

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, March 28, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Rev. George Walker, Evangelical Free Church of America, Bismarck.

The roll was called and all members were present except Senators Kringstad, Mushik, C. Nelson, and Yockim.

A quorum was declared by the President.

REPORT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the conference committee report on Engrossed SB 2081 as printed on SJ page 1318 be adopted, which motion prevailed, on a voice vote.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. TENNEFOS MOVED that the President appoint a committee of three to act with a like committee from the House as a new Conference Committee on Engrossed SB 2081, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed SB 2081: Sens. Tennefos, Christmann, Heitkamp.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2017 as printed on SJ pages 1143-1146 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 2017: Sens. Lips, Nalewaja, Redlin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2029 as printed on SJ pages 1117-1118 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 2029: Sens. Lips, Nalewaja, Redlin.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do not concur in the House amendments to Engrossed SB 2475 as printed on SJ page 980 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 2475: Sens. Lips, Nalewaja, Redlin.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. NETHING 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 1016, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1016: Sens. Solberg, Holmberg, Robinson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. B. 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 1256, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1256: Sens. B. Stenehjem, Schobinger, O'Connell.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH MOVED that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HB 1423, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on HB 1423: Sens. Grindberg, W. Stenehjem, C. Nelson.

APPOINTMENT OF CONFERENCE COMMITTEE

SEN. KREBSBACH 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 1501, which motion prevailed.

THE PRESIDENT APPOINTED as a Conference Committee on Engrossed HB 1501: Sens. Krebsbach, W. Stenehjem, Scherber.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2010 as printed on SJ page 1218, which motion prevailed on a voice vote.

Engrossed SB 2010, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2010: A BILL for an Act to provide an appropriation for defraying the expenses of the insurance commissioner; and to amend and reenact section 26.1-01-09 of the North Dakota Century Code, relating to the salary of the insurance commissioner.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 48 YEAS, 1 NAY, 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; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

MAYS: Tennefos

Engrossed SB 2010, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to

Engrossed SB 2011 as printed on SJ pages 1218-1219, which motion prevailed on a voice vote.

Engrossed SB 2011, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the securities commissioner.

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 SB 2011, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2022 as printed on SJ pages 1219-1221, which motion prevailed on a voice vote.

Engrossed SB 2022, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 47 YEAS, 2 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, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

MAYS: Stenehjem, B.; Tennefos

Engrossed SB 2022, as amended, passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2023 as printed on SJ pages 1222-1224, which motion prevailed on a voice vote.

Engrossed SB 2023, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

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 SB 2023, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2025 as printed on SJ pages 1224-1227.

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to concur in the House amendments to Engrossed SB 2025, which request was granted.

ROLL CALL

The question being on the motion to concur in the House amendments to Engrossed SB 2025, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The Senate concurred in the House amendments to Engrossed SB 2025.

Engrossed 2025, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2025: A BILL for an Act to provide an appropriation for defraying the expenses of the various divisions of the state water commission; to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of oil extraction tax revenues; to provide an effective date; and to provide an expiration date.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; 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: LaFountain

Engrossed SB 2025, as amended, passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SCR 4064, which is on the Tenth order, be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4064: A concurrent resolution directing the Legislative Council to study the North Dakota Educational Telecommunications Council.

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

Engrossed SCR 4064 passed on a voice vote, and the title was agreed to.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2539.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HB 1002, HB 1013, HB 1014, HB 1021, HB 1131, HB 1284, HB 1376, HB 1439.

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

MR. SPEAKER: The Senate has amended, subsequently passed, and the emergency clause carried: HB 1005.

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

MR. SPEAKER: The conference committee on Engrossed SB 2081 has been dissolved and a new committee has been appointed consisting of Senators Tennefos, Christmann, and Heitkamp.

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

MR. SPEAKER: The Senate does not concur in the House amendments to SB 2017, SB 2029, and SB 2475 and the President has appointed as a conference committee to act with a like committee from the House on:

SB 2017: Sens. Lips; Nalewaja; Redlin

SB 2029: Sens. Lips; Nalewaja; Redlin

SB 2475: Sens. Lips; Nalewaja; Redlin

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 1016: Sens. Solberg; Holmberg; Robinson

HB 1256: Sens. B. Stenehjem; Schobinger; O'Connell

HB 1423: Sens. Grindberg; W. Stenehjem; C. Nelson

HB 1501: Sens. Krebsbach; W. Stenehjem; Scherber

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2026, SB 2428.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2026

Page 1, line 3, replace "provide a statement of legislative intent" with

"amend and reenact section 4-14.1-06 of the North Dakota Century Code, relating to administrative expenses of the agricultural products utilization commission"

Page 1, line 16, replace "3,650,000" with "3,000,000"

Page 1, line 17, replace "6,332,410" with "5,682,410"

Page 1, line 18, replace "5,215,024" with "4,565,024"

Page 2, line 10, replace "\$3,657,000" with "\$3,007,000"

Page 2, line 12, replace "\$3,650,000" with "\$3,000,000"

Page 2, line 27, replace "If two or more" with "If any ethanol plant that did not receive production incentives during the fiscal year ending June 30, 1995, is eligible for production incentives on July 1, 1996, for the fiscal year ending June 30, 1997, incentive payments, only fifty percent of the authorized production incentives, up to a total of \$250,000, may be provided to an ethanol plant that produced fifteen million gallons or more of ethanol in the previous fiscal year."

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 7

Page 3, line 8, remove "authority of this sentence."

Page 3, after line 19, insert:

"SECTION 6. AMENDMENT. Section 4-14.1-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

4-14.1-06. Agricultural products utilization commission - Administrative expenses. Administrative expenses of the agricultural products utilization commission, including expenses of members of the commission, employment of needed personnel, hiring of consultants, and contracting with public or private entities for services may not exceed ten percent of the funds provided to the commission ~~for grants~~ each biennium excluding federal funds."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 612 - AGRICULTURAL PRODUCTS UTILIZATION COMMISSION

HOUSE - This amendment removes provisions limiting the annual ethanol production incentive payments that may be provided to North Dakota ethanol plants. Provisions limiting the payments are included in House Bill No. 1134. In addition, provisions are added providing that if a new ethanol plant is eligible for production incentives on July 1, 1996, an ethanol plant that produces 15 million gallons or more of ethanol may receive production incentives of only up to \$250,000 rather than \$500,000 for the second year of the 1995-1997 biennium. The remaining \$250,000 would be available for the new ethanol plant's production incentives.

The ethanol incentive line item is reduced by \$650,000 from the highway tax distribution fund, from \$3,650,000 to \$3,000,000, in accordance with the incentive payment limit provisions of House Bill No. 1134.

A section is added amending North Dakota Century Code Section 4-14.1-06 removing language limiting administrative expenses of the commission to 10 percent of the funding provided for grants, excluding federal funds. The

amended section limits administrative expenses to 10 percent of all funding provided to the commission, excluding federal funds.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2428

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

Page 1, line 3, after the comma insert "an anhydrous ammonia storage facility inspection fund,"

Page 1, line 14, remove ", but not a refrigerated anhydrous ammonia storage facility"

Page 1, remove line 15

Page 1, line 16, remove "state"

Page 1, line 19, remove "storage"

Page 2, line 1, remove the overstrike over "~~the storage and handling of~~"

Page 2, line 2, remove "storage facilities", after the third comma insert "5.2.2.1", and remove the overstrike over "5.2.2.2"

Page 2, line 3, remove "5.2.2.1"

Page 2, line 7, after "division" insert "I"

Page 2, line 11, after "only" insert "section VIII"

Page 3, after line 3, insert:

- "4. (5.2.2.2) Steels used in fabricating pressure containing parts of a container may not exceed a specified tensile strength of seventy-five thousand pounds per square inch [51710 kilopascals], as noted in the American society of mechanical engineers code, section II, part D, except that this does not apply to sections 8, 9, and 10. Allowances for tensile strength of up to twenty thousand pounds per square inch [137900 kilopascals] above those given in the American society of mechanical engineers code, section II, part D, are permitted."

Page 3, line 7, overstrike "retail"

Page 3, line 12, replace "to be" with "located"

Page 3, line 13, remove "constructed"

Page 4, line 4, after the period insert "The commissioner of agriculture also may deny a license if the chief boiler inspector does not certify that the facility meets the initial inspection standards required by this chapter and by any rules adopted pursuant to this chapter."

Page 4, line 9, after "of" insert "drawings or"

Page 6, line 3, after "use" insert "and when the facility is unattended"

Page 6, line 14, overstrike "To prevent excessive hydrostatic pressure in hoses, differential"

Page 6, overstrike line 15

Page 6, line 16, overstrike "square inch [344.74 kilopascals] of pressure," and insert immediately thereafter "A hydrostatic relief valve or equivalent must be installed in each section of hose or pipe in which

liquid ammonia can be isolated between shutoff valves to relieve the pressure that could develop from the trapped liquid. If an equivalent pressure relief device is used, the maximum accumulated pressure possible within the system may not exceed the limits of the system. A"

Page 6, line 17, overstrike "valves may" and insert immediately thereafter "valve must"

Page 6, line 18, overstrike "may be" and insert immediately thereafter "is" and overstrike ", or a hose may be used to discharge liquid at a safe"

Page 6, line 19, overstrike "location. Any" and insert immediately thereafter ". The", after "pressure" insert "setting", and after "of" insert "the"

Page 6, line 20, overstrike "designed to handle"

Page 6, line 21, after "kilopascals]" insert "gauge"

Page 6, line 22, after "kilopascals]" insert "gauge"

Page 7, line 19, replace "Pressure relief valves must be replaced every" with "Bulk storage containers constructed according to the American society of mechanical engineers code, and all nurse tanks, must be equipped with pressure relief valves constructed according to the American society of mechanical engineers code and capacity certified by the national board of boiler and pressure vessel inspectors. A pressure relief valve using nonmetallic seats must be replaced every five years with a new valve meeting the standards referenced in this section. A pressure relief value using metallic seats must be tested every five years in lieu of replacement, and repairs, if deemed necessary, must be made by the valve manufacturer or by a safety valve repair organization having a valid "VR" certificate of authorization for the repairs from the national board of boiler and pressure vessel inspectors."

Page 7, remove lines 20 and 21

Page 7, line 25, replace "workers compensation bureau" with "commissioner of insurance"

Page 7, line 26, remove "chief safety engineer"

Page 7, line 27, after "an" insert "initial and periodic" and after "program" insert "for anhydrous ammonia storage facilities. The chief boiler inspector shall inform the commissioner of agriculture of any violation of this chapter that may arise in the course of an inspection of an anhydrous ammonia storage facility"

Page 7, line 28, overstrike "may" and insert immediately thereafter "of insurance shall"

Page 7, line 29, after "facility" insert "at least once every five years" and overstrike "each" and insert immediately thereafter "may inspect any"

Page 8, line 2, after "ammonia" insert "which is in the vicinity of an anhydrous ammonia storage facility"

Page 8, line 3, after "~~shall~~" insert "of insurance"

Page 8, line 10, after "commissioner" insert "of agriculture"

Page 8, after line 20, insert:

"SECTION 11. A new section to chapter 19-20.2 of the North Dakota Century Code is created and enacted as follows:

"Anhydrous ammonia storage facility inspection fund. The anhydrous ammonia storage facility inspection fund is a special fund in the state treasury. The fund consists of all inspection fees collected in accordance with section 19-20.1-06 which are related to the distribution of anhydrous ammonia."

Page 8, line 25, after "Filling" insert "or using"

Page 8, line 26, after "Filling" insert "or using"

Page 8, after line 27, insert:

"5. Filling department of transportation transport containers not currently certified by the department of transportation.

6. Filling anhydrous ammonia storage tanks not meeting the requirements of this chapter."

Page 9, line 8, remove the overstrike over "of agriculture"

Page 9, line 14, after "commissioner" insert "of agriculture and the commissioner of insurance"

Page 9, line 20, remove "retail"

Page 10, after line 13, insert:

"SECTION 15. TRANSFER. There is hereby authorized the transfer to the fire and tornado fund the sum of \$140,000 from the anhydrous ammonia storage facility inspection fund. The money must be transferred during the biennium beginning July 1, 1995, and ending June 30, 1997, upon order of the commissioner of insurance. The state treasurer shall transfer any balance remaining in the anhydrous ammonia storage facility inspection fund on June 30, 1997, to the general fund in the state treasury.

SECTION 16. APPROPRIATION. There is hereby appropriated out of any moneys in the fire and tornado fund the sum of \$120,000, or so much of the sum as may be necessary, to the commissioner of insurance for the purpose of inspecting anhydrous ammonia storage facilities for the biennium beginning July 1, 1995, and ending June 30, 1997."

Page 10, line 15, replace "general" with "fire and tornado" and remove ", collected through the anhydrous ammonia"

Page 10, line 16, remove "inspection fee, or so much of the sum as may be necessary,"

Page 10, line 17, replace "\$160,000" with "\$20,000, or so much of the sum as may be necessary," remove the first comma, and replace "licensing," with "administering and enforcing the provisions of this Act"

Page 10, line 18, remove "regulating, and inspecting anhydrous ammonia storage facilities"

Renumber accordingly

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2003, SB 2009.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2003

Page 1, line 13, replace "12,530,694" with "11,760,065"

Page 1, line 14, replace "4,568,498" with "4,113,498"

Page 1, line 15, replace "482,697" with "887,697"

Page 2, line 2, replace "22,496,483" with "21,675,855"

Page 2, line 3, replace "10,509,462" with "9,588,834"

Page 2, line 4, replace "11,987,021" with "12,087,021"

Page 3, line 25, after "fund" insert "up to a total of fifty thousand dollars each biennium. Any collections from fifteen dollars of this fee in excess of the fifty thousand dollars credited to the attorney general's operating fund each biennium must be credited to the state general fund"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

HOUSE - This amendment makes the following changes:

| | SENATE VERSION | EFFECT OF HOUSE BILL NO. 1439 ¹ | AUTOMATED FINGERPRINT SYSTEM ² | POSITION TURNOVER AND EFFICIENCIES ³ | TOTAL CHANGES | HOUSE VERSION |
|--------------------------------|-------------------|--|---|---|------------------|------------------|
| Salaries and wages | \$12,530,694 | \$ (587,005) | | \$ (183,623) | \$ (770,628) | \$11,760,066 |
| Operating expenses | 4,568,498 | | \$ (405,000) | (50,000) | (455,000) | 4,113,498 |
| Equipment | 482,697 | | 405,000 | | 405,000 | 887,697 |
| Grants | 4,175,567 | | | | | 4,175,567 |
| Arrest and return of fugitives | 19,376 | | | | | 19,376 |
| Controlled substance | 4,000 | | | | | 4,000 |
| ARC legal fees | 91,027 | | | | | 91,027 |
| Litigation fees | 143,324 | | | | | 143,324 |
| Gaming commission | 20,000 | | | | | 20,000 |
| State employee defense | 250,000 | | | | | 250,000 |
| Racing commission | <u>211,300</u> | | | | | <u>211,300</u> |
| Total | \$22,496,483 | \$ (587,005) | \$ 0 | \$ (233,623) | \$ (820,628) | \$21,675,855 |
| General fund | \$11,987,021 | \$ 333,623 | | \$ (233,623) | \$ 100,000 | \$12,087,021 |
| Special funds | <u>10,509,462</u> | <u>(920,628)</u> | | | <u>(920,628)</u> | <u>9,588,834</u> |
| Total | \$22,496,483 | \$ (587,005) | \$ 0 | \$ (233,623) | \$ (820,628) | \$21,675,855 |
| FTE | 154 | (6) | | | (6) | 148 |

¹ Removes five FTE assistant attorneys general relating to Workers Compensation and one FTE assistant attorney general relating to Department of Transportation. These agencies will be hiring their own legal counsel.

² Reflects funding in the appropriate line items for funding added in the Senate for the automated fingerprint system.

³ Reductions relating to anticipated savings during the 1995-97 biennium resulting from employee vacancies and turnover and agency efficiencies.

Section 8 of the bill is amended to limit the amount of funds deposited into the Attorney General's operating fund from concealed weapons permit fee collections to \$50,000 each biennium. Additional collections are deposited in the general fund.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2009

Page 1, line 2, after the semicolon insert 'to provide for a report to the budget section;'

Page 1, line 15, replace "3,148,157" with "2,807,321"

Page 1, line 16, replace "1,373,652" with "1,465,418"

Page 1, line 17, replace "29,006" with "22,900"

Page 1, after line 18, insert:

"Board of animal health 558,145"

Page 1, line 22, replace "142,500" with "150,000"

Page 2, line 2, replace "921,438" with "971,438"

Page 2, line 3, replace "8,514,044" with "8,874,513"

Page 2, line 4, replace "4,120,876" with "4,230,876"

Page 2, line 5, replace "4,393,168" with "4,643,637"

Page 2, line 12, replace "5,408,483" with "5,658,952"

Page 2, line 13, replace "4,120,876" with "4,230,876"

Page 2, line 14, replace "9,529,359" with "9,889,828"

Page 2, line 17, replace "\$1,412,156" with "\$1,462,156"

Page 2, line 21, after the first comma insert "\$34,000 is for spotted knapweed control," replace "\$633,110" with "\$649,110", replace the first "the" with "other", and replace "weeds program" with "weed control"

Page 2, after line 22, insert:

***SECTION 3. LEGISLATIVE INTENT - REGISTRATION PROGRAM ADMINISTRATIVE COSTS.** It is the intent of the legislative assembly that the environment and rangeland protection fund not be used to provide funding for registration program administrative costs beyond the biennium beginning July 1, 1995, and ending June 30, 1997, and that the agriculture commissioner request funding for the registration program administrative costs from a source other than the environment and rangeland protection fund for the 1997-99 biennium.

SECTION 4. SOIL CONSERVATION COMMITTEE CONSOLIDATION - REPORT TO BUDGET SECTION. The executive secretary of the soil conservation committee shall present a report to the budget section by April 1, 1996, containing at least two options to integrate the functions of the soil conservation committee with another state agency. The report must include plans to consolidate the soil conservation committee with the state water commission and plans to consolidate the committee with the North Dakota state university extension service, and may include, with prior emergency commission approval, plans to consolidate with any other state agency. The budget section shall review the report and make a recommendation to the director of the office of management and budget regarding consolidation of the soil conservation committee with another state agency by July 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

HOUSE - This amendment makes the following changes:

| | SENATE VERSION | BOARD OF ANIMAL HEALTH LINE ITEM ¹ | BOARD OF ANIMAL HEALTH CHANGES ² | NOXIOUS WEED FUNDING | OTHER CHANGES | TOTAL CHANGES | HOUSE VERSION |
|------------------------|--------------------|---|--|-------------------------|------------------------|-------------------|--------------------|
| Salaries and wages | \$3,148,157 | \$(340,836) | | | | \$(340,836) | \$2,807,321 |
| Operating expenses | 1,373,652 | (108,234) | | | \$200,000 ⁴ | 91,766 | 1,465,418 |
| Equipment | 20,006 | (6,106) | | | | (6,106) | 22,900 |
| Grants | 811,720 | | | | | | 811,720 |
| Ag mediation | 1,198,571 | | | | | | 1,198,571 |
| Ag in the classroom | 25,000 | | | | | | 25,000 |
| Waterbank | 214,000 | | | | | | 214,000 |
| Pride of Dakota | 142,500 | | | | 7,500 ⁵ | 7,500 | 150,000 |
| Safe Send | 650,000 | | | | | | 650,000 |
| Noxious weeds | 921,438 | | | \$50,000 ³ | | 50,000 | 971,438 |
| Board of Animal Health | | <u>455,176</u> | <u>\$102,969</u> | | | <u>558,145</u> | <u>558,145</u> |
| Total | \$8,514,044 | \$ 0 | \$102,689 | \$50,000 | \$207,500 | \$ 360,469 | \$8,874,513 |
| General fund | <u>\$4,393,168</u> | | <u>\$ 42,969</u> | | <u>\$207,500</u> | <u>\$ 250,469</u> | <u>\$4,643,637</u> |
| Special funds | <u>4,120,876</u> | | <u>60,000</u> | <u>\$50,000</u> | | <u>110,000</u> | <u>4,230,876</u> |
| Total | \$8,514,044 | \$ 0 | \$102,969 | \$50,000 | \$207,500 | \$ 360,469 | \$8,874,513 |
| FTE | 50 | | 1 | | | 1 | 51 |

¹ Provides a separate line item for the Board of Animal Health.

² Adds one FTE veterinarian position at \$112,689, of which \$52,689 is from the general fund and \$60,000 from the Game and Fish Department. In addition, one FTE accountant position is removed \$(65,637) and one FTE administrative position is added at \$55,917.

³ Provides additional funding from the environment and rangeland protection fund for the noxious weeds program, \$34,000 is provided for spotted knapweed control and \$16,000 for other noxious weed control.

⁴ Provides \$200,000 from the general fund to restore operating expense reductions made by the Senate.

⁵ Provides \$7,500 from the general fund for the Pride of Dakota program.

A section of legislative intent is added providing that except for the 1995-97 biennium, funding from the environment and rangeland protection fund is not to be provided for registration program administrative costs and that the Agriculture Commissioner request funding for those costs from a different funding source for the 1997-99 biennium.

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

HOUSE - A section is added providing that the Soil Conservation Committee present to the Budget Section by April 1, 1996, options for consolidating the agency with the Water Commission or the North Dakota State University Extension Service. The committee may also present options for consolidating with different state agencies if Emergency Commission approval is received to prepare such a proposal. The Budget Section will review the report and make its recommendation on consolidating the Soil Conservation Committee with another state agency by July 1, 1996.

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

MADAM PRESIDENT: The House has passed unchanged: SCR 4069.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1022.

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

MADAM PRESIDENT: The House has concurred in the Senate amendments and subsequently passed: HB 1018, HB 1149, HB 1326, HB 1360, HB 1369, HB 1375, HB 1378, HB 1379, HB 1407, HB 1441, HB 1452, HB 1463, HCR 3006, HCR 3038.

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 2016: Reps. Gerntholz; Martinson; Kroeber
SB 2115: Reps. Dalrymple; Clayburgh; Laughlin
SB 2288: Reps. Dalrymple; Clayburgh; Kaldor

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 2209: Reps. Rydell; Johnson; Nichols
SB 2211: Reps. Clark; Torgerson; Aarsvold

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 2181: Reps. K. Henegar; Thoreson; Boucher
SB 2355: Reps. Koppelman; Retzer; Coats
SB 2391: Reps. Lloyd; Timm; Dobrinski
SB 2425: Reps. Froseth; Poolman; Delmore
SB 2505: Reps. Grosz; Rennerfeldt; Sitz
SCR 4026: Reps. Shide; Johnson; Kerzman

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

MADAM PRESIDENT: The House does not concur in the Senate amendments to HB 1001, HB 1006, HB 1007, HB 1019, HB 1154, HB 1488, and HB 1493 and the Speaker has appointed as a conference committee to act with a like committee from the Senate on:

HB 1001: Reps. Dalrymple; Martinson; Wilkie
HB 1006: Reps. Bateman; Byerly; Huether
HB 1007: Reps. Carlisle; DeWitz; Wilkie
HB 1019: Reps. Byerly; DeWitz; Huether
HB 1154: Reps. Drovdal; Sveen; Glassheim
HB 1488: Reps. Boehm; Gorder; Hanson
HB 1493: Reps. Boehm; Monson; Glassheim

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 11:00 a.m., which motion prevailed.

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

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2027 as printed on SJ pages 1227-1229, which motion prevailed on a verification vote.

Engrossed SB 2027, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; to provide for an electronic reporting system; and to provide authorization to expend funds from the workers' compensation contingency line item.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 8 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Scherber; Yockim

Engrossed SB 2027, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. NETHING MOVED that the Senate do concur in the House amendments to Reengrossed SB 2075 as printed on SJ pages 1034-1036, which motion prevailed on a voice vote.

Reengrossed SB 2075, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2075: A BILL for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to the consolidated laboratories function of the state department of health and consolidated laboratories; to amend and reenact section 19-13.1-01, subsections 2 and 12 of section 19-13.1-02, sections 19-13.1-03, 19-13.1-06, subsections 5 and 6 of section 19-13.1-07, subsection 4 of section 19-13.1-08, sections 19-13.1-09, 19-13.1-10, 19-13.1-11, 19-13.1-12, 19-13.1-13, 19-13.1-14, 19-14-02, subsections 3 and 4 of section 19-14-03, sections 19-14-04, 19-14-05, 19-14-06, 19-14-07, 19-18-02, 19-18-02.2, subsections 1 and 3 of section 19-18-03, sections 19-18-04, 19-18-04.1, subsections 2 and 3 of section 19-18-04.2, sections 19-18-05, 19-18-06, 19-18-06.1, subsections 1 and 3 of section 19-18-07, sections 19-18-08, 19-18-10, 19-18-11, 19-20.1-01, subsections 6, 13, and 17 of section 19-20.1-02, sections 19-20.1-03, 19-20.1-03.1, 19-20.1-03.2, 19-20.1-03.3, 19-20.1-03.4, subsections 1 and 4 of section 19-20.1-04, sections 19-20.1-06, 19-20.1-07, 19-20.1-08, 19-20.1-10, 19-20.1-11, 19-20.1-12, subsections 3 and 4 of

section 19-20.1-13, sections 19-20.1-14, 19-20.1-15, 19-20.1-16, and 19-20.1-17 of the North Dakota Century Code, relating to transferring administration of commercial feed, livestock medicine, insecticide, fungicide, rodenticide, fertilizer, and soil conditioner laws from the state department of health and consolidated laboratories to the commissioner of agriculture; and to repeal section 19-18-01 of the North Dakota Century Code, relating to the short title of the Insecticide, Fungicide, and Rodenticide Act of 1947.

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

Reengrossed SB 2075, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to SB 2179 as printed on SJ pages 1229-1230, which motion prevailed on a voice vote.

SB 2179, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2179: A BILL for an Act to amend and reenact section 1 of chapter 367 of the 1963 Session Laws, relating to the deed to property formerly owned by the state at Bathgate, North Dakota; to provide for issuance of a new deed for the Bathgate property; and to authorize the board of university and school lands to convey certain state-owned land to Stark County, North Dakota.

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

SB 2179, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. WETHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2358 as printed on SJ pages 1231-1232, which motion prevailed on a voice vote.

Engrossed SB 2358, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to provide for DNA analysis and a DNA data base; and to provide a penalty.

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 SB 2358, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2404 as printed on SJ page 1052, which motion prevailed on a voice vote.

SB 2404, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2404: A BILL for an Act to create and enact a new subsection to section 43-11-02 of the North Dakota Century Code, relating to exemptions from cosmetology regulations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 45 YEAS, 4 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; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

NAYS: Nalewaja; Robinson; Thane; Wanzek

SB 2404, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2405 as printed on SJ page 1052, which motion prevailed on a voice vote.

Engrossed SB 2405, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2405: A BILL for an Act to amend and reenact subsection 11 of section 28-32-01 and subsections 6 and 7 of section 28-32-02 of the North Dakota Century Code, relating to adoption of administrative rules.

ROLL CALL

The question being on the final passage of the amended bill, which has been

read, 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; 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: Mushik

Engrossed SB 2405, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. KREBSBACH MOVED that the Senate do concur in the House amendments to Engrossed SB 2406 as printed on SJ pages 1049-1050, which motion prevailed on a voice vote.

Engrossed SB 2406, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new section to chapter 43-47 of the North Dakota Century Code, relating to authority of the board of counselor examiners to issue specialty licenses for counselors; and to amend and reenact subsections 3 and 4 of section 43-47-01, section 43-47-04, subsections 1 and 6 of section 43-47-05, and subsections 1, 3, and 6 of section 43-47-06 of the North Dakota Century Code, relating to the counselors and licensed associate professional counselors.

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 SB 2406, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to SB 2438 as printed on SJ pages 982-983, which motion prevailed on a voice vote.

SB 2438, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to create and enact a new section to chapter 43-15 of the North Dakota Century Code, relating to limited prescriptive practices by licensed pharmacists.

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

SB 2438, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. W. STENEHJEM MOVED that the Senate do concur in the House amendments to Engrossed SB 2452 as printed on SJ pages 1052-1053, which motion prevailed on a voice vote.

Engrossed SB 2452, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2452: A BILL for an Act to provide for the sale of controlled substance tax stamps as novelties by the tax commissioner; to repeal chapter 57-36.1 of the North Dakota Century Code, relating to the imposition of the controlled substance tax; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 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 SB 2452, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2477 as printed on SJ page 1050, which motion prevailed on a voice vote.

Engrossed SB 2477, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2477: A BILL for an Act to create and enact two new subsections to section 23-05-02 of the North Dakota Century Code, relating to the powers and duties of county boards of health.

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 SB 2477, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. URLACHER MOVED that the Senate do concur in the House amendments to Engrossed SB 2482 as printed on SJ pages 983-984, which motion prevailed on a voice vote.

Engrossed SB 2482, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2482: A BILL for an Act to create and enact three new sections to chapter 11-19.1 and a new section to chapter 23-01 of the North Dakota Century Code, relating to the establishment of a state forensic examiner; and to amend and reenact sections 11-19-09, 11-19.1-06, 11-19.1-17, and 12-45-01 of the North Dakota Century Code, relating to the office of coroner and the state forensic examiner.

ROLL CALL

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

YEAS: Andrist; Bowman; 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

NAYS: Christmann

Engrossed SB 2482, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. FREBORG MOVED that the Senate do concur in the House amendments to Engrossed SB 2491 as printed on SJ pages 1168-1169, which motion prevailed on a voice vote.

Engrossed SB 2491, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2491: A BILL for an Act to create and enact a new section to chapter 15-29 and a new section to chapter 15-38 of the North Dakota Century Code, relating to the provision of teaching services by persons certified as instructors in the areas of North Dakota American Indian languages and culture; and 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, 15-47-42, and 15-47-46 of the North Dakota Century Code, relating to teacher certification.

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 SB 2491, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. MUTCH MOVED that the Senate do concur in the House amendments to Engrossed SB 2500 as printed on SJ page 1053, which motion prevailed on a voice vote.

Engrossed SB 2500, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2500: A BILL for an Act to amend and reenact sections 35-01-27 and 35-03-16 of the North Dakota Century Code, relating to satisfaction and discharge of mortgages on real property.

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 SB 2500, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. B. STENEHJEM MOVED that the Senate do concur in the House amendments to SB 2508 as printed on SJ pages 965-966, which motion prevailed on a voice vote.

SB 2508, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2508: A BILL for an Act to amend and reenact subsection 4 of section 39-01-15 of the North Dakota Century Code, relating to parking privileges for persons who are mobility impaired; and to provide a penalty.

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

YEAS: Andrist; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Streibel; Tallackson;

Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Bowman; Naaden; Nalewaja; Solberg; Stenehjem, B.

SB 2508, as amended, passed and the title was agreed to.

CONSIDERATION OF MESSAGE FROM THE HOUSE

SEN. METHING MOVED that the Senate do concur in the House amendments to Engrossed SB 2030 as printed on SJ pages 1301-1305.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on the motion to concur in the House amendments to Engrossed SB 2030, which request was granted.

ROLL CALL

The question being on the motion to concur in the House amendments to Engrossed SB 2030, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mushik; Naaden; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne

NAYS: Bowman; Christmann; Freborg; Kelsh; Krauter; Langley; Mathern; Mutch; Nelson, C.; O'Connell; Sand; Scherber; Streibel; Tennefos; Tomac; Wanzek; Wogsland; Yockim

The Senate concurred in the House amendments to Engrossed SB 2030.

Engrossed SB 2030, as amended, was placed on the Eleventh order.

SECOND READING OF SENATE BILL

SB 2030: A BILL for an Act to provide an appropriation for capital projects of various state departments and institutions; to authorize the state board of higher education to issue and sell self-liquidating, tax-exempt bonds for capital projects; to authorize the industrial commission to issue and sell bonds for capital projects; to amend and reenact section 54-17.2-23 of the North Dakota Century Code, relating to the limitation on state building authority lease payments; and to provide guidelines on the contents of future capital construction bills.

MOTION

SEN. GOETZ MOVED the time certain 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 32 YEAS, 17 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nething; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Traynor; Urlacher; Watne; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Kelsh; Kinnoin; Krauter; Langley; Mutch; Nelson, G.; O'Connell; Sand; Streibel; Tennefos; Tomac; Wanzek; Wogsland

Engrossed SB 2030, as amended, passed and the title was agreed to. -

MOTION

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

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

SECOND READING OF HOUSE CONCURRENT RESOLUTIONS ON CONSENT CALENDAR

HCR 3001: A concurrent resolution urging the Federal Grain Inspection Service to disseminate useful information about technological and regulatory changes affecting the grading of wheat and to encourage the use of first official grades at destination ports.

HCR 3003: A concurrent resolution directing the Legislative Council to study methods to improve the cost effectiveness and efficiency of the Department of Human Services child support collection system and any anticipated impact on the health and welfare of the child and to review the roles of clerks of court, regional child support enforcement units, and the Department of Human Services in providing a coordinated and effective child support enforcement program.

HCR 3004: A concurrent resolution directing the Legislative Council to monitor the development and operation of criminal justice information systems in North Dakota and to study policies and issues relating to the confidentiality, dissemination, and retention of criminal justice information.

HCR 3005: A concurrent resolution directing the Legislative Council to study the problems associated with the unification of the state's judicial system into a single trial court of general jurisdiction, with emphasis on a review of venue statutes.

HCR 3019: A concurrent resolution urging all public and private institutions of higher education in the state to take action with respect to assisting rape victims and publicizing rapes that occur on college or university campuses.

HCR 3021: A concurrent resolution directing the Legislative Council to study the issues and concerns relating to fetal alcohol syndrome.

HCR 3023: A concurrent resolution directing the Legislative Council to study the availability, coverage, and regulation of long-term care insurance.

HCR 3026: A concurrent resolution urging the State Board of Higher Education to continue collaborative activities with respect to a statewide delivery system, program enhancement, technological advancement, and reduction in duplicative programming and administrative services.

HCR 3043: A concurrent resolution directing the Legislative Council to study the legislative environment and process.

ROLL CALL

The question being on the final adoption of the resolutions, which have been read, 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; 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: Naaden

HCR 3001, HCR 3003, as amended, HCR 3004, HCR 3005, HCR 3019, HCR 3021, Engrossed HCR 3023, as amended, HCR 3026, and HCR 3043 were declared adopted and the titles were agreed to.

MOTION

SEN. GOETZ MOVED that HB 1194 be moved to the bottom of the Fourteenth order, which motion prevailed.

SECOND READING OF HOUSE BILL

HB 1228: A BILL for an Act to amend and reenact section 65-05-09.3 of the North Dakota Century Code, relating to termination of workers' compensation benefits upon retirement.

MOTION

SEN. SCHERBER MOVED that HB 1228 be amended as follows, and that the amendments be divided as follows:

DIVISION A

Page 2, line 29, replace "1995" with "2000"

DIVISION B

Page 1, line 3, after "retirement" insert "; and to provide for a legislative council study of the feasibility and desirability of the workers compensation bureau establishing a system to provide a pension or an annuity to an injured worker whose workers' compensation benefits cease upon reaching retirement age"

Page 2, after line 29, insert:

"SECTION 2. LEGISLATIVE COUNCIL STUDY OF ESTABLISHMENT OF WORKERS COMPENSATION BUREAU PENSION SYSTEM. During the 1995-96 legislative interim, the legislative council shall consider studying the feasibility and desirability of the workers compensation bureau establishing a system to provide a pension or an annuity to an injured worker whose workers' compensation benefits cease upon reaching retirement age. The study must address alternative methods for the establishment of the system, the administration of the pension or annuity payments, and the requirements that an injured employee must meet to be eligible for payment under the system."

ReNUMBER accordingly

REQUEST

SEN. SCHERBER REQUESTED a recorded roll call vote on the motion to adopt each division of the proposed amendments to HB 1228, which request was granted.

ROLL CALL

The question being on the motion to adopt Division A of the proposed amendments to HB 1228, the roll was called and there were 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

The motion to adopt Division A of the proposed amendments to HB 1228 failed.

ROLL CALL

The question being on the motion to adopt Division B of the proposed amendments to HB 1228, the roll was called and there were 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, W.; Tallackson; Tomac; Wogsland; Yockim

NAYS: Andrist; Freborg; Goetz; Grindberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

The motion to adopt Division B of the proposed amendments to HB 1228 failed.

REQUEST

SEN. CHRISTMANN REQUESTED that the Journal reflect that he intended to Vote NAY on the motion to adopt Division B of the proposed amendments, which request was granted.

So both Division A and Division B of the proposed amendments to HB 1228 failed.

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 33 YEAS, 16 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

HB 1228 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1362: A BILL for an Act to amend and reenact section 40-13-04 of the North Dakota Century Code, relating to salaries of city officers.

MOTION

SEN. DEMERS MOVED that HB 1362 be amended as follows, which motion prevailed.

Page 1, line 2, after "officers" insert "and employees"

Page 1, line 6, after "officers" insert "and employees" and after "Diminution" insert "of officers' salaries"

Page 1, line 8, remove the overstrike over "~~or~~-employee"

Page 1, line 9, overstrike ", and"

Page 1, line 10, overstrike "after" and insert immediately thereafter "After" and after "salary" insert "of an officer"

Page 1, remove lines 12 through 14

HB 1362: A BILL for an Act to amend and reenact section 40-13-04 of the North Dakota Century Code, relating to salaries of city officers and employees.

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 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; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherberg; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik

HB 1362, as amended, passed and the title was agreed to.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 27, 1995, I signed the following: SB 2096, SB 2194, SB 2377, SB 2380, SB 2382, SB 2395, SB 2492, SB 2496, SB 2501, SB 2511, SB 2522, SB 2527, and SB 2532.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

This is to inform you that on March 28, 1995, I signed the following: SB 2068 and SB 2369.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 4:00 p.m., which motion prevailed.

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

MOTION

SEN. GOETZ MOVED that HB 1194 be moved to the top of the Fourteenth order, which motion prevailed.

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 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Mutch; Nalewaja; Nelson, G.;

Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Krauter; LaFountain; Mushik; Nelson, C.; Scherber; Yockim

ABSENT AND NOT VOTING: Naaden

HB 1194 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1363: A BILL for an Act to amend and reenact section 16.1-10-04 of the North Dakota Century Code, relating to publication of false information in political advertisements; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Heinrich; Heitkamp; Kinnoin; Krauter; Langley; Lindaas; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schobinger; Tomac; Wanzek; Wogsland

NAYS: Andrist; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krebsbach; Kringstad; LaFountain; Lee; Lips; Malewaja; Nelson, C.; Nelson, G.; Nething; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Watne; Yockim

ABSENT AND NOT VOTING: Mutch; Naaden

Engrossed HB 1363 lost.

SECOND READING OF HOUSE BILL

HB 1473: A BILL for an Act relating to limitations on loans by the Bank of North Dakota and disclosure of interests in loans by members of the industrial commission.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1473 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1478: A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-01 and subsection 1 of section 37-19.1-02 of the North Dakota

Century Code, relating to the definition of veterans for the purpose of veterans' preferences and public employment preference to veterans.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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: Naaden

HB 1478 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1489: A BILL for an Act to create and enact five new subsections to section 54-06-25 of the North Dakota Century Code, relating to the election of members, posting of election requirements, and eligibility of candidates for the state employees compensation commission; to amend and reenact subsection 2 of section 54-06-25 of the North Dakota Century Code, relating to eligibility to vote and eligibility of candidates for election to the state employees compensation commission; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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: Naaden

Engrossed HB 1489 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF HOUSE BILL

HB 1492: A BILL for an Act to create and enact a new paragraph to subdivision b of subsection 3 of section 39-06.1-10 of the North Dakota Century Code, relating to the penalty for driving without liability insurance; and to amend and reenact section 39-08-20 of the North Dakota Century Code, relating to driving without liability insurance.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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: Naaden

Engrossed HB 1492 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1500: A BILL for an Act to provide for the use and investment of public employee retirement funds.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; 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: Naaden

Engrossed HB 1500 passed and the title was agreed to.

SECOND READING OF HOUSE BILL

HB 1502: A BILL for an Act to amend and reenact subsection 12 of section 63-01.1-02 of the North Dakota Century Code, relating to the definition of noxious weeds and pests.

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 46 YEAS, 2 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; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Mushik; Scherber

ABSENT AND NOT VOTING: Naaden

Engrossed HB 1502 passed and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3009: A concurrent resolution to create and enact a new article V of the

Constitution of North Dakota, relating to the executive branch of government, to the election, qualification, and compensation of executive officials, to the powers and duties of the governor, and to gubernatorial succession; to repeal the present article V of the Constitution of North Dakota, relating to the executive branch of government, to the election and qualification of executive officials, to the powers and duties of the governor, and to gubernatorial succession; and to provide an effective date.

MOTION

SEN. TRAYNOR MOVED that HCR 3009 be amended as follows, which motion prevailed.

Page 4, line 10, remove "section 11 of"

Page 6, after line 21, insert:

"SECTION 12. If Senate Concurrent Resolution No. 4013 is not approved by the fifty-fourth legislative assembly, or if Senate Concurrent Resolution No. 4013 is approved by the fifty-fourth legislative assembly but is not approved by the qualified electors at the primary election held in 1996, then the following new section to a new article V of the Constitution of North Dakota is created and enacted as follows:

The lieutenant governor shall serve as president of the senate. If the senate is equally divided on a question, the lieutenant governor may vote on procedural matters and on substantive matters if the lieutenant governor's vote would be decisive."

Renumber accordingly

ROLL CALL

The question being on the final adoption the amended resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 38 YEAS, 10 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: Christmann; Mutch; Nelson, C.; O'Connell; Solberg; Stenehjem, B.; Streibel; Tennefos; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

HCR 3009, as amended, was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3010: A concurrent resolution for the amendment of sections 3 and 4 of article IV of the Constitution of North Dakota, relating to the term of members of the house of representatives; and to provide an effective date.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 30 YEAS, 18 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lee; Lindaas; Lips; Mathern; Nelson, C.; Nelson, G.; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tomac; Traynor; Uriacher; Wanzek; Watne

NAYS: Goetz; Grindberg; Heinrich; Holmberg; LaFountain; Mushik; Mutch; Malewaja; Mething; O'Connell; Redlin; Robinson; Streibel; Tallackson; Tennefos; Thane; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

HCR 3010 was declared adopted and the title was agreed to.

SECOND READING OF HOUSE CONCURRENT RESOLUTION

HCR 3011: A concurrent resolution for the amendment of subsection 1 of section 6 of article VIII and sections 12 and 13 of article IX of the Constitution of North Dakota, relating to the names, locations, and missions of the institutions of higher education.

MOTION

SEN. GOETZ MOVED that the question be taken at 5:20 p.m., which motion prevailed.

REQUEST

SEN. YOCKIM REQUESTED a ruling by the chair concerning the statement of intent of the resolution meeting the requirements of Rule 408, which request was granted.

RULING BY THE PRESIDENT

PRESIDENT MYRDAL RULED that the statement of intent of the resolution meets the requirements of Rule 408.

ROLL CALL

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; DeMers; Freborg; Grindberg; Krauter; Lee; Mutch; Malewaja; Nelson, G.; Mething; Scherber; Solberg; Stenehjem, B.; Tennefos; Tomac; Uriacher; Wanzek

NAYS: Andrist; Goetz; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krebsbach; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Streibel; Tallackson; Thane; Traynor; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

HCR 3011 was declared lost.

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 4064.

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

MADAM PRESIDENT: The Speaker has signed: SB 2005, SB 2018, SB 2187, SB 2538, SCR 4014, SCR 4034, SCR 4065, SCR 4066.

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 1004, HB 1008, HB 1010, HB 1026, HB 1116, HB 1172, HB 1214, HB 1220.

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 1031, HB 1036, HB 1050, HB 1083, HB 1176, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

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

MADAM PRESIDENT: The House has amended and subsequently passed: SB 2014, SB 2506.

HOUSE AMENDMENTS TO ENGROSSED SENATE BILL NO. 2014

Page 1, line 11, replace "1,699,854" with "1,899,854"

Page 1, line 13, replace "100,000" with "300,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT

DEPARTMENT 360 - PROTECTION AND ADVOCACY COMMITTEE

HOUSE - This amendment increases the general fund appropriation from \$100,000 to \$300,000. The total appropriation provided is intended to fund up to 22 FTE positions.

HOUSE AMENDMENTS TO REENGROSSED SENATE BILL NO. 2506

Page 1, line 1, replace "sections" with "section" and after the second "and" insert "subsection 13 of section"

Page 1, line 3, replace "repeal section" with "provide for a report to the budget section of the legislative council; and"

Page 1, remove line 4

Page 1, line 5, remove "protection and advocacy project;" and remove ";" and"

Page 1, line 6, remove "to provide an effective date"

Page 1, line 14, replace ", one on July first" with "on August 1, 1995"

Page 1, line 15, remove "of each year" and replace "two members" with "one member from each house"

Page 1, line 16, replace "July first of each odd-numbered year" with "August 1, 1995" and remove "The members"

Page 1, remove line 17

Page 1, line 18, remove "political parties and both houses of the legislative assembly."

Page 1, line 20, replace "July first of each even-numbered year" with "August 1, 1995"

Page 1, line 21, replace "the" with "people first of" and remove "mental health association"

Page 1, line 22, replace "July first of each even-numbered year" with "August 1, 1995"

- Page 2, line 2, replace "July first of each even-numbered year" with "August 1, 1995"
- Page 2, line 3, replace "the mental health" with "people first of North Dakota"
- Page 2, line 4, remove "association"
- Page 2, line 7, after "member" insert "appointed by the governor and the legislative council"
- Page 2, line 8, after the underscored period insert "The remaining three members shall serve a term of three years and until a successor is appointed."
- Page 2, line 9, replace "two" with "six" and replace "terms" with "years"
- Page 2, line 12, replace "legislative council" with "original appointing body"
- Page 2, line 14, replace "No later than January 1, 1996, the committee shall" with "Any vacancy on the committee must be filled within sixty days after the date on which the vacancy occurs"
- Page 2, remove lines 15 and 16
- Page 2, line 17, remove "50-26-04, and 57-27-03"
- Page 2, line 24, after the period insert "The governor, upon compliance with federal law and regulations, may redesignate the agency responsible for carrying out the responsibilities of the project under this chapter."
- Page 2, line 25, replace "Section" with "Subsection 13 of section"
- Page 2, remove lines 27 through 29
- Page 3, remove lines 1 through 29
- Page 4, remove lines 1 through 29
- Page 5, remove lines 1 through 9
- Page 5, remove the overstrike over lines 10 and 11
- Page 5, line 12, remove the overstrike over "~~25-01-01.1, 50-26-01, 50-26-03, 50-26-04, and~~", after "~~57-27-03~~" insert "50-27-03", and remove the overstrike over the period
- Page 5, replace lines 13 and 14 with:
- "SECTION 3. REPORT TO BUDGET SECTION.** During the 1995-96 interim, the committee on protection and advocacy shall address the concerns raised in the 1995 performance audit report of the North Dakota protection and advocacy project and the report of the panel of special masters. The committee shall report its progress in addressing these issues to the budget section of the legislative council at the request of the chairman."
- Page 5, line 16, replace "July" with "August"
- Page 5, line 17, remove "Each person or entity given"
- Page 5, remove lines 18 through 24

Renumber accordingly

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

MR. SPEAKER: The President has signed: HB 1004, HB 1008, HB 1010, HB 1026, HB 1116, HB 1172, HB 1214, HB 1220.

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

MR. SPEAKER: The President has signed: HB 1031, HB 1036, HB 1050, HB 1083, HB 1176, HB 1223, HB 1225, HB 1227, HB 1235, HB 1245, HB 1254, HB 1257, HB 1313, HB 1339, HB 1342, HB 1343, HB 1349, HB 1356, HB 1366, HB 1373, HB 1374, HB 1385, HB 1394, HB 1419, HB 1435, HB 1459.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following bills were delivered to the Governor for his approval at the hour of 2:35 p.m., March 28, 1995: SB 2005, SB 2018, SB 2187, SB 2538.

DELIVERY OF ENROLLED BILLS AND RESOLUTIONS

The following resolutions were delivered to the Secretary of State for his filing at the hour of 2:35 p.m., March 28, 1995: SCR 4001, SCR 4002, SCR 4014, SCR 4018, SCR 4023, SCR 4034, SCR 4043, SCR 4059, SCR 4065, SCR 4066.

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

MR. SPEAKER: The Senate has passed unchanged: HCR 3001, HCR 3004, HCR 3005, HCR 3019, HCR 3021, HCR 3026, HCR 3043.

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

MR. SPEAKER: The Senate has amended and subsequently passed: HCR 3003, HCR 3023.

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 1011, HB 1090, HB 1305, HB 1322.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Seventh and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Wednesday, March 29, 1995, which motion prevailed.

REPORT OF CONFERENCE COMMITTEE

SB 2035, as engrossed: Your conference committee (Sens. Lee, Thane, DeMers and Reps. Byerly, Bateman, Huether) recommends that the HOUSE RECEDE from the House amendments on SJ page 964, adopt amendments as follows, and place SB 2035 on the Seventh order:

That the House recede from its amendments as printed on page 964 of the Senate Journal and pages 1013 and 1014 of the House Journal and that Engrossed Senate Bill No. 2035 be amended as follows:

Page 1, line 5, after "council" insert "and budget section"

Page 2, line 12, remove "or local government"

Page 2, line 14, after the period insert "Local government agencies within the demonstration project counties are encouraged to cooperate with the department."

Page 2, line 20, replace "legislative council or an" with "budget section and another"

Page 2, line 25, replace "legislative council or an" with "budget section and any other"

Renumber accordingly

Engrossed SB 2035 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2037, as engrossed: Your conference committee (Sens. B. Stenehjem, Lee, DeMers and Reps. Price, Christopherson, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 931 and place SB 2037 on the Seventh order.

Engrossed SB 2037 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2044, as reengrossed: Your conference committee (Sens. B. Stenehjem, Lee, Mathern and Reps. Price, Galvin, Mutzenberger) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 965 and place SB 2044 on the Seventh order.

Reengrossed SB 2044 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2066, as engrossed: Your conference committee (Sens. Krebsbach, Sand, Heinrich and Reps. Klein, Austin, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 965, adopt amendments as follows, and place SB 2066 on the Seventh order:

That the House recede from its amendments as printed on page 965 of the Senate Journal and page 1014 of the House Journal and that Engrossed Senate Bill No. 2066 be amended as follows:

Page 2, line 7, replace "\$12,000" with "\$46,000"

Renumber accordingly

Engrossed SB 2066 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2087, as engrossed: Your conference committee (Sens. Bowman, Lee, DeMers and Reps. Christopherson, Thoreson, Mutzenberger) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 856, adopt amendments as follows, and place SB 2087 on the Seventh order:

That the House recede from its amendments as printed on page 856 of the Senate Journal and page 881 of the House Journal and that Engrossed Senate Bill No. 2087 be amended as follows:

Page 1, line 13, replace "from whom the" with "who is acting within the provider's legal scope of practice in providing appropriate care or assistance to a"

Page 1, line 14, after "adult" insert "who" and replace "receiving services" with "the patient or client of the licensed health care provider"

Renumber accordingly

Engrossed SB 2087 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2142, as engrossed: Your conference committee (Sens. Freborg, Christmann,

Krauter and Reps. Drovdal, Nottestad, Mutzenberger) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 817 and place SB 2142 on the Seventh order.

Engrossed SB 2142 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2198, as engrossed: Your conference committee (Sens. Andrist, Krebsbach, Krauter and Reps. Poolman, Keiser, Schmidt) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 981, adopt amendments as follows, and place SB 2198 on the Seventh order:

That the House recede from its amendments as printed on page 981 of the Senate Journal and page 1028 of the House Journal, and that Engrossed Senate Bill No. 2198 be amended as follows:

Page 1, line 2, remove "5-03-03,"

Page 1, line 3, after "pubs" insert "; and to repeal section 5-03-03 of the North Dakota Century Code, relating to bonding of beer or liquor wholesalers"

Page 3, line 16, replace "All beer sold for" with "Licenses under this section entitle the microbrew pub to sell beer manufactured on the premises for offpremise consumption, in brewery-sealed containers of not less than one-half gallon and not more than three gallons. This section may not be superseded under chapters 11-09.1 and 40-05.1"

Page 3, remove line 17

Page 3, line 18, remove "containers"

Page 3, remove lines 19 through 25

Page 4, after line 4, insert:

"SECTION 5. REPEAL. Section 5-03-03 of the North Dakota Century Code is repealed."

Renumber accordingly

Engrossed SB 2198 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2332, as engrossed: Your conference committee (Sens. W. Stenehjem, Traynor, C. Nelson and Reps. Froseth, Gunter, Coats) recommends that the **HOUSE RECEDE** from the House amendments on SJ page 981, adopt amendments as follows, and place SB 2332 on the Seventh order:

That the House recede from its amendments as printed on page 981 of the Senate Journal and page 1029 of the House Journal and that Engrossed Senate Bill No. 2332 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to provide for political committee registration and corporate political contributions; to amend and reenact sections 15-28-10, 16.1-05-01, subsections 2 and 3 of section 16.1-05-03, sections 16.1-05-05, 16.1-06-15, 16.1-06-18, 16.1-07-05, 16.1-07-12, 16.1-08.1-01, 16-08.1-02, 16.1-08.1-03, 16.1-08.1-03.1, 16.1-08.1-06, 16.1-08.1-07, and 16.1-12-04 of the North Dakota Century Code, relating to campaign contribution statements, election workers, testing election equipment, ballots, political advertisements, and independent candidates; and to repeal chapter 16.1-08 and sections 16.1-11-14 and

16.1-11-17 of the North Dakota Century Code, relating to political committee registration, corporate political contributions, affidavits of candidacy, and filling vacancies in slates of candidates.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-28-10 of the North Dakota Century Code is amended and reenacted as follows:

15-28-10. Duties of election officials - Other statutes applicable. ~~Sections 16.1-08-02, Section 14 of this Act and sections 16.1-10-01, 16.1-10-06, 16.1-10-06.1, 16.1-10-07, 16.1-10-08, 16.1-13-22, 16.1-13-23, 16.1-13-30, 16.1-15-01, 16.1-15-04, and 16.1-16-04~~ apply to elections held under sections 15-28-06 and 15-28-09. All expenses of elections held by a school district must be paid by the district.

SECTION 2. AMENDMENT. Section 16.1-05-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-05-01. Election officers. At each primary, general, and special statewide or legislative district election, and at county elections, each polling place must have an election board in attendance. The election board must consist of an election inspector and at least two election judges.

1. The election inspector must be selected in the following manner:
 - a. In all precincts established by the governing body of an incorporated city pursuant to chapter 16.1-04, the governing body shall appoint the election inspectors for those precincts and fill all vacancies occurring in those offices.
 - b. In all other precincts, the county auditor, with the approval of the majority of the board of county commissioners, shall appoint the election inspectors and fill all vacancies occurring in those offices. The selection must be made on the basis of the inspector's knowledge of the election procedure.
 - c. The election inspector shall serve until a successor is named. If an inspector fails to appear for any training session without excuse, the office is deemed vacant and the auditor shall appoint an individual to fill the vacancy.

Except in the case of special elections, all appointments required to be made under this section must be made at least twenty-one days preceding an election.

2. The election judges and poll clerks for each precinct ~~are the precinct committeemen receiving the largest number of votes at the precinct caucus at which they were elected, and must be appointed by the district chairmen~~ representing the two parties that cast the largest and next largest number of votes in the state at the last general election. ~~If for any reason a precinct committeeman does not wish to serve as an election judge, the district party chairman for that committeeman's party shall appoint from the committeeman's precinct a member of the committeeman's party to serve as election judge.~~ Each election judge and poll clerk must be given a certificate of appointment signed by the chairman of the district committee of the judge's party. In voting

precincts or districts in which over one thousand votes are cast in any election, the county auditor may request each district party chairman to appoint an additional election judge. In voting precincts or districts in which over three hundred votes are cast in any election the district party chairmen may each appoint additional poll clerks as determined by the county auditor. The district party chairman shall notify the county auditor of the counties in which the precincts are located of the appointment of the election judges and poll clerks at least twenty-one days before the primary, general, or special election. If this notice is not received within the time specified in this section, the county auditor shall appoint the judges and poll clerks. If at any time before or during an election, it shall be made to appear to an election inspector, by the affidavit of two or more qualified electors of the precinct, that any election judge or poll clerk is disqualified under this chapter, the inspector shall remove that judge or clerk at once and shall fill the vacancy by appointing a qualified person of the same political party as that of the judge or clerk removed. If the disqualified judge or clerk had taken the oath of office as prescribed in this chapter, the inspector shall place the oath or affidavit before the state's attorney of the county.

3. ~~Poll clerks must be appointed by the district party chairmen. Each district party chairman may appoint one poll clerk. However, in voting precincts or districts in which over three hundred votes are cast in any election, the district party chairmen may each appoint additional poll clerks as determined by the county auditor. The appointment of poll clerks by the district party chairmen must be made on the basis of the prospective clerks' knowledge of the election procedure and ability to write legially.~~

SECTION 3. AMENDMENT. Subsections 2 and 3 of section 16.1-05-03 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

2. ~~At least three days before~~ Before each primary and general election, each county auditor or the auditor's designated representative shall conduct training sessions on election laws and election procedures for election officials in the county and may conduct training sessions ~~at least three days before~~ any special statewide or legislative district election. The session or sessions must be conducted at such place or places throughout the county as the county auditor determines to be necessary. Attendance at the session is mandatory for members of the election board and for poll clerks unless the board of county commissioners determines that the poll clerks in that county may not attend. The county auditor shall notify the members of the election boards, poll clerks if applicable, and the state's attorney of the time and place of the session. The state's attorney shall attend all sessions to give advice on election laws. The county auditor shall invite the district chairman in that county representing any political party casting at least five percent of the total votes cast for governor at the last election to attend the session at the chairman's own expense. On the date of such course or courses, the county auditor may deliver to all election inspectors at such meeting the official ballots and all other materials as provided in chapter 16.1-06. Except as otherwise provided in this section, each person attending the course or courses must be compensated as provided in section 16.1-05-05.

3. An election official, at the option of the county auditor, may be required to attend only two excused from attending a third training sessions session on election laws within a twelve-month period. If an election official has attended a training session within the six months preceding an a special election, the election official must be compensated at the pay appropriate for those having attended a training session, as provided in section 16.1-05-05, for that election.

SECTION 4. AMENDMENT. Section 16.1-05-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

~~16.1-05-05. Compensation of election officers — Commissioner of labor to certify minimum wage applicable to election officials — Secretary of state to certify amount to county auditors. The state commissioner of labor, thirty days before each statewide primary, general, or special election, shall determine the state minimum wage applicable to election inspectors, election judges, poll clerks, or any other private individual who performs duties in the election process, and shall certify the amounts to the secretary of state. The secretary of state shall then certify the amounts to the county auditors. The county auditors shall pay at least the amounts so determined state minimum wage to the relevant election officials. Members of the election board and poll clerks who attend the training sessions provided by section 16.1-05-03 must be paid at least the state minimum wage determined by the state commissioner of labor for the hours in attendance in the session in addition to necessary expenses and mileage. State, county, or other election officials who are required to incur expenses while performing duties in the election process may be reimbursed only for their actual and necessary expenses and mileage in the performance of those duties, in accordance with sections 54-06-09, 44-08-04, and 11-10-15. Other persons performing election duties must also be paid for expenses and mileage in like manner and amounts. Members of election boards who attend the training sessions provided by section 16.1-05-03 must be paid at least twenty-five percent more than the state minimum wage determined in this section, during the time spent in the performance of their election duties.~~

SECTION 5. AMENDMENT. Section 16.1-06-15 of the North Dakota Century Code is amended and reenacted as follows:

16.1-06-15. Mandatory testing of electronic voting systems before election and before and after tabulation of ballots. All electronic voting systems used in this state must be tested to ascertain whether the automatic tabulating equipment will accurately count the votes cast for all offices and measures. The testing must be conducted prior to each election at which the system will be used, and before and after the counting of the ballots at each election. The testing must be done by the county auditor or his designee, and after each test, the testing materials, programs, and preaudited ballots must be sealed and retained in the same manner as paper ballots after an election. The test must be conducted by processing a preaudited group of ballot cards on which are recorded a predetermined number of valid votes for each candidate and measure, and must include for each office one or more ballots which have votes in excess of the number allowed by law in order to test the ability of the automatic tabulating equipment to reject such votes. During the test a different number of valid votes must be assigned to each candidate for an office, and for and against each measure. If an error is detected, the cause of it must be ascertained and corrected, and an errorless count must be secured and filed as provided in this section. The test that is conducted before the election must be conducted at least one week before the election, and the district chairman of each political party having a candidate on the ballot must be sent notice of the test by the county auditor by

~~certified mail~~ at least one week before the test. The notice must state the time, place, and date of the test or tests, and that the district chairman or his designee may attend.

SECTION 6. AMENDMENT. Section 16.1-06-18 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-06-18. Delivery of ballots - Official stamp delivered. At the meeting provided for in section 16.1-05-03, the county auditors shall deliver, or cause to be delivered, by mail or other reliable method, to the inspector of elections in each precinct the official ballots, if available. The ballots must be delivered in sealed packages marked plainly on the outside designating the number of ballots enclosed and the precinct for which the ballots are intended. The county auditor shall deliver or cause to be delivered to the inspector, or if that is impracticable, to one of the election judges of the precinct, a stamp and inepad for the purpose of stamping each ballot with the words "official ballot" and the name or number of the precinct, the name of the county, the date of the election, and providing for a blank line preceded by the word "initials" for the purpose of providing a space where the judge or inspector shall initial the ballot. The stamp and inepad are not required if that information is preprinted on the ballot. If the information is preprinted on the ballot, the name or number of the precinct may be replaced by the word "precinct" followed by a blank line where the judge or inspector shall write in the name or number of the precinct. The county auditor shall deliver or cause to be delivered a suitable seal for the purpose of wrapping and sealing the stamp and inepad at the close of the voting but before the counting of the ballots if a stamp is required. The county auditor also shall deliver or cause to be delivered a suitable seal, which has the name of the county inscribed thereon, for the purpose of sealing the wrapper containing the ballots as provided in section 16.1-15-08.

SECTION 7. AMENDMENT. Section 16.1-07-05 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-05. Time for applying for ballot. At any time in an election year, any qualified elector expecting to be absent on election day as provided in section 16.1-07-01 may apply to the county auditor, the auditor or clerk of the city, or the business manager of the school district, as the case may be, by facsimile or otherwise, for an official ballot to be voted at that election. A voter may obtain an application form for an absent voter's ballot for a general, special, primary, or county election from either the county auditor or a city auditor. The application form, for a member of the United States armed forces or the United States merchant marine or for a qualified elector living outside the United States, must include a space for the applicant to indicate whether the application is for all statewide elections in the calendar year or only for the election that is immediately after the date of the application. An applicant who is a member of the United States armed forces or the United States merchant marine or is a qualified elector living outside the United States, may apply for and vote by facsimile if otherwise qualified to apply for and vote by absentee ballot. An auditor, clerk, or business manager may send and receive facsimile absentee ballot applications and facsimile absentee ballots to those electors eligible to apply for and vote by facsimile under this section. No auditor or clerk may issue ballots for absentee voters on the day of the election.

SECTION 8. AMENDMENT. Section 16.1-07-12 of the North Dakota Century Code is amended and reenacted as follows:

16.1-07-12. Opening ballot - Voting or rejecting - Depositing in ballot box - Preserving. At any time between the opening and closing

of the polls on election day, the election judges of the relevant precinct first shall open the outer envelope and compare the signature on such application for an absent voter's ballot with the signature on the statement provided for in section 16.1-07-08. If the judges find that the statement is sufficient and that the signatures correspond, and that the applicant is then a duly qualified elector of such precinct and has not voted at the election, they shall open the absent voter's envelope in such manner as not to destroy the statement thereon. They shall take out the ballot or ballots contained therein without unfolding the same, or permitting the same to be opened or examined, and after ~~endorsing~~ stamping and initialing or initialing the same as other ballots are ~~endorsed~~ stamped and initialed or initialed, they shall deposit the ballot in the proper ballot box and show in the pollbook of the election that the elector has voted. If the statement is found to be insufficient, or that the signatures do not correspond, or that the applicant is not then a duly qualified elector of the precinct, the vote may not be allowed, but without opening the absent voter's envelope, the election inspector or election judge shall mark across the face thereof "rejected as defective" or "rejected as not an elector", as the case may be. The subsequent death of an absentee voter after having voted by absentee ballot does not constitute grounds for rejecting such ballot.

SECTION 9. AMENDMENT. Section 16.1-08.1-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-01. Definitions. As used in this chapter, unless the context otherwise plainly requires:

1. "Association" means any club, association, union, brotherhood, fraternity, organization, or group of any kind of two or more persons, including labor unions, trade associations, professional associations, or governmental associations, which is united for any purpose, business, or object and which assesses any dues, membership fees, or license fees in any amount, or which maintains a treasury fund in any amount. The term does not include corporations, cooperative corporations, limited liability companies, political committees, or political parties.
2. "Candidate" means an individual whose name is presented for who seeks nomination for election or election to public office at any primary election whether the individual is actually nominated or not; an individual whose name is printed as a candidate on an official ballot used at any election; an individual who seeks election through write-in votes; an individual who is soliciting or accepting campaign contributions for the individual's own political purpose; or an individual who has sought election to office and who is soliciting or accepting contributions to pay off any campaign debt or to raise money for any political purpose.
- 2- 3. "Contribution" means a gift, subscription, loan, advance, or deposit of money, made for the purpose of influencing the nomination for election, or election, of any person to public office, of aiding or opposing the circulation or passage of a statewide initiative or referendum petitions, petition or of promoting passage or defeat of a statewide initiated or referred measure. Contribution also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make a contribution for any of the above purposes, and includes funds received by a political committee which are transferred to that committee from

another political committee or other source. This definition does not include:

- a. A loan of money from a bank or other lending institution made in the regular course of business.
- b. Time spent by volunteer campaign or political party workers.
- c. Money spent by a candidate on the candidate's own behalf.
- d. Any money received from a district or state committee of a political party, as established pursuant to sections 16.1-03-06 and 16.1-03-08, except for contributions reported pursuant to section 16.1-08.1-03.

3- 4. "Cooperative corporations", "corporations", and "limited liability companies" are as defined in this code.

5. "Expenditure" means a purchase, payment, distribution, loan, advance, deposit, or gift of money or property, except a loan of money from a bank or other lending institution made in the regular course of business, made for the purpose of influencing the nomination for election, or election, of any person to office. The term also means a contract, promise, or agreement, express or implied, whether or not legally enforceable, to make any expenditure and includes the transfer of funds by a political committee to another political committee.

6. "Patron" means a person who owns equity interest in the form of stock, shares, or membership or maintains similar financial rights in a cooperative corporation.

7. "Person" means an individual, partnership, committee, association, corporation, cooperative corporation, limited liability company, or other organization or group of persons.

4- 8. "Political committee" means any committee, club, association, or other group of persons which receives contributions or makes expenditures primarily for political purposes.

5- 9. "Political party" means any association, committee, or organization which nominates a candidate for election to any office which may be filled by a vote of the electors of this state or any of its political subdivisions and whose name appears on the election ballot as the candidate of such association, committee, or organization.

6- 10. "Political purpose" or ~~"political purposes"~~ means any activity undertaken in support of or in opposition to the election or nomination of a candidate to public office whether the activity is undertaken by a candidate, a political committee, a political party, or any person.

7- 11. "Public office" means every statewide or legislative office to which persons can be elected by vote of the people under the laws of this state.

SECTION 10. Political committee registration. A political committee, other than a political party, and a person aiding or opposing a measure to be voted upon by the voters of the state shall register its name, address, and its agent's name and address with the secretary of state each year in which it receives any contribution. The registration must be completed within five days of the receipt of

any contribution and must be submitted with a registration fee of five dollars.

SECTION 11. AMENDMENT. Section 16.1-08.1-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-02. Statement Contributions statement required of candidates — Contents — Additional statements. Any candidate for a public office or any candidate who sought a public office or is seeking a public office and who is soliciting or accepting contributions for any political purpose, shall make and file a statement in accordance with this section. The statement must contain a detailed statement of all contributions received from each individual or political committee which exceed one hundred dollars.

The candidate shall include in the statement must include the name and mailing address of all contributors listed. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this chapter who contributed in excess of one hundred dollars to the candidate.

The statement required of a candidate must be filed with the secretary of state shall file the statement no later than five p.m. on the twelfth day prior to before the date of the election in which the candidate's name appears on the ballot or in which the candidate seeks election through write-in votes complete from the beginning of that calendar year or, if applicable, from the cutoff date for the previous statement, through the twentieth day prior to before the date of the election. A The candidate shall file a complete statement for the entire calendar year must be filed no later than five p.m. on the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year or whether the candidate did not seek election at any election through write-in votes. If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report must be filed no later than five p.m. on the next business day on which the office of the secretary of state is open.

The form of all statements required by this chapter must be as prescribed by the secretary of state. Statements of a legislative candidate must be filed in the office of the county auditor of the candidate's county of residence under the same limitations as apply to the filing of statements with the secretary of state. Statements of state office candidates and any other required statements must be filed in the office of the secretary of state.

No candidate may be required to file any statement required by this chapter if the candidate has not received any contributions in excess of one hundred dollars during the calendar year.

SECTION 12. AMENDMENT. Section 16.1-08.1-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions statement required of political parties. Any political party that receives contributions in excess of one hundred dollars and contributes money to a candidate in excess of one hundred dollars shall do one of the following:

1. File a statement listing the total amount contributed to or expended on behalf of a candidate or candidates.

- 2- ~~File file~~ a statement containing a detailed list of all contributions received from an individual or political committee which exceed one hundred dollars in amount. The statement must include the name and mailing address of all contributors listed.

A yearend statement covering the entire calendar year must be filed with the secretary of state no later than ~~five p.m. on~~ the thirty-first day of January of the following year. A preelection statement must be filed no later than ~~five p.m. on~~ the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete ~~for~~ from the beginning of that calendar year or, if applicable, from the cutoff date for the previous statement, through the twentieth day before the election. ~~If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the statement must be filed on the next available day on which the office of the secretary of state is open.~~

SECTION 13. AMENDMENT. Section 16.1-08.1-03.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03.1. Statement Contributions statement required of persons promoting passage or defeat of initiated or referred measure - Contents. Any person who is soliciting or accepting contributions for the purpose of aiding or opposing the circulation or passage of a statewide initiative or referendum petitions petition or of promoting passage or defeat of any statewide initiated or referred measure at any election shall file a statement in accordance with this section if the person has received any contributions from a person in excess of one hundred dollars.

The statement must include the name and mailing address of all contributors listed. ~~In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this section who contributed in excess of one hundred dollars to the person.~~

The statement required of a person must be filed with the secretary of state no later than ~~five p.m. on~~ the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election. A complete statement for the entire calendar year must be filed no later than ~~five p.m. on~~ the thirty-first day of January of the following year. ~~If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state is closed, the report must be filed no later than five p.m. on the next business day on which the office of the secretary of state is open.~~

The secretary of state shall prescribe the form of all statements required by this section.

SECTION 14. Campaign contributions by corporations, cooperative corporations, limited liability companies, and associations prohibited - Violation - Penalty.

1. A corporation, cooperative corporation, limited liability company, or association may not make a direct contribution:
 - a. To aid any political party, political committee, or organization.

- b. To aid any corporation, limited liability company, or association organized or maintained for political purposes.
 - c. To aid any candidate for political office or for nomination to political office.
 - d. For any political purpose or the reimbursement or indemnification of any person for money or property so used.
 - e. For the influencing of any measure before the legislative assembly, except in accordance with chapter 54-05.1.
2. This section does not prohibit the establishment, administration, and solicitation of contributions to a separate and segregated fund to be utilized for political purposes by a corporation, cooperative corporation, limited liability company, or association. It is unlawful for:
- a. The person or persons controlling the fund to make contributions or expenditures utilizing money or anything of value secured by physical force, job discrimination, financial reprisals, or the threat of them; or utilize money from dues, fees, treasury funds, or other money required as a condition of membership in an association, or as a condition of employment; or utilize money obtained in any commercial transaction. Moneys from fees, dues, treasury funds, or money obtained in a commercial transaction may, however, be used to pay costs of administration of the fund.
 - b. Any person soliciting an employee, stockholder, patron, or member for a contribution to the fund to fail to inform the employee or member of the political purposes of the fund at the time of the solicitation or of the general political philosophy intended to be advanced through committee activities.
 - c. Any person soliciting an employee or member for a contribution to the fund to fail to inform the employee or member, at the time of the solicitation, of the right to refuse to contribute without any reprisal.
 - d. Any contribution to be accepted without keeping an accurate record of the contributor and amount contributed, and of amounts expended for political purposes.
 - e. Any contribution to be accepted from any person who is not an employee, stockholder, patron, or member of the corporation, cooperative corporation, limited liability company, or association maintaining the political committee.
 - f. Any expenditure, except a contract, promise, or agreement, express or implied, to make any expenditure, made for political purposes to be reported under this section before control of the expenditure has been released by the political committee.
3. All political committees formed for the purpose of administering the segregated fund provided for in this section shall file a statement showing the name and mailing address of each contributor of an amount in excess of two

hundred dollars in the aggregate for the reporting period and a listing of all expenditures of an amount in excess of one hundred dollars in the aggregate made for political purposes with the secretary of state. A yearend statement covering the entire calendar year must be filed no later than the thirty-first day of the following year. A preelection statement must be filed no later than the twelfth day before any primary, special, or general election and must be complete from the beginning of the calendar year or, if applicable, from the cutoff date for the previous statement through the twentieth day before the election.

4. A person may not make a payment of that person's money or of another person's money to any other person for a political purpose in any name other than that of the person who supplies the money and a person may not knowingly receive the payment nor enter nor cause the payment to be entered in that person's account or record in any name other than that of the person by whom it actually was furnished.
5. If an officer, employee, agent, attorney, or other representative of a corporation, cooperative corporation, limited liability company, or association makes any contribution prohibited by this section out of corporate, cooperative corporation, limited liability company, or association funds or otherwise violates this section, it is prima facie evidence of a violation by the corporation, cooperative corporation, limited liability company, or association.
6. A violation of this section may be prosecuted in the county where the contribution is made or in any county in which it has been paid or distributed.
7. It is a class A misdemeanor for an officer, director, stockholder, manager, governor, member, attorney, agent, or representative of any corporation, cooperative corporation, limited liability company, or association to violate this section, or to counsel or consent to any violation. Any person who solicits or knowingly receives any contribution in violation of this section is guilty of a class A misdemeanor.
8. Any officer, director, stockholder, manager, governor, member, attorney, agent, or representative who makes, counsels, or consents to the making of a contribution in violation of this section is liable to the company, corporation, limited liability company, or association for the amount so contributed.

SECTION 15. Person not excused from testifying as to violation - Prosecution or penalty waived upon testifying. No person may be excused from attending and testifying or producing any books, papers, or other documents before any court upon any investigation, proceeding, or trial for a violation of any of the provisions of this chapter, upon the grounds that the testimony or evidence, documentary or otherwise, required of the person may tend to incriminate or degrade the person. No person may be prosecuted nor subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which the person may testify or produce evidence, documentary or otherwise, and no testimony so given or produced may be used against the person in any criminal investigation or proceeding.

SECTION 16. Expenditures for other purposes - Report required. Nothing in this chapter may be construed to prohibit the exercise by corporations, cooperative corporations, limited liability companies,

and associations of the right to make expenditures and contributions for the purpose of promoting passage or defeat of initiated or referred measures, or for promoting any general political philosophy or belief deemed in the best interest of the employees, stockholders, patrons, or members of the corporation, cooperative corporation, limited liability company, or association other than a "political purpose" as defined by this chapter. Any corporation, cooperative corporation, limited liability company, or association that spends money for the purpose of promoting passage or defeat of initiated or referred measures, other than a contribution to another person promoting passage or defeat of an initiated or referred measure, shall file a statement listing the total amount of money spent for that purpose. The statement must be filed with the secretary of state no later than the twelfth day prior to the date of the election in which the measure appears or would have appeared on the ballot complete from the beginning of that calendar year through the twentieth day prior to the date of the election.

SECTION 17. AMENDMENT. Section 16.1-08.1-06 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-06. Requirements Contribution statement requirements. A statement required by this chapter to be filed with the secretary of state or county auditor must be:

1. Verified by the oath or affirmation of the person filing the statement, taken before any officer authorized to administer oaths.
2. Deemed properly filed when deposited in an established post office within the prescribed time, postage affixed, and directed to the secretary of state or county auditor, but in the event it is not received, a duplicate of the statement must be promptly filed upon notice by the secretary of state or county auditor of its nonreceipt.
3. Preserved by the secretary of state or county auditor for a period of four years from the date of filing. The statement is to be considered a part of the public records of ~~his~~ the secretary of state's or county auditor's office and must be open to public inspection.

If the filing date falls on a Saturday or Sunday or a holiday on which the office of the secretary of state or county auditor is closed, the statement must be filed on the next available day on which the office of the secretary of state or county auditor is open. In determining the amount of individual contributions from any contributor, all amounts received from the same contributor during the reporting period must be aggregated for the purposes of the statements required by this chapter.

SECTION 18. AMENDMENT. Section 16.1-08.1-07 of the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-07. Penalty. Any Except as otherwise provided, any person who willfully violates any provision of this chapter is guilty of an infraction.

SECTION 19. AMENDMENT. Section 16.1-12-04 of the North Dakota Century Code is amended and reenacted as follows:

16.1-12-04. Certificates of nomination - Time and place of filing.

1. ~~The following certificates of nomination must be filed with the secretary of state, with written notice of that filing~~

filed with the county auditor of each county included within the district wherein the offices are to be elected:

- a- ~~Certificates of nomination for nominees for offices to be filled by the qualified electors of the entire state-~~
 - b- ~~Certificates of nomination for nominees for offices to be filled by the qualified electors of any district greater than a county.~~
 - c- ~~Certificates of nomination for nominees for legislative offices must be filed with the secretary of state.~~
2. Certificates of nomination for nominees for county offices and legislative offices must be filed with the county auditor of the ~~respective counties in which the officers are to be elected~~ county in which the candidate resides. When a legislative district is composed of more than one county, the county auditor shall certify to the county auditors of the other counties comprising the legislative district the names of the candidates filing the certificates of nomination.
 3. ~~Certificates of nomination required to be filed with the secretary of state~~ must, without regard to the means of delivery, be filed and in the actual possession of the ~~secretary of state~~ appropriate officer not later than four p.m. on the sixtieth day prior to the ~~general~~ day of election day.
 4. ~~Certificates of nomination required to be filed with the county auditor~~ must, without regard to the means of delivery, be filed and in the actual possession of the county auditor not later than four p.m. on the sixtieth day prior to the general election day.
 - 5- ~~In the case of special elections called to fill vacancies, certificates of nomination must be filed and in the actual possession of the appropriate officer, regardless of the means of delivery, not later than four p.m. on the sixtieth day prior to the day of election-~~
 - 6- The secretary of state and the ~~several~~ county auditors shall keep on file for six months all certificates of nomination filed with them under this chapter, and all certificates of nomination must be open to public inspection during regular business hours.

SECTION 20. REPEAL. Chapter 16.1-08 and sections 16.1-11-14 and 16.1-11-17 of the North Dakota Century Code are repealed."

Renumber accordingly

Engrossed SB 2332 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2349, as engrossed: Your conference committee (Sens. Traynor, Watne, LaFountain and Reps. Berg, Johnson, Boucher) recommends that the **HOUSE RECEDE** from the House amendments on SJ pages 1048-1049, adopt amendments as follows, and place SB 2349 on the Seventh order:

That the House recede from its amendments as printed on pages 1048 and 1049 of the Senate Journal and page 1117 of the House Journal, and that Engrossed Senate Bill No. 2349 be amended as follows:

Page 5, line 6, after the period insert "The secretary of state, or any employee or legal representative of the secretary of state, may not disclose the information reported under subsections 6, 7, and 8 to any person, except a person who is verified to be a shareholder of the corporation or a legal representative of the shareholder for which information is requested or to the tax commissioner or any employee or legal representative of the tax commissioner, who may not disclose the information and may use the information only for the administration of the tax laws."

Page 7, line 20, after "hundred" insert "thirty-five"

Renumber accordingly

Engrossed SB 2349 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2430, as engrossed: Your conference committee (Sens. Lee, B. Stenehjem, DeMers and Reps. Thoreson, Walker, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 982 and place SB 2430 on the Seventh order.

Engrossed SB 2430 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2439: Your conference committee (Sens. Bowman, B. Stenehjem, Yockim and Reps. Svedjan, K. Henegar, Kerzman) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 983 and place SB 2439 on the Seventh order.

SB 2439 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2480: Your conference committee (Sens. Lee, Bowman, Yockim and Reps. Price, Walker, Boucher) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 846 and place SB 2480 on the Seventh order.

SB 2480 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SB 2524, as engrossed: Your conference committee (Sens. Tennefos, Kringstad, Heitkamp and Reps. Belter, Lloyd, Gulleson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 984 and place SB 2524 on the Seventh order.

Engrossed SB 2524 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4046, as engrossed: Your conference committee (Sens. B. Stenehjem, Lee, DeMers and Reps. Klein, Nottestad, Christenson) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1122 and place SCR 4046 on the Seventh order.

Engrossed SCR 4046 was placed on the Seventh order of business on the calendar.

REPORT OF CONFERENCE COMMITTEE

SCR 4049, as engrossed: Your conference committee (Sens. Thane, B. Stenehjem, Mathern and Reps. Price, Gunter, Sandvig) recommends that the **SENATE ACCEDE** to the House amendments on SJ page 1041 and place SCR 4049 on the Seventh order.

Engrossed SCR 4049 was placed on the Seventh order of business on the calendar.

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

William C. Parker, Secretary