UNFUNDED GEOLOGIST III POSITION	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 4,475,550	\$159,597		\$159,597	\$ 4,635,147
Operating expenses	1,495,513				1,495,513
Equipment	47,000				47,000
Administrative contingency	10,000				10,000
Bond payments	15,161,555				15,161,555
Lignite research grants	<u>13,996,086</u>				<u>13,996,086</u>
Total all	\$35,185,704	\$159,597		\$159,597	\$35,345,301

funds					
Less estimated income	<u>16,326,518</u>	<u>159,597</u>	<u> </u>	<u>159,597</u>	<u>16,486,115</u>
Total general fund	\$18,859,186	\$ 0	\$ 0	\$ 0	\$18,859,186
FTE	52	1	1	2	54

The amendment also provides for a transfer of \$161,000 from the reserves of the Municipal Bond Bank or other sources to the Industrial Commission. The Oil and Gas Division director's salary may be paid from these funds or from funds becoming available as a result of reduced expenditures in other areas of the Industrial Commission budget.

The Geological Survey may employ an additional geologist III, if sufficient funds become available because of Industrial Commission budget savings.

DEPARTMENT 471 - BANK OF NORTH DAKOTA

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$11,560,606	\$532,220	\$532,220	\$12,092,826
Operating expenses	9,945,307			9,945,307
Equipment	614,700			614,700
Capital improvements	205,000			205,000
Contingency	<u>800,000</u>	<u> </u>	<u> </u>	<u>800,000</u>
Total special funds	\$23,125,613	\$532,220	\$532,220	\$23,657,833
FTE	168	6	6	174

DEPARTMENT 473 - HOUSING FINANCE AGENCY

SENATE - This amendment makes the following changes:

	HOUSE VERSION	RESTORE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 2,147,744	\$104,927	\$104,927	\$ 2,252,671
Operating expenses	602,937			602,937
Equipment	75,000			75,000
Grants	19,716,827			19,716,827
Contingency	<u>100,000</u>	<u> </u>	<u> </u>	<u>100,000</u>
Total special funds	\$22,642,508	\$104,927	\$104,927	\$22,747,435
FTE	29	2	2	31

REPORT OF STANDING COMMITTEE

HB 1018, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1018 was placed on the Sixth order on the calendar.

Page 1, line 2, after "rehabilitation" insert "; and to declare an emergency"

Page 2, line 10, replace "5,917,956" with "6,141,310"

Page 2, line 11, replace "1,350,386" with "1,337,886"

Page 2, line 15, replace "8,047,142" with "8,257,996"
Page 2, line 16, replace "3,581,166" with "2,192,020"
Page 2, line 17, replace "4,465,976" with "6,065,976"
Page 2, line 26, replace "2,825,864" with "2,778,864"
Page 2, line 27, replace "18,525,383" with "18,572,383"
Page 3, line 8, replace "1,674,226" with "1,682,291"
Page 3, line 9, replace "352,900" with "365,338"
Page 3, line 10, replace "4,855,510" with "4,971,693"
Page 3, remove line 11
Page 3, line 15, replace "30,770,366" with "32,587,366"
Page 3, line 16, replace "19,910,263" with "18,474,117"
Page 3, line 17, replace "50,680,629" with "51,061,483"
Page 3, after line 27, insert:

"SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$170,000, or so much of the sum as may be necessary, to the department of corrections and rehabilitation for the purpose of defraying the expenses of the state industrial school, for the period beginning January 1, 1995, and ending June 30, 1995.

SECTION 5. EMERGENCY. Section 4 of this Act is declared to be an emergency measure."

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 533 - INDUSTRIAL SCHOOL

SENATE - This amendment makes the following changes:

	1995-97	1997-98		1998-99		1999-00		2000-01		2001-02	
	100000000	00000000	00000000	00000000	00000000	00000000	00000000	00000000	00000000	00000000	00000000
Salaries and wages	\$0,107,041	\$178,887	\$1,311,388	\$718,854	\$17,588						
Operating expenses	1,353,188		1,353,188		(17,588)						
Equipment	89,419		89,419								
Capital improvements	798,371	399,399	598,371								
Instructional	<u>199,999</u>		<u>199,999</u>								
Medical fees											
Total	\$0,311,877	\$ 35,315	\$0,347,147	\$718,854	\$ 0	\$ 0	\$ 0	\$ 718,854	\$0,757,998	\$178,888	\$0,477,998
General Fund	\$3,847,778	\$ 618,786	\$4,466,564			\$ 1,399,999	\$ 399,999	\$ 1,399,999	\$0,805,416	\$178,888	\$0,731,416
Special funds	<u>4,185,857</u>	<u>(587,892)</u>	<u>3,597,965</u>	<u>(718,854)</u>		<u>(1,399,999)</u>	<u>(399,999)</u>	<u>(1,399,999)</u>	<u>(7,147,479)</u>	<u>(7,147,479)</u>	<u>(7,147,479)</u>
Total	\$0,311,877	\$ 35,315	\$0,347,147	\$718,854	\$ 0	\$ 0	\$ 0	\$ 718,854	\$0,757,998	\$178,888	\$0,477,998
FFY	86.77	141	87.77	1					85.77		85.77

1 This amendment restores the FFY authority removed by the House and a portion of the related funding as follows:

	General Fund	Special Funds	Total
Teacher I		\$ 88,416	\$ 88,416
[The House removed a human services program administrator I.]			
Director II		49,589	49,589
[The House removed a human relations counselor I.]			
Director of education		<u>199,999</u>	<u>199,999</u>
Total	\$ 0	\$78,004	\$78,004

2 This covers salaries and wages and reduces operating expenses by \$17,588 to pay part-time temporary secretarial staff.

3 General fund authority is increased by \$1,399,999 and special funds authority is reduced by \$1,399,999 to reflect the federal IV A emergency assistance funds that were included in the Industrial School budget but are not anticipated to be received during the 1995-97 biennium. A total of \$1,484,678 Federal IV A funds were included in the Industrial School budget for the 1995-97 biennium.

4 This amendment replaces \$399,999 Federal Funds authority with \$399,999 general fund authority for capital improvements to reflect Federal Funds not anticipated to be available for the 1995-97 biennium. The capital projects for which the general fund authority is provided are electronic door locks in the Fine and Harkle cottages, fire suppression sprinklers in the Hickory cottage, and lavatory facilities in the Brown cottage sleeping rooms.

5 Senate changes not including the \$178,888 deficiency appropriation contained in Section 4 of House Bill No. 1018.

6 A deficiency appropriation of \$178,888 is contained in Section 4 of the bill. The deficiency is the result of an unanticipated reduction in the number of Bureau of Indian Affairs (BIA) students enrolled at the Industrial School and a corresponding reduction in the reimbursements received from the BIA. Reimbursements from the BIA were included in the agency budget as anticipated income and were to be used to pay operating expenses during the 1993-95 biennium. The agency had anticipated using Federal IV A funds to replace the funds not received from the BIA, but these funds will not be available, as described in footnote 2.

DEPARTMENT 534 - STATE PENITENTIARY

SENATE - This amendment replaces \$47,000 federal funds authority with \$47,000 general fund authority to provide the required 25 percent match for \$141,000 of federal corrections facility improvement funds, if they become available. The capital project for which the authority is provided is the construction of a west guard tower. The agency has requested \$200,000 for housing Penitentiary inmates in county jails during the remainder of the 1993-95 biennium to reduce overcrowding at the Penitentiary and \$80,000 to replace a boiler. The committee did not recommend appropriation of funds for these items but supports the expenditure of funds that may become available and can be approved for expenditure pursuant to law during the 1993-95 biennium. The amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	MATCHING FUNDS PROVIDED FOR FEDERAL CAPITAL IMPROVEMENT FUNDS	TOTAL SENATE CHANGES	SENATE VERSION
Salaries and wages	\$13,765,642		\$13,765,642			\$13,765,642
Operating expenses	6,274,605		6,274,605			6,274,605
Equipment	60,300		60,300			60,300
Capital improvements	362,700	\$188,000	550,700			550,700
Institutional medical fees	<u>700,000</u>	<u> </u>	<u>700,000</u>	<u> </u>	<u> </u>	<u>700,000</u>
Total	\$21,163,247	\$188,000	\$21,351,247	\$ 0	\$ 0	\$21,351,247
General fund	\$18,525,383		\$18,525,383	\$ 47,000	\$ 47,000	\$18,572,383
Special funds	<u>2,637,864</u>	<u>\$188,000</u>	<u>2,825,864</u>	<u>(47,000)</u>	<u>(47,000)</u>	<u>2,778,864</u>
Total	\$21,163,247	\$188,000	\$21,351,247	\$ 0	\$ 0	\$21,351,247
FTE	200		200			200

DEPARTMENT 536 - PAROLE AND PROBATION

SENATE - This amendment allocates the salary and benefit adjustment to the program line items. This amendment makes the following changes:

(By program-based line items)

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	ALLOCATION OF SALARY ADJUSTMENT LINE ITEM TO PROGRAMS	SENATE VERSION
Victim services	\$1,674,226		\$1,674,226	\$ 8,065	\$1,682,291
Institutional offender services	352,900		352,900	12,438	365,338
Community offender services	4,660,510	\$195,000	4,855,510	116,183	4,971,693
Salary and benefit adjustment	<u>136,686</u>	<u></u>	<u>136,686</u>	<u>(136,686)</u>	<u></u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$ 0	\$7,019,322
General fund	\$4,010,722		\$4,010,722		\$4,010,722
Special funds	<u>2,813,600</u>	<u>\$195,000</u>	<u>3,008,600</u>	<u></u>	<u>3,008,600</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$ 0	\$7,019,322
FTE	46.75		46.75		46.75

(By object code-based line items)

	1995-97 EXECUTIVE RECOMMENDATION	TOTAL HOUSE CHANGES	HOUSE VERSION	SENATE VERSION
Salaries and wages	\$3,484,526		\$3,484,526	\$3,484,526
Operating expenses	1,880,093	\$195,000	2,075,093	2,075,093
Equipment	15,000		15,000	15,000
Grants	<u>1,444,703</u>		<u>1,444,703</u>	<u>1,444,703</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$7,019,322
General fund	\$4,010,722		\$4,010,722	\$4,010,722
Special funds	<u>2,813,600</u>	<u>\$195,000</u>	<u>3,008,600</u>	<u>3,008,600</u>
Total	\$6,824,322	\$195,000	\$7,019,322	\$7,019,322
FTE	46.75		46.75	46.75

REPORT OF STANDING COMMITTEE

HB 1090, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). Engrossed HB 1090 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1131, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1131 was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed House Bill No. 1131 as printed on page 914 of the Senate Journal, Reengrossed House Bill No. 1131 is amended as follows:

Page 1, line 3, replace "; to provide an" with a period

Page 1, remove line 4

Page 1, line 20, remove "as follows:"

Page 1, line 21, remove "eighty percent" and remove "and twenty percent in the general"

Page 2, line 1, remove "fund of the county in which the matter arose"

Page 2, remove lines 9 through 29

Page 3, remove lines 1 and 2

Page 3, remove lines 27 and 28

Page 4, remove lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1260, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1260 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "at the request of a lessee," with "upon suggestion by" and after "board" insert "and with approval from the lessee, a lease"

Page 1, line 12, replace "modify any oil and gas lease" with "be modified"

Page 2, line 19, replace "at the request of a lessee, the lessor may modify any oil and gas" with "upon suggestion by the board and with approval from the lessee, a lease may be modified"

Page 2, line 20, remove "lease"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1284, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1284 was placed on the Sixth order on the calendar.

Page 2, line 13, after "rules" insert "is void from the time provided" and remove "is void from the time"

Page 2, line 14, remove "of adoption"

Page 3, line 16, after "If" insert "within ninety days after the effective date of a nonemergency rule change"

Page 3, line 17, replace "a" with "the nonemergency"

Page 3, line 20, remove "from the time of adoption and must be"

Page 3, line 21, remove "removed from the administrative code"

Page 3, line 22, after the first "a" insert "nonemergency" and after the second "a" insert "nonemergency"

Page 3, line 27, after "with" insert "express", after "or" insert "to substantially meet", and replace "provisions" with "procedural requirements"

Page 3, line 28, after "chapter" insert "for adoption of the rule"

Page 4, remove lines 1 and 2

Page 4, line 3, replace "f" with "e", replace the first underscored comma with "and", and replace ", or imposition of an undue" with an underscored period

Page 4, remove lines 4 through 6

Page 4, line 7, after "2." insert "Within three business days after the committee on administrative rules finds that a rule is void, the office of the legislative council shall provide written notice of that finding and the committee's specific finding under subdivisions a through e of subsection 1 to the adopting agency and to the chairman of the legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the committee on administrative rules. If within sixty days after receipt of the petition from the adopting agency the legislative council has not approved by motion the finding of the committee on administrative rules, the finding of the committee on administrative rules is void and the rule is reinstated."

3."

Page 5, line 14, replace "3" with "4"

- Page 5, line 17, after "creation" insert "does not substantially affect the substantive or procedural rights or duties of any segment of the public and"
- Page 6, line 1, after "If" insert "within ninety days after the effective date of a rule change"
- Page 6, line 3, after "a" insert "nonemergency"
- Page 6, line 7, remove "regular"
- Page 6, line 12, after the first "a" insert "nonemergency" and after the second "a" insert "nonemergency"
- Page 6, line 17, after "with" insert "express", after "or" insert "to substantially meet", and replace "provisions" with "procedural requirements"
- Page 6, line 18, after "chapter" insert "for adoption of the rule"
- Page 6, remove lines 20 and 21
- Page 6, line 22, replace "f" with "e", replace the first underscored comma with "and", and replace ", or imposition of an undue" with an underscored period
- Page 6, remove lines 23 through 25
- Page 6, line 26, after "2." insert "Within three business days after the committee on administrative rules suspends a rule, the office of the legislative council shall provide written notice of that suspension and the committee's specific finding under subdivisions a through e of subsection 1 to the adopting agency and to the chairman of the legislative council. Within fourteen days after receipt of the notice, the adopting agency may file a petition with the chairman of the legislative council for review by the legislative council of the decision of the committee on administrative rules. After receipt of the petition and before the next session of the legislative assembly, the legislative council by motion may lift the suspension and reinstate the rule's effectiveness."

3."

- Page 8, line 6, after "creation" insert "does not substantially affect the substantive or procedural rights or duties of any segment of the public and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1416, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1416 was placed on the Sixth order on the calendar.

- Page 1, line 3, after the semicolon insert "to provide an effective date;"
- Page 1, line 13, overstrike "members" and remove the overstrike over "three members"
- Page 1, line 15, remove "the speaker of the house shall appoint to the"
- Page 1, line 16, replace "council" with "three"

Page 1, line 19, overstrike "members" and remove the overstrike over "three"

Page 1, line 20, remove the overstrike over "members"

Page 1, line 21, remove the overstrike over "~~two members~~"

Page 2, line 1, remove "members"

Page 2, line 2, remove ". The speaker of the house and the lieutenant"

Page 2, remove lines 3 through 15

Page 2, line 16, remove "council"

Page 2, after line 29, insert:

"SECTION 2. AMENDMENT. Section 54-35-01 of the North Dakota Century Code as amended by section 1 of this Act is amended and reenacted as follows:

54-35-01. Council - Created - Members - Vacancy - Terms. The North Dakota legislative council, in this chapter referred to as the legislative council or the council, consists of the majority and minority leaders of the house and of the senate plus five senators and six representatives chosen biennially before the close of each regular legislative session. In the house of representatives the speaker of the house shall appoint to the council ~~three~~ four members elected by the political party with the largest number of members in the house and ~~three~~ two members elected by the political party with the next largest number of members in the house, except that the speaker must by virtue of office be one of the members appointed from the speaker's party. In the senate the lieutenant governor shall appoint to the council three members elected by the political party with the largest number of members in the senate and two members elected by the political party with the next largest number of members in the senate. Any vacancy occurring when the legislative assembly is not in session must be filled by the selection of another member of the legislative assembly belonging to the same party as the member originally appointed, the selection to be made by the remaining senate or house members of the council, depending upon which body has the vacancy. Each senator and each representative chosen to serve on the council shall serve until a new council has been selected at the next regular legislative session; provided, however, that no senator, not a holdover, who is not reelected to the senate, and no representative, who is not reelected to the house of representatives, may serve as a member of the council beyond the closing day of the term to which elected. Any vacancy occurring because any member of the council is not reelected must be filled for the period from the beginning of the session until a new council is selected, in the same manner as the original council is selected.

SECTION 3. EFFECTIVE DATE. Section 2 of this Act becomes effective on March 15, 1997."

Page 3, line 1, replace "This" with "Section 1 of this"

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1423: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). HB 1423 was placed on the Sixth order on the calendar.

Page 1, line 2, remove "54-44.2-01,"

Page 1, line 4, remove "the director of the"

Page 1, line 5, remove "information services division,"

Page 2, remove lines 21 through 29

Page 3, remove lines 1 through 22

Re-number accordingly

REPORT OF STANDING COMMITTEE

HB 1432, as engrossed: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1432 was placed on the Sixth order on the calendar.

In lieu of the amendments to Reengrossed House Bill No. 1432 as printed on pages 927 and 928 of the Senate Journal, Reengrossed House Bill No. 1432 is amended as follows:

Page 1, line 1, after "16.1-11" insert "and a new subdivision to subsection 1 of section 28-32-01"

Page 1, line 3, replace "primary" with "contest and exceptions from the definition of administrative agency"

Page 1, line 4, after the third comma insert "16.1-11-34,"

Page 1, line 5, replace "primary" with "contest"

Page 1, line 6, after the semicolon insert "to provide for application;"

Page 1, line 10, overstrike "primary" and insert immediately thereafter "contest"

Page 1, line 12, overstrike "primary" and after "~~primary~~" insert "contest"

Page 1, line 13, after "year" insert ". The presidential preference contest may be used only to instruct delegates to a national political convention and may not further the electoral process for any other purpose. No other election or vote on a measure of any kind may be held in conjunction with the presidential preference contest"

Page 1, line 17, overstrike "primary" and insert immediately thereafter "contest"

Page 1, line 19, overstrike "primary" and after "~~election~~" insert "contest"

Page 2, line 2, replace "primary" with "contest"

Page 2, line 5, replace "primary election" with "contest"

Page 2, line 7, replace "primary" with "contest"

Page 2, line 10, replace "primary" with "contest"

Page 2, line 11, replace "election" with "contest"

Page 2, line 16, replace "primary" with "contest"

Page 2, line 17, replace "following provisions apply to a presidential" with "secretary of state shall adopt rules relating to the presidential preference contest, including rules providing for the reduction of poll workers, the reduction of poll hours, the reduction of precincts, the"

arrangement of the names of candidates on the official ballot, the publication of the sample ballot, and open voting within cities or counties."

Page 2, remove lines 18 through 29

Page 3, remove lines 1 and 2

Page 3, line 5, overstrike "**primary**" and after "**election**" insert "contest"

Page 3, line 10, replace "primary" with "contest"

Page 3, line 12, overstrike "primary" and insert immediately thereafter "contest"

Page 3, line 15, overstrike "primary" and insert immediately thereafter "contest"

Page 3, line 20, overstrike "primary election" and insert immediately thereafter "contest"

Page 3, line 27, overstrike "primary" and insert immediately thereafter "contest"

Page 3, line 28, overstrike "primary" and insert immediately thereafter "contest"

Page 4, line 6, replace "primary" with "contest"

Page 4, line 7, overstrike "primary" and insert immediately thereafter "contest"

Page 4, line 12, overstrike "**primary**" and insert immediately thereafter "contest"

Page 4, line 18, replace "primary" with "contest"

Page 4, after line 21, insert:

"SECTION 8. AMENDMENT. Section 16.1-11-34 of the North Dakota Century Code is amended and reenacted as follows:

16.1-11-34. **Counting and canvassing of votes in presidential preference primary contest.** The votes cast in presidential preference primaries contests must be counted and canvassed as other votes, and after preparation of statements by the state canvassing board, the secretary of state shall certify the number of votes cast for each party candidate to the state chairman of each political party conducting a presidential preference primary contest."

Page 4, line 26, overstrike "primary election" and insert immediately thereafter "contest"

Page 4, line 29, overstrike "election" and insert immediately thereafter "contest"

Page 5, line 2, overstrike "election" and insert immediately thereafter "contest"

Page 5, after line 4, insert:

"SECTION 10. A new subdivision to subsection 1 of section 28-32-01 of the 1993 Supplement to the North Dakota Century Code is created and enacted as follows:

The secretary of state with respect to rules adopted for the presidential preference contest under section 4 of this Act."

Page 5, line 9, replace "primary election" with "contest"

Page 5, after line 10, insert:

"SECTION 12. APPLICATION. This Act is not a statewide election for the purpose of a vote on a referred or initiated measure as provided in section 5 of article III of the Constitution of North Dakota. Any action by the North Dakota supreme court to the contrary renders this Act void."

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1461, as reengrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (10 YEAS, 4 NAYS, 0 ABSENT AND NOT VOTING). Reengrossed HB 1461 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1488, as engrossed: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1488 was placed on the Sixth order on the calendar.

Page 1, line 20, replace "thirtieth" with "fiftieth"

Page 2, line 2, replace "thirtieth" with "fiftieth"

Page 3, line 15, after the first underscored comma insert "four,"

Page 3, line 22, after "normed" insert "standardized achievement"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1501, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). Engrossed HB 1501 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact a new subsection to section 54-44.3-20"

Page 1, remove line 2

Page 1, line 3, remove "positions in the state service; and" and remove "54-44.3-03,"

Page 1, line 4, remove the first comma

Page 1, line 5, remove "composition and"

Page 1, remove lines 8 through 20

Page 2, remove lines 1 through 28

Page 3, remove lines 1 through 14

Page 3, line 25, remove the overstrike over "~~Review and hear comments from any concerned individuals,~~"

Page 3, remove the overstrike over lines 26 through 29

Page 4, remove the overstrike over lines 1 through 4

Page 4, line 5, remove the overstrike over "~~3~~."

Page 4, line 22, replace "3." with "4."

Page 5, line 7, after "to" insert "position classifications, pay grade assignments."

Page 5, remove lines 18 through 21

Renumber accordingly

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

· William C. Parker, Secretary