

## JOURNAL OF THE SENATE

## Fiftieth Legislative Assembly

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## THIRTY-THIRD DAY

Bismarck, February 19, 1987

The Senate convened at 10:00 a.m., with President Pro Tem Redlin presiding.

The prayer was offered by Reverend M. D. Wolff, Bismarck Baptist Church, Bismarck.

Dear Lord, I pray that in this time of deliberation these Senators may be aware of their responsibility to our state and ultimately to You. Take away any greed, revenge, or hatred. Help us to operate on the basis of love and respect.

I pray in Jesus' name, Amen.

## ROLL CALL

The roll was called and all Senators were present, except Senators W. Meyer, Satrom, and Tennefos.

A quorum was declared by the President Pro Tem.

## CORRECTION AND REVISION OF THE JOURNAL

MADAM PRESIDENT: Your Committee on Correction and Revision of the Journal has carefully examined the Journal of the Thirty-second Day and finds the same to be correct.

SEN. J. MEYER, Chairman

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

MESSAGE FROM THE HOUSE  
HOUSE CHAMBER

MADAM PRESIDENT: I have the honor to transmit herewith the following which the House has passed and your favorable consideration is requested on:

HB 1008, HB 1023, HB 1024, HB 1033, HB 1267, HB 1329,  
HB 1331, HB 1426, HB 1449, HB 1459, HB 1483, HB 1486,  
HB 1501, HB 1575, HB 1576, HB 1578, HB 1606, HB 1607,  
HB 1609, HB 1626, HB 1638, HB 1648, HB 1661

ROY GILBREATH, Chief Clerk

MESSAGE TO THE HOUSE  
SENATE CHAMBER

MR. SPEAKER: I have the honor to transmit herewith the following which the Senate has passed and your favorable consideration is requested on:

SB 2183, SB 2190, SB 2191, SB 2192, SB 2265, SB 2346,  
SB 2361, SB 2387

PERRY GROTERBERG, Secretary

## REPORTS OF STANDING COMMITTEES

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2002 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, after the semicolon insert the word "and" and delete the words "section 15-21-02 of the North"

On page 1, line 5, delete the words "Dakota Century Code and"

On page 1, delete line 8

On page 1, line 9, delete the words "; and to provide an effective date"

On page 1, line 21, delete the numerals "4,847,301" and insert in lieu thereof the numerals "4,746,723"

On page 1, line 22, delete the numerals "2,475,503" and insert in lieu thereof the numerals "3,017,767"

On page 1, line 23, delete the numerals "344,125" and insert in lieu thereof the numerals "349,125"

On page 1, line 27, delete the numerals "30,600,189" and insert in lieu thereof the numerals "24,176,529"

On page 1, line 28, delete the numerals "30,253,170" and insert in lieu thereof the numerals "1,260,000"

On page 2, line 1, delete the numerals "1,491,000" and insert in lieu thereof the numerals "216,000"

On page 2, line 4, delete the numerals "170,000" and insert in lieu thereof the numerals "20,000"

On page 2, after line 4, insert the following:

"Grants - educational broadcasting 50,000"

On page 2, line 6, delete the numerals "23,508,868" and insert in lieu thereof the numerals "61,383,036"

- On page 2, line 8, delete the numerals "500,427,920" and insert in lieu thereof the numerals "501,956,944"
- On page 2, line 9, delete the numerals "109,210,974" and insert in lieu thereof the numerals "110,730,300"
- On page 2, line 10, delete the numerals "391,216,946" and insert in lieu thereof the numerals "391,226,644"
- On page 2, line 22, delete the numerals "261,525" and insert in lieu thereof the numerals "247,630" and delete the words "for the line item"
- On page 2, line 23, delete the words "entitled grants - displaced homemakers and"
- On page 3, line 6, delete the words "Any additional income" and insert in lieu thereof the words "The sum of \$200,000, or so much thereof as may be necessary,"
- On page 3, delete lines 9 through 19
- On page 4, delete lines 4 and 5
- And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Superintendent of Public Instruction

The compensation increases of \$100,578, of which \$40,302 is from the general fund, \$57,312 from federal funds, and \$2,964 from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The following grants line items in the bill were changed as follows to separate the amount funded from state sources and federal funds:

	Bill as Introduced	Change	Amended Line It.
Grants - special education	\$30,600,189	\$ (6,423,660)	\$24,176,5.
Grants - school food program	30,253,170	(28,993,170)	1,260,00
Grants - adult basic education	1,491,000	(1,275,000)	216,00
Grants - chemical abuse	170,000	(150,000)	20,00
Grants - federal and other	23,508,868	36,841,830	60,350,69
Net change		\$ 0	

The amendments also provide for the receipt and appropriation of the following grants:

	<u>Antidrug Abuse Act Grant</u>	<u>Leadership in Educa- tional Ad- ministra- tion Grant</u>	<u>Byrd Scholar- ship Program</u>	<u>Total</u>
Operating expenses	\$ 106,370	\$414,394	\$21,500	\$ 542,264
Data processing	5,000			5,000
Grants - Other grants	1,002,338		30,000	1,032,338
Total	<u>\$1,113,708</u>	<u>\$414,394</u>	<u>\$51,500</u>	<u>\$1,579,602</u>
Federal funds	\$1,113,708	\$281,394	\$51,500	\$1,446,602
Other funds		133,000		133,000
Total	<u>\$1,113,708</u>	<u>\$414,394</u>	<u>\$51,500</u>	<u>\$1,579,602</u>

An amount of \$50,000 from the general fund is provided for a Grants - Educational Broadcasting line item. The \$50,000 is provided to contract with the Educational Broadcasting Council for instructional television.

Section 3 is amended to include the revised amount to be transferred from the displaced homemaker fund for the Department of Public Instruction's displaced homemaker program.

An amount of \$200,000 of income is appropriated in Section 5 of the bill. The appropriation, if the Superintendent of Public Instruction can generate the funds from outside sources, is for support of the teacher center network, a feasibility study of teleconferencing, and a demonstration project of interactive televised teaching.

Section 6 of the bill is deleted. Section 6 provided for an increase in the superintendent's salary.

SEN. TALLACKSON, Chairman

SB 2002 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2004 has had the same under consideration and recommends by a vote of 9 YEAS, 4 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 22, delete the numerals "4,383,072" and insert in lieu thereof the numerals "4,292,929"

On page 2, line 1, delete the numerals "35,760,526" and insert in lieu thereof the numerals "35,670,383"

- On page 2, line 2, delete the numerals "29,100,476" and insert in lieu thereof the numerals "29,087,856"
- On page 2, line 3, delete the numerals "6,660,050" and insert in lieu thereof the numerals "6,582,527"
- On page 2, line 6, delete the numerals "6,900,174" and insert in lieu thereof the numerals "6,753,150"
- On page 2, line 9, delete the numerals "30,168,528" and insert in lieu thereof the numerals "30,021,504"
- On page 2, line 12, delete the numerals "741,506" and insert in lieu thereof the numerals "723,308"
- On page 2, line 16, delete the numerals "2,230,835" and insert in lieu thereof the numerals "2,212,637"
- On page 2, line 17, delete the numerals "6,660,050" and insert in lieu thereof the numerals "6,582,527"
- On page 2, line 18, delete the numerals "61,499,839" and insert in lieu thereof the numerals "61,821,997"
- On page 2, line 19, delete the numerals "68,159,889" and insert in lieu thereof the numerals "68,404,524"
- On page 3, line 8, delete the word "All" and insert in lieu thereof the words "There is hereby appropriated \$500,000 from"
- On page 3, line 11, delete the words "must be deposited" and insert in lieu thereof the words "for deposit"
- On page 3, line 12, delete the words "and can" and insert in lieu thereof the word "to"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

##### Office of Management and Budget

The compensation increases of \$90,143, \$77,523 from the general fund and \$12,620 from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. Excess income to be received by the Office of Management and Budget, upon Emergency Commission approval, is estimated to be \$500,000 which amount is appropriated.

Central Data Processing

The compensation increases of \$147,024 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. Excess income to be received by the Office of Management and Budget, upon Emergency Commission approval, is estimated to be \$500,000 which amount is appropriated.

Central Duplicating

The compensation increases of \$18,198 from other funds included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation. Excess income to be received by the Office of Management and Budget, upon Emergency Commission approval, is estimated to be \$500,000 which amount is appropriated.

SEN. TALLACKSON, Chairman

SB 2004 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2005 has had the same under consideration and recommends by a vote of 10 YEAS, 3 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "3,203,622" and insert in lieu thereof the numerals "3,123,373"

On page 1, line 19, delete the numerals "7,785,349" and insert in lieu thereof the numerals "7,705,100"

On page 1, line 21, delete the numerals "6,734,549" and insert in lieu thereof the numerals "6,654,300"

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**Director of Institutions

The compensation increases of \$80,249 from the general fund included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

SEN. TALLACKSON, Chairman

SB 2005 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2015 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, delete lines 8 through 12 and insert in lieu thereof the words "enact a new section to chapter 50-06 of the North Dakota Century Code, relating to the recovery of department of human services claims from decedents' estates; to amend and reenact section"

On page 1, line 13, delete the words and comma "to the amount,"

On page 1, delete line 14

On page 1, line 15, delete the words "disabled facility loan fund and"

On page 1, line 16, delete the words "sections 50-24.1-02.2 and" and insert in lieu thereof the word "section"

On page 1, line 17, delete the words "resources of separated spouse and"

On page 1, line 18, after the semicolon insert the word "and"

On page 1, line 20, delete the words "; to provide an" and insert in lieu thereof a period

On page 1, delete line 21

On page 2, line 6, delete the numerals "48,194,363" and insert in lieu thereof the numerals "46,359,232"

On page 2, line 7, delete the numerals "22,983,735" and insert in lieu thereof the numerals "22,175,469"

On page 2, line 8, delete the numerals "9,090,681" and insert in lieu thereof the numerals "8,586,681"

On page 2, line 10, delete the numerals "468,011,500" and insert in lieu thereof the numerals "469,145,308"

On page 2, line 11, delete the numerals "548,815,427" and insert in lieu thereof the numerals "546,801,838"

On page 2, line 12, delete the numerals "365,949,662" and insert in lieu thereof the numerals "367,688,005"

- On page 2, line 13, delete the numerals "182,865,765" and insert in lieu thereof the numerals "179,113,833"
- On page 2, line 16, delete the numerals "192,182" and insert in lieu thereof the numerals "188,248"
- On page 2, line 18, delete the numerals "532,496" and insert in lieu thereof the numerals "533,840"
- On page 2, line 20, delete the numerals "1,057,464" and insert in lieu thereof the numerals "1,054,874"
- On page 2, line 22, delete the numerals "206,120" and insert in lieu thereof the numerals "203,530"
- On page 2, line 25, delete the numerals "37,301,582" and insert in lieu thereof the numerals "36,345,255"
- On page 2, line 26, delete the numerals "6,225,755" and insert in lieu thereof the numerals "6,359,375"
- On page 2, line 27, delete the numerals "864,304" and insert in lieu thereof the numerals "842,529"
- On page 2, line 30, delete the numerals "45,812,959" and insert in lieu thereof the numerals "44,968,477"
- On page 2, line 31, delete the numerals "13,382,617" and insert in lieu thereof the numerals "13,432,617"
- On page 2, line 32, delete the numerals "32,430,342" and insert in lieu thereof the numerals "31,535,860"
- On page 2, line 35, delete the numerals "1,990,459" and insert in lieu thereof the numerals "1,797,142"
- On page 3, line 4, delete the word and numerals ", 3, and 4" and insert in lieu thereof the word and numeral "and 3"
- On page 3, line 9, delete the numerals "8,316,708" and insert in lieu thereof the numerals "7,813,440" and delete the word "funds" and insert in lieu thereof the words "fund moneys"
- On page 3, line 10, delete the numerals "5,320,575" and insert in lieu thereof the numerals "5,070,515" and delete the numerals "2,996,133" and insert in lieu thereof the numerals "2,742,925"
- On page 3, line 17, delete the numerals "220,822,802" and insert in lieu thereof the numerals "215,923,738"
- On page 3, line 18, delete the numerals "385,170,215" and insert in lieu thereof the numerals "386,512,033"



On page 3, line 19, delete the numerals "605,993,017" and insert in lieu thereof the numerals "602,435,771"

On page 3, delete lines 20 through 35

On page 4, delete lines 1 through 33

On page 5, delete lines 1 through 21

On page 6, after line 21, insert the following new section:

"SECTION 5. A new section to chapter 50-06 of the North Dakota Century Code is hereby created and enacted to read as follows:

Department may assert claims in decedents' estates - How asserted. If no personal representative has been appointed in a decedent's estate or, if appointed, the personal representative has not accepted appointment, the department, or at the department's direction, a county social service board, may act as successor to a decedent for the purposes of asserting any claim it may have against a decedent's estate. The department, or at the department's direction, a county social service board, may act as special administrator of a decedent's estate in order to carry out its duties under this section. No appointments of the court are necessary for the department to so act. A personal representative for a decedent's estate, appointed by the court and acting subsequent to any action taken by the department pursuant to this section, may receive from the department, upon written demand therefor, a report of all actions taken by the department pursuant to this section. If the department has made any recovery pursuant to this section, and a subsequently appointed and serving personal representative receives a claim superior to that of the department, the department shall pay to the personal representative, out of that recovery, such amount as may be necessary to satisfy that superior claim."

On page 7, line 27, after the period insert the words "The limited amounts shall not exceed two thousand dollars for an applicant for or recipient of medical assistance."

On page 8, delete lines 4 and 5

On page 8, delete lines 8 through 10

And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

<u>Description</u>	<u>Total All Funds</u>	<u>Total General Fund</u>	<u>Total Other Funds</u>
<u>Department of Human Services</u>			
<u>Salaries and wages</u>			
Remove salary increase of two percent plus \$50/month	\$(1,074,197)	\$ (859,358)	\$ (214,839)
Reduction for estimated vacancy savings	(600,000)	(600,000)	0
Transfer 2 attorney II positions to Attorney General's office - reduce salaries and wages by \$160,934 and increase operating expenses by \$160,934 to allow the department to contract for the services			
<u>Operating expenses</u>			
Reduce professional development for stipends	(219,200)	(125,000)	(94,200)
Reduce travel	(100,000)	(50,000)	(50,000)
Reduce professional services	(100,000)	(57,000)	(43,000)
Delete liability insurance for physicians at state hospital	(550,000)	(314,298)	(235,702)
<u>Data processing</u>			
Reduction for rate change	(504,000)	(150,000)	(354,000)
<u>Grants</u>			
Add funds to retain \$25,000 Medicaid resource exemption	614,176	188,930	425,246
Add funds to allow prepaid burial limitation at \$2,000, rather than \$1,500 in executive budget	519,632	145,994	373,638
<u>DD pool</u>			
Reduction relating to additional costs at San Haven	(503,268)	(250,060)	(253,208)

DD loan fund

Delete funds for DD loan fund No. 4	(193,317)	0	(193,317)
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Estimated income changes

Include estimated Child Support IV-D Collections in appropriation	0	(1,400,000)	1,400,000
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Include estimated estate collections in appropriation	0	(234,000)	234,000
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Include Food Stamp Incentive income	0	(200,000)	200,000
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Include other estimated income	0	(97,200)	97,200
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Total	\$(2,710,174)	\$(4,001,992)	\$ 1,291,818
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Governor's Council on Human ResourcesSalaries and wages

Remove salary increase of two percent plus \$50/month	\$ (3,934)	\$ (2,590)	\$ (1,344)
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Grants

Increase for available federal funds	1,344	0	1,344
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Total	\$ (2,590)	\$ (2,590)	\$ 0
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STATE HOSPITALSalaries and wages

Remove salary increase of two percent plus \$50/month	\$ (872,707)	\$ (872,707)	\$ 0
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Transfer attorney II position to Attorney General's Office - reduce salaries and wages by \$83,620 and increase operating expenses by \$83,620 to allow the State Hospital to contract for the services

Operating expenses

Add funds for purchase of beef	50,000	0	50,000
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Data processing

Reduction for rate change	(21,775)	(21,775)	0
Total	\$ (844,482)	\$ (894,482)	\$ 50,000

SEN. TALLACKSON, Chairman

SB 2015 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2016 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

- On page 1, line 18, delete the numerals "46,660,503" and insert in lieu thereof the numerals "45,561,339"
- On page 1, line 23, delete the numerals "58,128,562" and insert in lieu thereof the numerals "57,029,398"
- On page 1, line 24, delete the numerals "47,249,093" and insert in lieu thereof the numerals "47,105,143"
- On page 1, line 25, delete the numerals "10,879,469" and insert in lieu thereof the numerals "9,924,255"
- On page 2, line 3, delete the numerals "1,448,445" and insert in lieu thereof the numerals "1,533,764"
- On page 2, line 4, delete the numerals "425,238" and insert in lieu thereof the numerals "443,982"
- On page 2, line 5, delete the numerals "500" and insert in lieu thereof the numerals "4,700"
- On page 2, line 7, delete the numerals "18,291" and insert in lieu thereof the numerals "48,966"
- On page 2, line 8, delete the numerals "1,932,474" and insert in lieu thereof the numerals "2,071,412"
- On page 2, line 9, delete the numerals "583,425" and insert in lieu thereof the numerals "750,150"
- On page 2, line 10, delete the numerals "1,349,049" and insert in lieu thereof the numerals "1,321,262"
- On page 2, line 15, delete the numerals "12,450,988" and insert in lieu thereof the numerals "11,467,987"

On page 2, line 16, delete the numerals "47,832,518" and insert in lieu thereof the numerals "47,855,293"

On page 2, line 17, delete the numerals "60,283,506" and insert in lieu thereof the numerals "59,323,280"

And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

Grafton State School

The compensation increases of \$1,099,164, of which \$205,214 is from the general fund, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The estimated income line item is increased by \$750,000 with a corresponding decrease from the general fund to reflect additional Title XIX reimbursement carryover from the 1985-87 biennium to be used as estimated income for the 1987-89 biennium.

Protection and Advocacy Project

The compensation increases of \$32,522, of which \$27,787 is from the general fund, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

This amendment also increases salaries and wages by \$117,841, operating expenses by \$18,744, data processing by \$4,200, and equipment by \$30,675, for a total increase of \$171,460, all from additional estimated income for three FTE--two FTE secretaries and one FTE CMI advocate.

**SEN. TALLACKSON, Chairman**

SB 2016 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2023 has had the same under consideration and recommends by a vote of 9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 7, delete the numerals "132,000" and insert in lieu thereof the numerals "300,000"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Centennial Commission

General fund support for the Centennial Commission is increased by \$168,000, to \$300,000.

SEN. TALLACKSON, Chairman

SB 2023 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2031 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 14, delete the numerals "225,000" and insert in lieu thereof the numerals "175,000"

On page 1, line 15, delete the numerals "230,000" and insert in lieu thereof the numerals "180,000"

And renumber the lines, sections, and pages accordingly

## STATEMENT OF PURPOSE OF AMENDMENT:

Educational Broadcasting Council

The grants line item is reduced by \$50,000 from the general fund. The Department of Public Instruction's budget is increased by \$50,000 from the general fund to contract for instructional television.

SEN. TALLACKSON, Chairman

SB 2031 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed SB 2037 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3 of the engrossed bill, line 7, after the word "funds" insert the words "in addition to the assessment of a fee based upon a sliding fee scale"

And renumber the lines, sections, and pages accordingly

SEN. TALLACKSON, Chairman

SB 2037 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2038 has had the same under consideration and recommends by a vote of 14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 3, line 11, delete the words "The state agency shall pay the full cost of"

On page 3, line 12, delete the words "indirect services with state, county, and federal funds."

And renumber the lines, sections, and pages accordingly  
SEN. TALLACKSON, Chairman

SB 2038 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2063 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 1, after the words "A BILL" delete the remainder of the engrossed bill and insert in lieu thereof the following: "for an Act to amend and reenact section 53-06.1-12.1 of the North Dakota Century Code, relating to taxation of charitable gambling activities and the use of tax proceeds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-06.1-12.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

53-06.1-12.1. Allocation of games of chance tax - Appropriation. The state treasurer, at the direction of the licensing authority, shall pay quarterly to cities and counties in proportion to the tax collected under section 53-06.1-12 from eligible organizations conducting games of chance within each city, for sites within city limits, or within each county, for sites outside city limits, the following amounts which are hereby appropriated:

1. Two-fifths of the tax collected under subsection 1 of section 53-06.1-12 within the city or county.
2. One-tenth of the tax collected under subsection 2 of section 53-06.1-12 within the city or county.

The remaining tax collected under section 53-06.1-12 shall be paid by the licensing authority to the state treasurer for deposit in the state general fund. Any amounts received by a city or county under this section must be used by the city or county for expenses connected with enforcement of this chapter within the city or county.

Any city or county receiving in excess of one thousand dollars annually under this section must report annually to the attorney general on a form designated by the attorney general. The report must specify how the money is being or was expended in the enforcement of this chapter. Failure to report as required or to properly expend the money for enforcement of this chapter, as determined by the attorney general, will result in that entity's funds being retained and utilized in the general fund. Those funds and any future amounts must be utilized for gaming enforcement purposes by the attorney general until the city or county files an acceptable report or expenditure plan for the use of those funds expected from their apportionment. Cities or counties may not supplant existing funding for law enforcement agencies with apportionments from this tax."

And renumber the lines, sections, and pages accordingly  
SEN. SATROM, Chairman

SB 2063 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2079 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the establishment of an oil extraction trust fund and provision of grants or loans through the Bank of North Dakota; to amend and reenact sections 57-51.1-01, 57-51.1-02, and 57-51.1-03 of the North Dakota Century Code, relating to the definition of "average price," the rate of the oil extraction tax, and exemption from the oil extraction tax until the costs of drilling are recovered; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:



SECTION 1. AMENDMENT. Section 57-51.1-01 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-51.1-01. Definitions for oil extraction tax. For the purposes of the oil extraction tax law, the following words and terms shall have the meaning ascribed to them in this section:

1. "Average daily production" of a well means the qualified maximum total production of oil from the well during a calendar month period divided by the number of calendar days in that period; and "qualified maximum total production" of a well means that the well must have been maintained at the maximum efficient rate of production as defined and determined by rule adopted by the industrial commission in furtherance of its authority under chapter 38-08.
2. "Average price" of a barrel of crude oil means the average daily price for a barrel of west Texas intermediate cushing crude oil, as those prices appear in the wall street journal, midwest edition, for the period June first through October thirty-first of any year.
- 2- 3. "Oil" means petroleum, crude oil, mineral oil, casinghead gasoline, and all liquid hydrocarbons that are recovered from gas on the lease incidental to the production of the gas.
- 3- 4. "Property" means the right which arises from a lease or fee interest, as a whole or any designated portion thereof, to produce oil. A producer shall treat as a separate property each separate and distinct producing reservoir subject to the same right to produce crude oil; provided, that such reservoir is recognized by the appropriate governmental regulatory authority as a producing formation that is separate and distinct from, and not in communication with, any other producing formation.
- 4- 5. "Royalty owner" means an owner of what is commonly known as the royalty interest and shall not include the owner of any overriding royalty or other payment carved out of the working interest.
- 5- 6. "Stripper well property" means a "property" whose average daily production of oil, excluding condensate recovered in nonassociated production, per well did not exceed ten barrels per day

during any preceding consecutive twelve-month period beginning after December 31, 1972. Wells which did not actually yield or produce oil during the qualifying twelve-month period, including disposal wells, dry wells, spent wells, and shut-in wells, are not production wells for the purpose of determining whether the stripper well property exemption applies.

**SECTION 2. AMENDMENT.** Section 57-51.1-02 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-02. Imposition of oil extraction tax.** There is hereby imposed an excise tax, to be known as the "oil extraction tax", upon the activity in this state of extracting oil from the earth, and every owner, including any royalty owner, of any part of the oil extracted shall be deemed for the purposes of this chapter to be engaged in the activity of extracting that oil. The rate of tax shall be six and one-half percent of the gross value at the well of the oil extracted, except that for wells drilled and completed after the effective date of this Act, and not otherwise exempt under section 57-51.1-03, the rate of tax shall be four percent of the gross value at the well of the oil extracted. However, if the average price of a barrel of crude oil between June first and October thirty-first of any year is thirty-five dollars or more then the rate of tax for the following calendar year on all taxable wells is six and one-half percent of the gross value at the well of the oil extracted.

**SECTION 3. AMENDMENT.** Section 57-51.1-03 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

**57-51.1-03. Exemptions from oil extraction tax.** The following activities are specifically exempted from the oil extraction tax:

1. The activity of extracting from the earth any oil that is exempt from the gross production tax imposed by chapter 57-51.
2. The activity of extracting from the earth any oil from a stripper well property.
3. The activity not otherwise exempt of extracting from the earth the oil that is owned by a royalty owner or royalty owners in the first one hundred barrels, or any lesser amount, of the average daily production of oil that is produced during each calendar day from any well.

4. For a well drilled and completed after the effective date of this Act, the initial production of oil from the well is exempt from any taxes imposed under this chapter for a period of one year or until the gross value at the well of oil extracted from the well equals the costs of drilling the well, whichever is longer. For purposes of this subsection, the costs of drilling the well include only direct costs of drilling and casing the well and do not include administrative, interest, or other indirect costs nor does it include any costs incurred before the beginning of drilling operations on the well.

SECTION 4. A new section to chapter 57-51.1 of the North Dakota Century Code is hereby created and enacted to read as follows:

Oil extraction tax trust fund. Any amounts collected by the tax commissioner which are attributable to the average price of a barrel of crude oil being at a level that causes elimination of the two and one-half percentage point reduction provided under section 57-51.1-02 shall be paid to the state treasurer and deposited in a special fund in the state treasury, to be known as the oil extraction tax trust fund. The interest and income from moneys accumulated in the oil extraction tax trust fund may be appropriated by the legislative assembly only to the Bank of North Dakota, which may distribute appropriated funds through grants and loans to political subdivisions in energy development impacted areas and loans to individual or corporate businesses in energy development impacted areas on the basis of demonstrated need and feasibility of the projects for economic development in the political subdivisions. The principal and interest payments on loans made under this section shall be transferred by the Bank of North Dakota to the state treasurer and deposited in the oil extraction tax trust fund. The Bank of North Dakota may adopt rules to provide for implementation of the grant or loan program.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly.

SEN. SATROM, Chairman

SB 2079 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2099 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING

that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 3, after the word "plants" insert the words "; and to declare an emergency"

On page 1, line 19, after the period insert the words "For purposes of this subsection, "gross receipts" of a coal gasification plant do not include any amount that is received by the operator of the plant for production of synthetic natural gas in excess of one hundred ten million cubic feet per day."

On page 2, line 3, overstrike the words "constructed prior to July 1"

On page 2, line 4, overstrike the numerals "1985," and after the word "be" insert the words "the greater of"

On page 2, line 5, overstrike the word "fifteen" and insert immediately thereafter the word "seven"

On page 2, line 7, overstrike the words ", whichever is greater" and insert immediately thereafter the words "but not including any amount of synthetic natural gas in excess of one hundred ten million cubic feet per day"

On page 2, line 8, overstrike the words "For coal gasification plants constructed after July 1,"

On page 2, overstrike lines 9 through 12

On page 2, line 13, overstrike the numeral "6."

On page 2, line 18, after the word "first" insert the word "taxable"

On page 3, after line 2, insert the following section:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure and is in effect upon its filing with the secretary of state or on a date specified in this Act."

And renumber the lines, sections, and pages accordingly  
SEN. SATROM, Chairman

SB 2099 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2165 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, delete the first comma and insert in lieu thereof the word "and" and delete the second comma

On page 1, line 2, delete the word and numerals "and 57-60-14"

On page 1, line 4, delete the comma and insert in lieu thereof the word "and"

On page 1, line 5, delete the words ", and the allocation of tax revenue from coal conversion"

On page 1, line 6, delete the word "facilities"

On page 3, line 8, overstrike the word "twenty-five" and insert immediately thereafter the word "fifteen"

On page 3, line 10, delete the word "twenty-five" and insert in lieu thereof the word "one hundred"

On page 4, delete lines 20 through 33

And renumber the lines, sections, and pages accordingly  
SEN. SATROM, Chairman

SB 2165 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed SB 2286 has had the same under consideration and recommends by a vote of 13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2 of the engrossed bill, overstrike lines 31 through 35

On page 3 of the engrossed bill, overstrike lines 1 through 5

And renumber the lines, sections, and pages accordingly  
SEN. TALLACKSON, Chairman

SB 2286 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2305 has had the same under consideration and recommends by a vote of 7 YEAS, 5 NAYS, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO NOT PASS:

On page 1, line 5, after the semicolon insert the words "to repeal section 21 of chapter 571 of the 1985 Session Laws of North Dakota, relating to projects authorized by the forty-ninth legislative assembly;"

On page 1, line 11, after the word "defray" insert the words "that portion of the"

On page 1, line 13, delete the words "biennium beginning" and insert in lieu thereof the words "period beginning on the date of passage and approval of this Act,"

On page 1, line 14, delete the words "July 1, 1987,"

On page 1, line 17, delete the words ", and with the provision that the evidences of"

On page 1, line 18, delete the words "indebtedness are callable five years after issuance"

On page 2, after line 2, insert the following new section:

"SECTION 3. REPEAL. Section 21 of chapter 571 of the 1985 Session Laws of North Dakota is hereby repealed."

And renumber the lines, sections, and pages accordingly  
SEN. TALLACKSON, Chairman

SB 2305 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2351 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 8, delete the word "seventy-five" and insert in lieu thereof the word "sixty"

On page 2, line 20, delete the word "seventy-five" and insert in lieu thereof the word "sixty"

On page 3, line 4, remove the overstrike over the words "~~which~~  
~~commence~~"

On page 3, line 5, remove the overstrike over the words and numerals "~~construction after July 1, 1985,~~"

On page 3, line 8, delete the word "either"

On page 3, line 9, delete the words and numerals "or July 1, 1987, whichever is later"

On page 3, line 12, delete the words ", if the date of first production is after"

On page 3, line 13, delete the word and numerals "June 30, 1987"

On page 3, line 20, delete the word "either"

On page 3, line 21, delete the words and numerals "or July 1, 1987, whichever is later"

On page 4, line 28, after the word "or" insert the words "an amount determined by dividing" and after the third word "the" insert the word "total"

On page 4, line 29, delete the words "during the same calendar month in either of the two previous years" and insert in lieu thereof the words "for either of the two previous calendar years by twelve"

On page 5, line 8, after the word "percent" insert the words "but not less than an amount equal to fifty cents per ton of two thousand pounds [907.18 kilograms],"

And renumber the lines, sections, and pages accordingly  
SEN. SATROM, Chairman

SB 2351 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2393 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 11, delete the word "One-third" and insert in lieu thereof the word "One-fourth" and delete the word "four" and insert in lieu thereof the word "three" and delete the word "five"

On page 2, line 12, delete the words "hundred thousand"

On page 2, line 16, delete the word "Two-thirds" and insert in lieu thereof the word "Three-fourths"

On page 2, line 32, delete the numerals "4,000,000" and insert in lieu thereof the numerals "3,000,000"

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

This amendment changes the allocation of the tax on oil and gas gross production to provide that one-fourth of the first one percent shall be deposited in an oil and gas development impact fund, not to exceed \$3,000,000. The amendment also changes the appropriation for grants to oil and gas impacted counties from \$4,000,000 to \$3,000,000.

SEN. TALLACKSON, Chairman

SB 2393 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Finance and Taxation to which was referred SB 2406 has had the same under consideration and recommends by a vote of 7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 2, line 9, delete the words "provided the cost of"

On page 2, delete line 10

On page 2, line 11, delete the words "or per player" and after the period insert the following sentence: "The tax imposed by this section applies only to seventy-five percent of the gross receipts collected from coin-operated amusement devices."

And renumber the lines, sections, and pages accordingly  
SEN. SATROM, Chairman

SB 2406 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred SB 2453 has had the same under consideration and recommends by a vote of 11 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 4, delete the words "and the oil and gas development impact fund"

On page 1, line 10, delete the words "and the oil and gas development impact fund"

On page 1, line 17, delete the numerals "8,907,653" and insert in lieu thereof the numerals "4,907,653"

On page 1, delete line 18

On page 1, line 19, delete the numerals "14,092,346" and insert in lieu thereof the numerals "5,092,346"

On page 2, line 4, delete the numerals "14,092,346" and insert in lieu thereof the numerals "5,092,346"

On page 2, line 5, delete the words and numerals ", including \$10,092,346 and \$4,000,000"

On page 2, line 6, delete the words "from the oil and gas development impact fund,"



And renumber the lines, sections, and pages accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

This amendment reduces the grants by \$4,000,000 from the oil and gas development impact fund and deletes the ANG plant closure contingency line item of \$5,000,000.

**SEN. TALLACKSON, Chairman**

SB 2453 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Judiciary to which was rereferred SB 2472 has had the same under consideration and recommends by a vote of 4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to amend and reenact subsection 1 of section 39-20-03.1, subsections 1 and 2 of section 39-20-03.2, section 39-20-04, and subsection 1 of section 39-20-05 of the North Dakota Century Code, relating to temporary operator's permits and administrative hearings for alcohol-related traffic offenses.

**BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:**

**SECTION 1. AMENDMENT.** Subsection 1 of section 39-20-03.1 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. The law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit if the person then has valid operating privileges, extending driving privileges for the next ~~twenty~~ twenty-five days, or until earlier terminated by the decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke, suspend, or deny driving privileges in this state.

**SECTION 2. AMENDMENT.** Subsections 1 and 2 of section 39-20-03.2 of the 1985 Supplement to the North

Dakota Century Code are hereby amended and reenacted to read as follows:

1. Without taking possession of the person's out-of-state operator's license, the law enforcement officer shall issue to the person a notification of the test results and a temporary operator's permit extending nonresident operating privileges in this state for ~~twenty~~ twenty-five days from the date of issuance or until earlier terminated by the decision of a hearing officer under section 39-20-05. The temporary permit shall be signed and dated by the officer and serves as the commissioner's official notification to the person of the commissioner's intent to revoke, suspend, or deny driving privileges in this state, and of the hearing procedures under this chapter.
2. If the test was administered by saliva or urine sample or by drawing blood, the law enforcement officer, on reviewing the blood alcohol concentration analysis showing the person had a blood alcohol concentration of at least ten one-hundredths of one percent by weight, shall mail the person a notification of the test results, a temporary operator's permit extending nonresident operating privileges in this state for ~~twenty~~ twenty-five days from the date of mailing or until earlier terminated by the decision of a hearing officer under section 39-20-05, and notice of the intent to revoke, suspend, or deny driving privileges in this state, together with the notice provided under section 39-06.1-07 of the procedures available under this chapter. The temporary operator's permit shall be signed and dated by the officer.

SECTION 3. AMENDMENT. Section 39-20-04 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

39-20-04. Revocation of privilege to drive motor vehicle upon refusal to submit to testing. If a person refuses to submit to testing under section 39-20-01 or 39-20-14, none shall be given, but the law enforcement officer shall immediately take possession of the person's operator's license and shall immediately issue to that person a temporary operator's permit, if the person then has valid operating privileges, extending driving privileges for the next ~~twenty~~ twenty-five days or until earlier terminated by a decision of a hearing officer under section 39-20-05. The law enforcement officer shall sign and note the date on the temporary operator's permit. The temporary operator's

permit serves as the commissioner's official notification to the person of the commissioner's intent to revoke driving privileges in this state and of the hearing procedures under this chapter. The commissioner, upon the receipt of that person's operator's license and a sworn report of the law enforcement officer, forwarded by the officer within five days after issuing the temporary operator's permit, showing that the officer had reasonable grounds to believe the person had been driving or was in actual physical control of a motor vehicle while in violation of section 39-08-01 or equivalent ordinance or, for purposes of section 39-20-14, had reason to believe that the person committed a moving traffic violation or was involved in a traffic accident as a driver, and in conjunction with the violation or accident the officer has, through the officer's observations, formulated an opinion that the person's body contains alcohol, that the person was lawfully arrested if applicable, and that the person had refused to submit to the test or tests under section 39-20-01 or 39-20-14, shall revoke that person's license or permit to drive and any nonresident operating privilege for the appropriate period under this section, or if the person is a resident without a license or a permit to operate a motor vehicle in this state, the commissioner shall deny to the person the issuance of a license or permit for the appropriate period under this section after the date of the alleged violation, subject to the opportunity for a prerovocation hearing and postrevocation review as provided in this chapter. In the revocation of the person's operator's license the commissioner shall give credit for time in which the person was without an operator's license after the day of the person's refusal to submit to the test except that the commissioner may not give credit for time in which the person retained driving privileges through a temporary operator's permit issued under this section or section 39-20-03.2. The period of revocation or denial of issuance of a license or permit under this section is:

1. One year if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has not previously been suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.
2. Two years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has been once previously suspended, revoked, or issuance denied for a violation of this chapter or section 39-08-01 or equivalent ordinance.

3. Three years if the person's driving record shows that within the five years preceding the most recent violation of this section, the person's operator's license has at least twice previously been suspended, revoked, or issuance denied under this chapter, or for a violation of section 39-08-01 or equivalent ordinance, or any combination thereof, and the suspensions, revocations, or denials resulted from at least two separate arrests.

SECTION 4. AMENDMENT. Subsection 1 of section 39-20-05 of the 1985 Supplement to the North Dakota Century Code is hereby amended and reenacted to read as follows:

1. Before issuing an order of suspension, revocation, or denial under section 39-20-04 or 39-20-04.1, the commissioner shall afford that person an opportunity for a hearing if the person mails a request for the hearing to the commissioner within ~~five~~ ten days after the date of issuance of the temporary operator's permit. The hearing must be held within ~~twenty~~ twenty-five days after the date of issuance of the temporary operator's permit, but the hearing officer may extend the hearing to within ~~thirty~~ thirty-five days after the issuance of the temporary operator's permit if good cause is shown. If the hearing date is extended beyond ~~twenty~~ twenty-five days from the issuance of the temporary operator's permit, the commissioner shall provide extended temporary operator's privileges to the date of the hearing. If no hearing is requested within the time limits in this section the expiration of the temporary operator's permit serves as the commissioner's official notification to the person of the revocation, suspension, or denial of driving privileges in this state."

And renumber the lines, sections, and pages accordingly

SEN. LASHKOWITZ, Chairman

SB 2472 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed SB 2477 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1 of the engrossed bill, line 28, delete the words "farm or farm experience, three" and insert in lieu thereof the

words "small business, one member who has experience in the operation of a farm, one"

On page 2 of the engrossed bill, line 1, delete the word "members" and insert in lieu thereof the word "member"

On page 4 of the engrossed bill, line 5, delete the word "general" and insert in lieu thereof the words "home-quarter purchase"

And renumber the lines, sections, and pages accordingly  
SEN. TALLACKSON, Chairman

SB 2477 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2494 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 2, delete the words "; and to provide an appropriation"

On page 6, delete lines 24 through 30

And renumber the lines, sections, and pages accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The general fund appropriation of \$50,000 is removed from the bill.

SEN. TALLACKSON, Chairman

SB 2494 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: A majority of your Committee on Finance and Taxation to which was referred SB 2496 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "to" insert the words "create and enact a new section to chapter 57-61 of the North Dakota Century Code, relating to a separate and additional coal severance tax and allocation of revenue from the tax; to"

On page 1, line 4, delete the word "and" and delete the words "a contingent appropriation" and insert in lieu thereof the words "an appropriation; and to provide an expiration date"

- On page 1, line 9, remove the overstrike over the words "Computation of"
- On page 1, line 10, remove the overstrike over the word "increases--"
- On page 1, line 12, remove the overstrike over the words "in an"
- On page 1, remove the overstrike over lines 13 through 24
- On page 1, line 25, remove the overstrike over the word "determine", after the word "such" insert the word "the", and remove the overstrike over the words "increases based upon increases in the"
- On page 1, line 26, remove the overstrike over the words "wholesale price index from the level of", after the word "such" insert the word "the", and remove the overstrike over the words "index as of"
- On page 1, line 27, after the first numerals "1979" insert the word and numerals "May 1987", remove the overstrike over the words "to the level of such index as of", and after the second numerals "1979" insert the word and numerals "November 1987"
- On page 1, line 28, remove the overstrike
- On page 2, remove the overstrike over lines 1 through 7
- On page 2, line 8, remove the overstrike over the words "prior to", after the first word "such" insert the word "the", remove the overstrike over the words "decline, and shall remain at", after the second word "such" insert the word "that", and remove the overstrike over the word "level"
- On page 2, remove the overstrike over lines 9 and 10
- On page 2, line 11, remove the overstrike over the words "which the last increase was determined" and delete the words "of sixty cents per"
- On page 2, line 12, delete the words "ton of two thousand pounds [907.18 kilograms]"
- On page 2, line 13, overstrike the word "Such" and insert immediately thereafter the word "The"
- On page 2, line 17, remove the overstrike over the words "If the method of"
- On page 2, line 18, remove the overstrike

On page 2, line 19, remove the overstrike over the words "~~subsection 2 is for any reason held to be invalid;~~", after the word "~~such~~" insert the word "that", and remove the overstrike over the word "~~decision~~"

On page 2, remove the overstrike over lines 20 and 21

On page 2, after line 21, insert the following new section:

"SECTION 2. A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional coal severance tax - Lignite research contracts. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax, separate from and additional to the tax imposed by section 57-61-01, of two cents per ton of two thousand pounds [907.18 kilograms]. All of the provisions of this chapter for administration of the coal severance tax apply to the tax imposed under this section. The state tax commissioner shall transfer revenue from the tax imposed by this section to the state treasurer for deposit in a special fund in the state treasury, which is hereby created, to be known as the lignite research fund. Moneys in the lignite research fund shall be available to the industrial commission for contracts with research facilities within this state. Such moneys must be used for contracts for land reclamation research projects and for lignite development research and hydroelectricity impact studies. The industrial commission shall adopt rules for submission and consideration of research proposals and entering into contracts under this section."

On page 2, line 28, after the word "~~Thirty-five~~" insert the word "Twelve" and remove the overstrike over the words "~~percent shall be credited to a special fund in~~"

On page 2, remove the overstrike over lines 29 through 32

On page 2, line 33, remove the overstrike over the numeral and period "~~2-~~"

On page 3, line 23, remove the overstrike over the numeral and period "~~3-~~", delete the numeral and period "2."

On page 7, line 21, remove the overstrike over the numeral and period "~~4-~~", delete the numeral and period "~~3.~~", and delete the word "Fifty" and insert in lieu thereof the word "Thirty-eight"

On page 7, delete lines 23 through 32, and insert in lieu thereof the following new sections:

"SECTION 4. APPROPRIATION. There is hereby appropriated out of any moneys in the lignite research fund in the state treasury, not otherwise appropriated, the sum of \$1,000,000, or so much thereof as may be necessary, to the industrial commission for the purposes of entering contracts for land reclamation research, lignite development research, and hydroelectricity impact studies under section 2 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989.

SECTION 5. EXPIRATION DATE. Section 2 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

Sen. Satrom  
Sen. Richard  
Sen. Dotzenrod  
Sen. Maixner

MADAM PRESIDENT: A minority of your Committee on Finance and Taxation to which was referred SB 2496 has had the same under consideration and recommends that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the word "Act" insert the words "to create and enact two new sections to chapter 57-61 of the North Dakota Century Code, relating to a coal severance tax reduction for coal mined for use in coal conversion facilities and a separate and additional coal severance tax and allocation of revenue from the tax;"

On page 1, line 4, delete the word "and" and delete the words "a contingent appropriation" and insert in lieu thereof the words "an appropriation; and to provide an expiration date"

On page 2, line 11, delete the word "sixty" and insert in lieu thereof the word "ninety-five"

On page 2, after line 21, insert the following new sections:

"SECTION 2. A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Coal severance tax reduction for coal used in coal conversion facilities. A reduction from the coal severance tax under section 57-61-01 as provided in this section applies to coal severed and subsequently used in a coal conversion facility that is being taxed under chapter 57-60 or that is located outside of this state. The reduction under this section is a reduction in the tax imposed by section 57-61-01 of twenty cents per ton for coal severed



after June 30, 1987, and before July 1, 1988, and a reduction in the tax imposed by section 57-61-01 of thirty-five cents per ton for coal severed after June 30, 1988.

SECTION 3. A new section to chapter 57-61 of the North Dakota Century Code is hereby created and enacted to read as follows:

Separate and additional coal severance tax - Lignite research contracts. There is hereby imposed upon all coal severed for sale or for industrial purposes by coal mines within the state a tax, separate from and additional to the tax imposed by section 57-61-01, of two cents per ton of two thousand pounds [907.18 kilograms]. All of the provisions of this chapter for administration of the coal severance tax apply to the tax imposed under this section. The state tax commissioner shall transfer revenue from the tax imposed by this section to the state treasurer for deposit in a special fund in the state treasury, which is hereby created, to be known as the lignite research fund. Moneys in the lignite research fund shall be available to the industrial commission for contracts with research facilities and as appropriated by the legislative assembly for reclamation research. Seventy-five percent of such moneys must be used for land reclamation research projects and twenty-five percent must be used for contracts for lignite development research and hydroelectricity impact studies. The industrial commission shall adopt rules for submission and consideration of research proposals and entering into contracts under this section."

- On page 7, line 23, delete the words "Subject to the" and insert in lieu thereof the word "There"
- On page 7, line 24, delete the words "approval of the emergency commission, there"
- On page 7, line 27, delete the words "commissioner of university and school lands" and insert in lieu thereof the words "energy development impact office"
- On page 7, line 28, delete the word "purposes" and insert in lieu thereof the word "grants"
- On page 7, after line 32, insert the following new sections:

"SECTION 6. APPROPRIATION. There is hereby appropriated out of any moneys in the lignite research fund in the state treasury, not otherwise appropriated, the sum of \$250,000, or so much thereof as may be necessary, to the industrial commission for the purposes of entering lignite development research contracts with the energy research center at the university of North Dakota and for studies of

the impact of imported hydroelectricity under section 3 of this Act for the biennium beginning July 1, 1987, and ending June 30, 1989.

**SECTION 7. APPROPRIATION.** There is hereby appropriated out of any moneys in the lignite research fund in the state treasury, not otherwise appropriated, the sum of \$750,000, or so much thereof as may be necessary, to the land reclamation research center at North Dakota state university, for purposes of land reclamation research for the biennium beginning July 1, 1987, and ending June 30, 1989.

**SECTION 8. EXPIRATION DATE.** Section 3 of this Act is effective through June 30, 1989, and after that date is ineffective."

And renumber the lines, sections, and pages accordingly

Sen. Moore  
Sen. Wright  
Sen. Ingstad

**SEN. SATROM, Chairman**

The reports of the majority and the minority were placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Finance and Taxation to which was referred SB 2500 has had the same under consideration and recommends by a vote of 6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 1, after the words "A BILL" delete the remainder of the bill and insert in lieu thereof the following: "for an Act to create and enact two new subsections to section 57-39.2-04 and two new subsections to section 57-40.2-04 of the North Dakota Century Code, relating to an exemption from sales and use taxes for food or food products purchased with vouchers and food stamps; to amend and reenact section 57-39.2-02.1 of the North Dakota Century Code as contained in Senate Bill No. 2901, as approved by the fiftieth legislative assembly, and subsections 7, 8, and 9 of section 57-39.2-01 and section 57-40.2-03.2 of the North Dakota Century Code, relating to the imposition of sales and use taxes on certain designated services, newspapers, periodicals, and magazines, and to the rate of use tax on alcoholic beverages; and to repeal section 57-39.2-03.3, 57-39.2-03.4, subsections 16, 22, and 30 of section 57-39.2-04, section 57-39.2-04.1, subsection 10 of section 57-40.2-04, and section 57-40.2-04.1 of the North Dakota Century Code, relating to exemptions from sales and use taxes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF THE  
STATE OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsections 7, 8, and 9 of section 57-39.2-01 of the North Dakota Century Code are hereby amended and reenacted to read as follows:

7. "Retail sale" or "sale at retail" means the sale, including the leasing or renting, to a consumer or to any person for any purpose, other than for processing or for resale, of tangible personal property; the sale of steam, gas, cable television, and communication service to retail consumers or users; the ordering, selecting, or aiding a customer to select any goods, wares, or merchandise from any price list or catalog, which the customer might order, or be ordered for such customer to be shipped directly to such customer; the sale or furnishing of hotel, motel, or tourist court accommodations, tickets, or admissions to any place of amusement, athletic event, or place of entertainment including the playing of any machine for amusement or entertainment in response to the use of a coin; and the sales of magazines and other periodicals. By the term "processing" is meant any tangible personal property including containers which it is intended, by means of fabrication, compounding, manufacturing, producing, or germination shall become an integral or an ingredient, or component part of other tangible personal property intended to be sold ultimately at retail. The sale of an item of tangible personal property for the purpose of incorporating it in or attaching it to real property shall be considered as a sale of tangible personal property for a purpose other than for processing; the delivery of possession within the state of North Dakota of tangible personal property by a wholesaler or distributor to an out-of-state retailer who does not hold a North Dakota retail sales tax permit or to a person who by contract incorporates such tangible personal property into, or attaches it to, real property situated in another state shall not be considered a taxable sale if such delivery of possession would not be treated as a taxable sale in that state. As used in this subsection the word "consumer" shall include any hospital, infirmary, sanatorium, nursing home, home for the aged, or similar institution that furnishes services to any patient or occupant. The sale of an item of tangible personal property to a purchaser who rents or leases it to a person

under a finance leasing agreement over the term of which the property will be substantially consumed shall be considered a retail sale if the purchaser elects to treat it as such by paying or causing the transferor to pay the sales tax thereon to the commissioner on or before the last day on which payments may be made without penalty as provided in section 57-39.2-12.

8. "Retailer" includes every person engaged in the business of leasing or renting hotel, motel, or tourist court accommodations, and every person engaged in the business of selling tangible goods, wares, or merchandise at retail, or furnishing of steam, gas, cable television, and communication services, or tickets or admissions to places of amusement, entertainment, and athletic events including the playing of any machine for amusement or entertainment in response to the use of a coin, or magazines, or other periodicals; and shall include any person as herein defined who by contract or otherwise agrees to furnish for a consideration a totally or partially finished product consisting in whole or in part of tangible personal property subject to the sales tax herein provided, and all items of tangible personal property entering into the performance of such contract as a component part of the product agreed to be furnished under said contract shall be subject to the sales tax herein provided and the sales tax thereon shall be collected by the contractor from the person for whom the contract has been performed in addition to the contract price agreed upon, and shall be remitted to the state in the manner provided in this chapter; and shall include the state or any municipality furnishing steam, gas, or communication service to members of the public in its proprietary capacity. For the purpose of this chapter, retailer shall also include every clerk, auctioneer, agent, or factor selling tangible personal property owned by any other retailer.
9. "Sale" means any transfer of title or possession, exchange or barter, conditional or otherwise, in any manner or by any means whatever, for a consideration, and includes the furnishing or service of steam, gas, cable television, or communication, the furnishing of hotel, motel, or tourist court accommodations, the furnishing of tickets or admissions to any place of amusement, athletic event, or place of entertainment including the playing of any machine for

amusement or entertainment in response to the use of a coin, and sales of magazines, newspapers, and other periodicals. Provided, the words "magazines and other periodicals" as used in this subsection do not include newspapers nor magazines or periodicals that are furnished free by a nonprofit corporation or organization to its members or because of payment by its members of membership fees or dues.

SECTION 2. AMENDMENT. Section 57-39.2-02.1 of the North Dakota Century Code as contained in section 1 of Senate Bill No. 2901, as approved by the fiftieth legislative assembly, is hereby amended and reenacted to read as follows:

57-39.2-02.1. Sales tax imposed.

1. Except as otherwise expressly provided in subsection 2 for sales of mobile homes used for residential or business purposes and for sales of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes and except as otherwise expressly provided in this chapter, there is imposed a tax of five percent upon the gross receipts of retailers from all sales at retail including the leasing or renting of tangible personal property as provided in this section, within the state of North Dakota of the following to consumers or users:
  - a. Tangible personal property, consisting of goods, wares, or merchandise, except mobile homes used for residential or business purposes and farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes.
  - b. The furnishing or service of gas, communication services, or steam other than steam used for processing agricultural products.
  - c. Tickets or admissions to places of amusement or entertainment or athletic events, including amounts charged for participation in an amusement, entertainment, or athletic activity, and including the playing of any machine for amusement or entertainment in response to the use of a coin.
  - d. Magazines, newspapers, and other periodicals.

- e. The leasing or renting of a hotel or motel room or tourist court accommodations.
  - f. The leasing or renting of tangible personal property the transfer of title to which has not been subjected to a retail sales tax under this chapter or a use tax under chapter 57-40.2.
  - g. Auctions.
- 2. There is hereby imposed a tax of three percent upon the gross receipts of retailers from all sales at retail of mobile homes used for residential or business purposes, except as provided in subsection 35 of section 57-39.2-04, and of farm machinery, farm machinery repair parts, and irrigation equipment used exclusively for agricultural purposes, including the leasing or renting of farm machinery and irrigation equipment used exclusively for agricultural purposes within the state of North Dakota to consumers or users.
  - 3. In the case of a contract awarded for the construction of highways, roads, streets, bridges, and buildings prior to December 1, 1986, the contractor receiving the award shall be liable only for the sales or use tax at the rate of tax in effect on the date of contract.
  - 4. There is hereby imposed a tax of five percent upon the gross receipts from the following services enumerated in the standard industrial classification manual, 1972, as prepared by the statistical policy division of the office of management and budget, office of the president: business services (major group 73), automotive repair (major group 75), miscellaneous repair (major group 76), legal services (major group 81), lawn care services (group number 078), laundry and cleaning services (group number 721), beauty and barber shops (group numbers 723 and 724), engineering, architecture, and surveying services (group number 891), and accounting, auditing, and bookkeeping services (group number 893).
  - 5. There is hereby imposed a tax of three percent on farm machinery repair services.

SECTION 3. Two new subsections to section 57-39.2-04 of the North Dakota Century Code are hereby created and enacted to read as follows:

Beginning on October 1, 1987, food purchased with vouchers issued under the School Lunch and Child Nutrition Act of 1966, as amended, in compliance with the school lunch and child nutrition amendments of 1986 [Pub. L. 99-591, section 342].

Beginning on October 1, 1987, food or food products purchased for human consumption with food coupons issued by the United States department of agriculture under the Food Stamp Act of 1977, as amended, in compliance with the Food Security Act of 1985.

SECTION 4. AMENDMENT. Section 57-40.2-03.2 of the North Dakota Century Code is hereby amended and reenacted to read as follows:

57-40.2-03.2. Use tax on alcoholic beverages and tobacco products. Notwithstanding any other provision of law, the use taxes imposed by this chapter apply to the storage, use, or consumption in this state of alcoholic beverages as defined in section 5-01-01, whether mixed or unmixed at the time of sale or thereafter, and whether sold for consumption on the premises or through off-sale outlets for consumption off the premises, and cigarettes, cigars, and other tobacco products, provided that gross receipts from the sale thereof shall mean and include any other taxes imposed on such merchandise or its use or on the retail or other sale thereof. Notwithstanding any other provision of law, there is imposed a tax of ~~five~~ six percent on the storage, use, or consumption in this state of alcoholic beverages, which is in lieu of and not in addition to any other tax imposed by this chapter.

SECTION 5. Two new subsections to section 57-40.2-04 of the North Dakota Century Code are hereby created and enacted to read as follows:

Beginning on October 1, 1987, food purchased with vouchers issued under the School Lunch and Child Nutrition Act of 1966, as amended, in compliance with the school lunch and child nutrition amendments of 1986 [Pub. L. 99-591, section 342].

Beginning on October 1, 1987, food or food products purchased for human consumption with food coupons issued by the United States department of agriculture under the Food Stamp Act of 1977, as amended, in compliance with the Food Security Act of 1985.

**SECTION 6. REPEAL.** Sections 57-39.2-03.3, 57-39.2-03.4, subsections 16, 22, and 30 of section 57-39.2-04, and subsection 10 of section 57-40.2-04 of the North Dakota Century Code, and sections 57-39.2-04.1 and 57-40.2-04.1 of the 1985 Supplement to the North Dakota Century Code are hereby repealed."

And renumber the lines, sections, and pages accordingly.

**SEN. SATROM, Chairman**

SB 2500 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2523 has had the same under consideration and recommends by a vote of 11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING that the same BE AMENDED AS FOLLOWS and when so amended, recommends the same DO PASS:

On page 1, line 22, delete the numerals "966,113" and insert in lieu thereof the numerals "950,749"

On page 2, line 2, delete the numerals "1,316,086" and insert in lieu thereof the numerals "1,300,722"

On page 2, line 5, delete the numerals "162,723" and insert in lieu thereof the numerals "161,653"

On page 2, line 9, delete the numerals "182,494" and insert in lieu thereof the numerals "181,424"

On page 2, line 12, delete the numerals "1,055,347" and insert in lieu thereof the numerals "1,128,825"

On page 2, line 13, delete the numerals "232,133" and insert in lieu thereof the numerals "332,133"

On page 2, line 17, delete the numerals "1,730,705" and insert in lieu thereof the numerals "1,904,183"

On page 2, line 18, delete the numerals "522,880" and insert in lieu thereof the numerals "722,880"

On page 2, line 19, delete the numerals "1,207,825" and insert in lieu thereof the numerals "1,181,303"

On page 2, line 26, delete the numerals "6,379,224" and insert in lieu thereof the numerals "7,109,959"

On page 2, line 32, delete the numerals "505,120" and insert in lieu thereof the numerals "830,120"

On page 2, line 35, delete the numerals "9,224,034" and insert in lieu thereof the numerals "10,279,769"



- On page 3, line 1, delete the numerals "2,453,190" and insert in lieu thereof the numerals "3,531,342"
- On page 3, line 2, delete the numerals "6,770,844" and insert in lieu thereof the numerals "6,784,427"
- On page 3, line 5, delete the numerals "3,335,935" and insert in lieu thereof the numerals "3,271,649"
- On page 3, line 9, delete the numerals "3,825,009" and insert in lieu thereof the numerals "3,760,723"
- On page 3, line 10, delete the numerals "373,079" and insert in lieu thereof the numerals "361,016"
- On page 3, line 11, delete the numerals "3,451,930" and insert in lieu thereof the numerals "3,399,707"
- On page 3, line 14, delete the numerals "513,876" and insert in lieu thereof the numerals "504,655"
- On page 3, line 18, delete the numerals "613,077" and insert in lieu thereof the numerals "603,856"
- On page 3, line 21, delete the numerals "8,551,393" and insert in lieu thereof the numerals "8,371,243"
- On page 3, line 25, delete the numerals "11,748,622" and insert in lieu thereof the numerals "11,568,472"
- On page 3, line 28, delete the numerals "435,258" and insert in lieu thereof the numerals "428,719"
- On page 3, line 31, delete the numerals "576,558" and insert in lieu thereof the numerals "570,019"
- On page 3, line 33, delete the numerals "491,308" and insert in lieu thereof the numerals "484,769"
- On page 4, line 1, delete the numerals "3,988,079" and insert in lieu thereof the numerals "3,917,249"
- On page 4, line 6, delete the numerals "8,630,020" and insert in lieu thereof the numerals "8,559,190"
- On page 4, line 7, delete the numerals "4,520,641" and insert in lieu thereof the numerals "4,503,775"
- On page 4, line 8, delete the numerals "4,109,379" and insert in lieu thereof the numerals "4,055,415"
- On page 4, line 11, delete the numerals "1,908,876" and insert in lieu thereof the numerals "1,870,583"

- On page 4, line 14, delete the numerals "220,000" and insert in lieu thereof the numerals "270,000"
- On page 4, line 19, delete the numerals "750,000" and insert in lieu thereof the numerals "1,000,000"
- On page 4, line 20, delete the numerals "4,431,601" and insert in lieu thereof the numerals "4,693,308"
- On page 4, line 21, delete the numerals "1,267,590" and insert in lieu thereof the numerals "1,561,958"
- On page 4, line 22, delete the numerals "3,164,011" and insert in lieu thereof the numerals "3,131,350"
- On page 4, line 23, delete the numerals "2001" and insert in lieu thereof the numerals "2523" and delete the numerals "33,342,979" and insert in lieu thereof the numerals "32,942,848"
- On page 4, line 24, delete the numerals "2001" and insert in lieu thereof the numerals "2523" and delete the numerals "9,222,630" and insert in lieu thereof the numerals "11,416,221"
- On page 4, line 25, delete the numerals "2001" and insert in lieu thereof the numerals "2523" and delete the numerals "42,565,609" and insert in lieu thereof the numerals "44,359,069"
- On page 4, line 33, delete the words "such moneys as" and insert in lieu thereof the words "the sum of \$200,000 or so much thereof as may"
- On page 5, line 7, delete the words "such moneys as" and insert in lieu thereof the words "the sum of \$200,000 or so much thereof as may"
- On page 6, line 4, delete the words "any income" and insert in lieu thereof the words "the sum of \$250,000 or so much thereof as may be"
- On page 6, line 7, delete the words "This income may be expended only upon the authorization of"
- On page 6, delete line 8
- On page 6, line 16, delete the numerals "750,000" and insert in lieu thereof the numerals "1,000,000"
- And renumber the lines, sections, and pages accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Governor's Office

The general fund compensation increases of \$15,364 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Lieutenant Governor

The general fund compensation increases of \$1,070 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Secretary of State

The compensation increases of \$26,522, of which \$20,950 is from the general fund and \$5,572 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Salaries and wages are increased by \$100,000 and operating expenses by \$100,000 for expenses of the central notice system. The total increase of \$200,000 is added to estimated income to fund the expenses. The income is from central notice system filing fees.

Attorney General

The compensation increases of \$122,483, of which \$96,090 is from the general fund, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The salaries and wages line item is increased by \$853,218, of which \$73,673 is from the general fund, to provide for the funding of an additional 11 attorney positions previously funded in other agencies. With this amendment a total of 23 attorney positions are transferred to the Attorney General's budget from other state agencies.

The grants line item is increased by \$325,000 from federal funds to reflect additional federal justice assistance funds which will be available for crime control grants.

State Auditor

The compensation increases of \$64,286, of which \$52,223 is from the general fund and \$12,063 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

State Treasurer

The general fund compensation increases of \$9,221 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

State Tax Commissioner

The general fund compensation increases of \$180,150 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Labor Commissioner

The general fund compensation increases of \$6,539 included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Public Service Commission

The compensation increases of \$70,830, of which \$53,964 is from the general fund and \$16,866 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

Agriculture Commissioner

The compensation increases of \$38,293, of which \$32,661 is from the general fund and \$5,632 is from other funds, included in the executive budget of two percent plus \$50 per month for the last year of the biennium are deleted from the appropriation. To the extent that salary increases are provided by the 50th Legislative Assembly, they will be provided in separate legislation.

The grants line item is increased \$50,000 from federal funds for a grasshopper survey.

The farm credit counseling line item is increased \$250,000 from the home-quarter fund to reflect more accurately the anticipated program expenses. The program includes funding for two FTE positions, one of which was included in the executive recommendation and one currently paid on a contract basis. It is intended that these two FTE positions will be eliminated when the program is phased out.

The bill's total special fund's appropriation is also increased by \$650,000 for including dollar amounts in Sections 3, 4, and 9. Section 3 appropriates \$200,000 to the Public Service Commission of moneys received for the abandoned mine lands program and hydrology monitoring pass-through funds; Section 4 appropriates \$200,000 of income to the Agriculture Commissioner for the waterbank program; and Section 9 appropriates \$250,000 of income received by the Tax Commissioner for administering and collecting city sales tax.

SEN. TALLACKSON, Chairman

SB 2523 was placed on the Sixth order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2166 has had the same under consideration and recommends by a vote of 12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. TALLACKSON, Chairman

SB 2166 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred SB 2470 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION.

SEN. TALLACKSON, Chairman

SB 2470 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was rereferred Engrossed SB 2471 has had the same under consideration and recommends by a vote of 8 YEAS, 5 NAYS, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2471 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

MADAM PRESIDENT: Your Committee on Appropriations to which was referred Engrossed SB 2512 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

SEN. TALLACKSON, Chairman

SB 2512 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SB 2536 has had the same under consideration and recommends by a vote of 12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING that the same DO PASS.

**SEN. TALLACKSON, Chairman**

SB 2536 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

**MADAM PRESIDENT:** Your Committee on Appropriations to which was referred SCR 4009 has had the same under consideration and recommends by a vote of 8 YEAS, 4 NAYS, 2 ABSENT AND NOT VOTING that the same DO NOT PASS.

**SEN. TALLACKSON, Chairman**

SCR 4009 was placed on the Eleventh order of business on the calendar for the succeeding legislative day.

#### MOTION

**SEN. MAIXNER MOVED** that SB 2396 be placed at the head of the calendar and SB 2438 be placed immediately following SB 2396 on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2396:** A BILL for an Act to provide for elimination of the office of commissioner of labor; to provide for transfer of powers, duties, and functions of the office of commissioner of labor and the department of labor; to provide for a legislative council study of the elimination or transfer of powers, duties, and functions of the commissioner of labor and department of labor; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 28 YEAS, 23 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Bakewell; David; Freborg; Holmberg; Ingstad; Kelly; Lips; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Stenehjem; Streibel; Tallackson; Thane; Todd; Tweten; Vosper; Wright

**NAYS:** Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner; Mathern; Maxson; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Waldera; Wogsland; Yockim

**ABSENT AND NOT VOTING:** Meyer, W.; Tennesfos

SB 2396 passed and the title was agreed to.

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#### MOTION

SEN. STENEHJEM MOVED that the action taken by the Senate on SB 2396 be reconsidered, and that the motion to reconsider be laid on the table, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to amend and reenact subsection 2 of section 15-38.1-13 of the North Dakota Century Code, relating to the resolution of impasses in professional negotiations in the public schools.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, the roll was called and there were 23 YEAS, 28 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Lips; Maixner; Mathern; Maxson; Mushik; Redlin; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Waldera; Yockim

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Hilken; Kelly; Langley; Lodoen; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten; Richard; Streibel; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Meyer, W.; Teneffos

SB 2438 lost.

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#### MOTIONS

SEN. HOLMBERG MOVED that SB 2392 be amended as follows:

On page 3, line 12, delete the words ", the state board of"

On page 3, delete lines 13 through 15

On page 3, line 16, delete the word "institution,"

On page 3, line 17, delete the word "employer" and insert in lieu thereof the word "state" and delete the word "public" and insert in lieu thereof the word "its"

On page 6, line 17, after the period insert the words "If an employee organization has been certified in accordance with

this section, then on receipt of a decertification petition evidencing a showing of interest in decertification from at least thirty percent of the public employees in an appropriate unit and requesting an election to decertify an exclusive representative, the commissioner shall conduct, at state expense, a secret ballot election among the public employees in the unit."

On page 7, line 6, delete the word "two" and after the word "choices" insert the words "of no representation and the one, or if applicable, the two, employee organizations"

On page 7, line 32, delete the words "Each public employee shall maintain"

On page 7, delete lines 33 and 34

On page 8, delete lines 1 and 2

On page 8, line 16, delete the words "; provided, that negotiations with a public"

On page 8, delete line 17

On page 8, line 18, delete the words "than employer's time"

On page 14, line 24, delete the words "unless the public employer and the exclusive"

On page 14, delete line 25

On page 14, line 26, delete the words "is ordered by the mediator or arbitration panel"

And renumber the lines, sections, and pages accordingly

SEN. HOLMBERG MOVED that the proposed amendments be adopted.

#### REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2392, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2392, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard;



Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme;  
Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

The proposed amendments to SB 2392 were adopted.

#### MOTIONS

SEN. HOLMBERG MOVED that SB 2392 be further amended as follows:

On page 7, line 3, delete the word "cast"

And renumber the lines, sections, and pages accordingly

SEN. HOLMBERG MOVED that the proposed amendments be adopted.

#### REQUEST

SEN. HOLMBERG REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2392, which request was granted.

#### ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2392, the roll was called and there were 27 YEAS, 23 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Freborg; Holmberg; Ingstad;  
Kelly; Lips; Lodoen; Maxson; Moore; Mutch; Naaden;  
Nalewaja; Nelson; Nothing; Olson; Peterson; Reiten;  
Stenehjerm; Streibel; Stromme; Thane; Todd; Tweten;  
Vosper; Wright

NAYS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken;  
Keller; Kelsh; Krauter; Langley; Lashkowitz; Maixner;  
Mathern; Meyer, D.; Meyer, J.; Mushik; Redlin; Richard;  
Satrom; Schoenwald; Shea; Tallackson; Wogsland; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos; Waldera

The proposed amendments to SB 2392 were adopted.

#### SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to provide for negotiation and arbitration rights and procedures for public employees; to repeal chapters 15-38.1 and 34-11 of the North Dakota Century Code, relating to mediation of disputes between public employers and public employees and to teachers' representation and negotiation; and to provide a penalty.

Which has been read and is placed on the calendar without recommendation.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 23 YEAS, 27 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Lashkowitz; Maixner; Mathern; Meyer, J.; Mushik; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Stromme; Tallackson; Yockim

NAYS: Adams; Axtman; Bakewell; David; Freborg; Kelly; Langley; Lips; Lodoen; Maxson; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Streibel; Thane; Todd; Tweten; Vosper; Wogsland; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos; Waldera

SB 2392 lost.

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## MOTION

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

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

## SECOND READING OF SENATE BILLS

SB 2027: A BILL for an Act making an appropriation for defraying the expenses of the game and fish department of the state of North Dakota.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos; Tweten

SB 2027 passed and the title was agreed to.

\*\*\*\*\*

SB 2033: A BILL for an Act to create and enact three new sections to chapter 20.1-02 of the North Dakota Century Code, establishing a wetlands advisory board.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos; Tweten

SB 2033 passed and the title was agreed to.

\*\*\*\*\*

SB 2064: A BILL for an Act to create and enact three new sections to chapter 53-06.1 of the North Dakota Century Code, relating to maximum rent payable for conducting certain games of chance; and to amend and reenact subdivision c of subsection 3 of section 53-06.1-03 of the North Dakota Century Code, relating to maximum rent payable for conducting certain games of chance.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen;

Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore;  
 Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;  
 Olson; Peterson; Redlin; Reiten; Richard; Satrom;  
 Schoenwald; Shea; Stenehjerm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Vosper; Waldera; Wogsland;  
 Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos;  
 Tweten

SB 2064 passed and the title was agreed to.

\*\*\*\*\*

SB 2068: A BILL for an Act to create and enact two new sections to chapter 25-04 of the North Dakota Century Code, relating to liability for care and treatment of nonresident patients at and reduction or writeoff of accounts receivable by the Grafton state school; and to amend and reenact section 25-04-04, subsection 3 of section 25-04-05, and sections 25-04-14, 25-04-15, 25-16-13, 50-06.3-03, 50-06.3-04, and 50-06.3-09 of the North Dakota Century Code, relating to payment of expenses for care and treatment of patients at the Grafton state school and the state hospital.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg;  
 Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller;  
 Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen;  
 Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore;  
 Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething;  
 Olson; Peterson; Redlin; Reiten; Richard; Satrom;  
 Schoenwald; Shea; Stenehjerm; Streibel; Stromme;  
 Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
 Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos

SB 2068 passed and the title was agreed to.

\*\*\*\*\*

SB 2103: A BILL for an Act to amend and reenact subsections 1 and 3 of section 57-36-25, subsections 1 and 2 of section

57-36-26, and subsection 1 of section 57-36-28 of the North Dakota Century Code, relating to the excise tax and consumer's use tax on cigars, snuff, and other tobacco products; and to provide an appropriation.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 7 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Yockim

NAYS: Bakewell; David; Langley; Mutch; Nelson; Streibel; Wright

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos

SB 2103 passed and the title was agreed to.

\*\*\*\*\*

SB 2188: A BILL for an Act to establish a lignite development commission.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 38 YEAS, 12 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Freborg; Moore; Mutch; Naaden; Nelson; Nething; Streibel; Thane; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos

SB 2188 passed and the title was agreed to.

\*\*\*\*\*

SB 2198: A BILL for an Act to create a commission on governmental reorganization under the legislative council to study existing state boards and commissions; to provide an appropriation; and to provide an effective date and an expiration date.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 28 YEAS, 22 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Ingstad; Keller; Krauter; Langley; Lashkowitz; Lips; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Redlin; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Hilken; Holmberg; Kelly; Lodoen; Mutch; Naaden; Nelson; Nething; Olson; Peterson; Reiten; Stenehjem; Streibel; Thane; Todd; Tweten; Vosper; Wright

ABSENT AND NOT VOTING: Kelsh; Meyer, W.; Tennefos

SB 2198 passed and the title was agreed to.

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SB 2232: A BILL for an Act to amend and reenact section 65-02-08 of the North Dakota Century Code, relating to payment of attorney's fees in workmen's compensation proceedings.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 29 YEAS, 22 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Freborg; Heinrich; Hilken; Keller; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Mathern; Meyer, D.; Meyer, J.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Reiten; Satrom; Stromme; Tallackson; Todd; Vosper; Wogsland

NAYS: Axtman; Bakewell; Heigaard; Holmberg; Ingstad; Lashkowitz; Maixner; Maxson; Mushik; Olson; Peterson; Redlin; Richard; Schoenwald; Shea; Stenehjem; Streibel; Thane; Tweten; Waldera; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2232 passed and the title was agreed to.

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#### MOTION

SEN. SATROM MOVED that SB 2349 be placed immediately following SB 2476 on the calendar, which motion prevailed.

#### SECOND READING OF SENATE BILLS

SB 2365: A BILL for an Act to provide arrest procedures, guidelines, and training for law enforcement officers in handling incidents of domestic violence, and protection by judicial intervention for victims of domestic violence.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos; Waldera

SB 2365 passed and the title was agreed to.

\*\*\*\*\*

SB 2378: A BILL for an Act to create and enact two new sections to chapter 43-07 of the North Dakota Century Code, relating to display of contractor's license number on certain building permits and a public awareness program of contractors' responsibilities.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Maxson; Meyer, W.; Tennefos

SB 2378 passed and the title was agreed to.

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#### MOTIONS

SEN. KRAUTER MOVED that SB 2409 be further amended as follows:

On page 1 of the engrossed bill, line 13, after the period insert the following: "The state-owned and privately owned mineral interests must be offered separately at the public offering. Privately owned mineral interests may only be offered when the common state-owned mineral interest is being offered. The private mineral owners shall submit a signed and notarized lease form to the state at the time they submit their minerals for inclusion in a public offering. The lease to be used by the private mineral owners must be on a form prescribed by the board of university and school lands in which the lease term, royalty rate, and rental rate are consistent with the state-owned mineral lease term and rates. The executed lease must be submitted to the leasing agency prior to the cutoff date for the public offering as established by the leasing agency. The private mineral interests must be advertised in the same manner as provided for in section 38-09-15. No bid may be accepted unless the bidder, at the time of the leasing, tenders or pays to the leasing official an amount equal to the bonus offered for the lease. The payment must be in the form of a thirty-day sight draft payable upon approval of title. The leasing official, in exchange for tender of the bonus, shall deliver to the successful bidder the executed lease. The leasing agency shall, as soon as practical after the sale, forward the thirty-day draft to the private mineral owners."

And renumber the lines, sections, and pages accordingly

SEN. KRAUTER MOVED that the proposed amendments be adopted, which motion prevailed.



## SECOND READING OF SENATE BILLS

SB 2409: A BILL for an Act to create and enact a new section to chapter 38-09 of the North Dakota Century Code, relating to public offering of state mineral leases.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 38 YEAS, 13 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja; Peterson; Redlin; Richard; Satrom; Schoenwald; Shea; Stenehjem; Stromme; Tallackson; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; David; Kelly; Lips; Moore; Mutch; Naaden; Nelson; Nething; Olson; Reiten; Streibel; Tweten

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2409 passed and the title was agreed to.

\*\*\*\*\*

SB 2448: A BILL for an Act to amend and reenact section 15-47-04 of the North Dakota Century Code, relating to the opening date for elementary and secondary public schools.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 3 YEAS, 48 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Krauter; Mathern; Shea

NAYS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2448 lost.

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SB 2463: A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to exemption from equipment requirements for certain motor vehicles.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Shea

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2463 passed and the title was agreed to.

\*\*\*\*\*

SB 2469: A BILL for an Act to provide farmers the right to redeem separate known lots or parcels of property, including a known lot or parcel containing the farmer's home, separately from the remaining property; to amend and reenact section 15-07-04 of the North Dakota Century Code, relating to sale of land by the board of university and school lands; to provide an expiration date; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 43 YEAS, 8 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch;

Nalewaja; Nething; Olson; Peterson; Redlin; Reiten;  
Richard; Satrom; Schoenwald; Shea; Stenehjerm; Stromme;  
Tallackson; Thane; Todd; Tweten; Vosper; Waldera;  
Wogsland; Yockim

NAYS: Adams; Bakewell; David; Freborg; Naaden; Nelson;  
Streibel; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennesfos

SB 2469 passed, the title was agreed to, and the emergency clause carried.

\*\*\*\*\*

SB 2476: A BILL for an Act to create and enact a new section to chapter 40-57.3 of the North Dakota Century Code, relating to a city lodging and restaurant tax; and to amend and reenact sections 40-57.3-01, 40-57.3-02, 40-57.3-03, and 40-57.3-04 of the North Dakota Century Code, relating to a city lodging and restaurant tax.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 33 YEAS, 18 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; David; Dotzenrod; Heigaard; Heinrich;  
Holmberg; Ingstad; Langley; Lips; Maixner; Mathern;  
Maxson; Meyer, D.; Meyer, J.; Mushik; Nalewaja;  
Nething; Olson; Peterson; Redlin; Reiten; Richard;  
Satrom; Schoenwald; Shea; Stenehjerm; Stromme;  
Tallackson; Thane; Todd; Waldera; Wright; Yockim

NAYS: Axtman; Bakewell; Freborg; Hilken; Keller; Kelly;  
Kelsh; Krauter; Lashkowitz; Lodoen; Moore; Mutch;  
Naaden; Nelson; Streibel; Tweten; Vosper; Wogsland

ABSENT AND NOT VOTING: Meyer, W.; Tennesfos

SB 2476 passed and the title was agreed to.

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#### RECOGNITION

THE PRESIDENT PRO TEM ANNOUNCED that former Senator Jack Olin was in the chamber and requested that the Senate recognize former Senator Olin, and former Senator Olin was thereupon introduced to the Senate.

#### MOTIONS

SEN. SATROM MOVED that SB 2349 be further amended as follows:

On page 1, line 5, after the word "vehicles" insert the words "; and to provide an effective date"

On page 2, line 1, insert the following new section:

"SECTION 4. EFFECTIVE DATE. Section 2 of this Act becomes effective on July 1, 1989."

And renumber the lines, sections, and pages accordingly

SEN. SATROM MOVED that the proposed amendments be adopted, which motion prevailed on a verification vote.

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

#### SECOND READING OF SENATE BILL

SB 2349: A BILL for an Act to create and enact a new subsection to section 39-06.1-06 and a new section to title 39 of the North Dakota Century Code, relating to the statutory fee for failing to use safety belts and required use of safety belts in certain motor vehicles; and to provide an effective date.

Which has been read and has committee recommendation of DO NOT PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 22 YEAS, 29 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Heigaard; Heinrich; Holmberg; Lashkowitz; Lips; Mathern; Meyer, J.; Mushik; Nalewaja; Peterson; Redlin; Satrom; Schoenwald; Shea; Stromme; Tallackson; Thane; Tweten; Waldera; Wogsland; Yockim

NAYS: Adams; Bakewell; David; Dotzenrod; Freborg; Hilken; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lodoen; Maixner; Maxson; Meyer, D.; Moore; Mutch; Naaden; Nelson; Nething; Olson; Reiten; Richard; Stenehjem; Streibel; Todd; Vosper; Wright

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2349 lost.

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#### MOTION

SEN. HEIGAARD MOVED that the Senate stand in recess until 3:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Pro Tem Redlin presiding.

#### CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2057 as recommended by the Committee on Judiciary as printed on page 873 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2057: A BILL for an Act to amend and reenact sections 23-27-04.1 and 39-08-04.1 of the North Dakota Century Code, relating to liability of certain persons who render services in an emergency.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 0 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Stenehjem; Streibel; Stromme; Thane; Todd; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Shea; Tallackson; Tennesfos; Tweten

SB 2057 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. SATROM MOVED that the amendments to SB 2076 as recommended by the Committee on Finance and Taxation as printed on page 873 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed on a verification vote.

#### SECOND READING OF SENATE BILL

SB 2076: A BILL for an Act providing limitations on property tax levy increase authority of political subdivisions; and to provide an effective date.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 41 YEAS, 10 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Krauter; Langley; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Nething; Olson; Peterson; Redlin; Reiten; Satrom; Schoenwald; Shea; Stenehjerm; Stromme; Tallackson; Thane; Todd; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; Kelsh; Lashkowitz; Mutch; Naaden; Nelson; Richard; Streibel; Tweten; Vosper

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2076 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2174 as recommended by the Committee on Industry, Business and Labor as printed on pages 873-874 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2174: A BILL for an Act to amend and reenact section 26.1-17-04 of the North Dakota Century Code, relating to the directors of nonprofit health service corporations.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Schoenwald; Shea; Stenehjerm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Satrom; Tennefos

SB 2174 passed and the title was agreed to.

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#### MOTION

SEN. WALDERA MOVED that SB 2319 be moved to the head of the Sixth order on the calendar, which motion prevailed.

#### CONSIDERATION OF AMENDMENTS

SEN. TALLACKSON MOVED that the amendments to SB 2319 as recommended by the Committee on Appropriations as printed on pages 936-937 of the Senate Journal be adopted, and when so adopted, recommends the same BE PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to provide for parimutuel horse racing conducted by certain civic and service clubs, charitable, fraternal, religious, and veterans' organizations, and other public-spirited organizations, the creation of a racing commission, license authorization, and fees; to provide a penalty; and to provide an appropriation.

Which has been read and is placed on the calendar without recommendation.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Naaden; Nalewaja; Nething; Olson; Peterson; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Todd; Waldera; Wogslund; Wright; Yockim

NAYS: Axtman; Freborg; Hilken; Kelly; Mathern; Mutch; Nelson; Redlin; Thane; Tweten; Vosper

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2319 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2229 as recommended by the Committee on Industry, Business and Labor as printed on page 874 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2229:** A BILL for an Act to amend and reenact section 65-05-17 of the North Dakota Century Code, relating to the removal of a cap on workmen's compensation death benefits; and to provide for retroactive application of this Act.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

**YEAS:** Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** Meyer, W.; Tennefos

SB 2229 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SEN. J. MEYER** MOVED that the amendments to SB 2303 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 874-875 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2303:** A BILL for an Act to provide immunity from liability for reporting, assisting, or providing services with respect to abused, neglected, or exploited adults; to create and enact a new subsection to section 50-06-05.1 of the North Dakota Century Code, relating to the powers and duties of the department of human services; and to provide an expiration date.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 40 YEAS, 11 NAYS, 2 ABSENT AND NOT VOTING.



YEAS: Adams; Axtman; Dotzenrod; Heigaard; Hilken; Holmberg; Ingstad; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stromme; Tallackson; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Bakewell; David; Freborg; Heinrich; Keller; Kelly; Mutch; Naaden; Stenehjem; Streibel; Thane

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2303 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2308 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 875 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 25-02-03 of the North Dakota Century Code, relating to the object of the state hospital.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2308 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LASHKOWITZ MOVED that the amendments to SB 2315 as recommended by the Committee on Judiciary as printed on page 876 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to create and enact a new section to title 25 of the North Dakota Century Code, relating to the rights of mentally ill individuals.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 45 YEAS, 6 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Axtman; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Mushik; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Adams; Bakewell; David; Kelly; Moore; Mutch

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2315 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. AXTMAN MOVED that the amendments to SB 2316 as recommended by the Committee on Agriculture as printed on pages 876-877 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2316: A BILL for an Act to create and enact two new sections to chapter 35-17 of the North Dakota Century Code, relating to agister's liens; and to amend and reenact sections 35-17-01 and 35-17-02 of the North Dakota Century Code, relating to agister's liens.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2316 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2337 as recommended by the Committee on Human Services and Veterans Affairs as printed on page 877 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2337: A BILL for an Act to create and enact a new section to chapter 43-41 of the North Dakota Century Code, relating to privileged communications between a social worker and client.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 51 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING.

YEAS: Adams; Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Meyer, W.; Tennefos

SB 2337 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2391 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 877-878 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

#### SECOND READING OF SENATE BILL

SB 2391: A BILL for an Act to create and enact a new subsection to section 26.1-36-32 of the North Dakota Century Code, relating to standards for medicare supplement policies; and to amend and reenact section 26.1-36-37 of the North Dakota Century Code, relating to limitations on preexisting conditions in nursing home policies.

Which has been read and has committee recommendation of DO PASS.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjelm; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogslund; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Adams; Meyer, W.; Tennefos

SB 2391 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2413 as recommended by the Committee on Industry, Business and Labor as printed on page 878 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2413: A BILL for an Act to amend and reenact subsection 3 of section 26.1-41-13 of the North Dakota Century Code, relating to coordination of no-fault insurance benefits.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 48 YEAS, 1 NAY, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: Maxson

ABSENT AND NOT VOTING: Adams; Heinrich; Meyer, W.; Tennefos

SB 2413 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. LANGLEY MOVED that the amendments to SB 2419 as recommended by the Committee on Industry, Business and Labor as printed on pages 878-879 of the Senate Journal be adopted, and when so adopted, recommends the same DO NOT PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2419: A BILL for an Act to create and enact a new section to chapter 51-04 of the North Dakota Century Code, relating to application of the transient merchant law to certain employers; and to amend and reenact subsection 2 of section 51-04-01 of the North Dakota Century Code, relating to the definition of transient merchant.

Which has been read and has committee recommendation of DO NOT PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 10 YEAS, 38 NAYS, 5 ABSENT AND NOT VOTING.

YEAS: Keller; Lashkowitz; Mathern; Maxson; Meyer, J.; Redlin; Satrom; Schoenwald; Vosper; Waldera

**NAYS:** Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Hilken; Holmberg; Ingstad; Kelly; Kelsh; Krauter; Langley; Lips; Lodoen; Maixner; Meyer, D.; Moore; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Reiten; Richard; Shea; Stenehjeme; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Wogsland; Wright; Yockim

**ABSENT AND NOT VOTING:** Adams; Heinrich; Meyer, W.; Mushik; Tennefos

SB 2419 lost.

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#### CONSIDERATION OF AMENDMENTS

**SEN. HEINRICH MOVED** that the amendments to SB 2423 as recommended by the **Committee on Education** as printed on pages 879-882 of the Senate Journal be adopted, and when so adopted, recommends the same **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2423:** A BILL for an Act to amend and reenact sections 15-36-15, 15-36-16, and 15-38-19 of the North Dakota Century Code, relating to the authority of the superintendent of public instruction to suspend, revoke, or annul teachers' certificates, and the certificate proceedings conducted by and the authority of the teachers' professional practices commission.

Which has been read and has committee recommendation of **DO PASS**.

#### ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 50 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING.

**YEAS:** Axtman; Bakewell; David; Dotzenrod; Freborg; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjeme; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

**NAYS:** None

**ABSENT AND NOT VOTING:** Adams; Meyer, W.; Tennefos

SB 2423 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

SEN. J. MEYER MOVED that the amendments to SB 2432 as recommended by the Committee on Human Services and Veterans Affairs as printed on pages 882-883 of the Senate Journal be adopted, and when so adopted, recommends the same DO PASS, which motion prevailed.

## SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to create and enact a new section to chapter 14-08.1 of the North Dakota Century Code, relating to child support orders; to amend and reenact five new sections to chapter 14-09 of the North Dakota Century Code, as created by section 1, section 3, section 5, subsections 3 and 8 of section 7, and section 13 of House Bill No. 1903, as approved by the fiftieth legislative assembly, relating to income withholding for the enforcement of child support obligations; to amend and reenact section 14-09-09.6 and subsection 3 of section 57-38.3-02 of the North Dakota Century Code, relating to voluntary income withholding and set off of debts owed to the state against income tax refunds; to provide a penalty; and to declare an emergency.

Which has been read and has committee recommendation of DO PASS.

## ROLL CALL

The question being on the final passage of the bill, as amended, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maixner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nothing; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Adams; Freborg; Meyer, W.; Tennefos

SB 2432 passed, the title was agreed to, and the emergency clause carried.

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## MOTION

SEN. HEIGAARD MOVED that the minimum number of copies of SB 2103, SB 2409, SB 2423, and SB 2469 be reprinted, which motion prevailed.

## REQUEST

SEN. HEIGAARD REQUESTED a recorded roll call vote on the motion to reprint the minimum number of copies of SB 2103, SB 2409, SB 2423, and SB 2469, which request was granted.

## ROLL CALL

The question being on the motion to reprint the minimum number of copies of SB 2103, SB 2409, SB 2423, and SB 2469, the roll was called and there were 49 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING.

YEAS: Axtman; Bakewell; David; Dotzenrod; Heigaard; Heinrich; Hilken; Holmberg; Ingstad; Keller; Kelly; Kelsh; Krauter; Langley; Lashkowitz; Lips; Lodoen; Maikner; Mathern; Maxson; Meyer, D.; Meyer, J.; Moore; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Olson; Peterson; Redlin; Reiten; Richard; Satrom; Schoenwald; Shea; Stenehjem; Streibel; Stromme; Tallackson; Thane; Todd; Tweten; Vosper; Waldera; Wogsland; Wright; Yockim

NAYS: None

ABSENT AND NOT VOTING: Adams; Freborg; Meyer, W.; Tennesfos

The motion to reprint SB 2103, SB 2409, SB 2423, and SB 2469 prevailed.

## MOTIONS

SEN. HEIGAARD MOVED that the absent Senators be excused, which motion prevailed.

SEN. HEIGAARD MOVED that the Senate be on the Fifth order of business, and at the conclusion of the Fifth order of business, be on the Ninth order of business, and at the conclusion of the Ninth order of business, be on the Thirteenth order of business, and at the conclusion of the Thirteenth order of business, and after the reading of SB 2003, SB 2010, SB 2166, SB 2283, SB 2470, SB 2471, SB 2512, SB 2536, and SCR 4009, the Senate adjourn and convene at 8:00 a.m., Friday, February 20, 1987, which motion prevailed.

## FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Nething introduced:

SCR 4056: A concurrent resolution directing the Legislative Council to study the cost effectiveness and economic impact of governmental and intergovernmental services provided by state agencies, departments, and institutions, and alternative means of delivering those services.



Was read the first time and referred to the Committee on State and Federal Government.

Sen. Nething introduced:

SCR 4057: A concurrent resolution directing the Legislative Council to study the administrative hearing and license suspension process for alcohol-related traffic offenses.

Was read the first time and referred to the Committee on Judiciary.

#### FIRST READING OF HOUSE BILLS

HB 1460: A BILL for an Act to amend and reenact subsection 1 of section 38-08-04 of the North Dakota Century Code, relating to the oil and gas bonding authority of the industrial commission.

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

HB 1506: A BILL for an Act to create and enact a new section to chapter 26.1-39 of the North Dakota Century Code, relating to requiring certain commercial insurance programs to be marketed through resident licensed agents or brokers; and to amend and reenact section 26.1-11-07 of the North Dakota Century Code, relating to signature requirements of resident insurance agents.

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

HB 1568: A BILL for an Act to amend and reenact subsection 2 of section 57-55-11 of the North Dakota Century Code, relating to mobile home moving permits; and to provide a penalty.

Was read the first time and referred to the Committee on Transportation.

HB 1579: A BILL for an Act to amend and reenact section 26.1-29-15 of the North Dakota Century Code, relating to rescission of insurance contracts due to concealment.

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

HB 1596: A BILL for an Act to provide for the creation of the budget stabilization fund as a special fund in the state treasury, to provide for the deposit of revenues in the budget stabilization fund, and to provide for transfers from the budget stabilization fund to the state general fund.

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

HB 1601: A BILL for an Act to amend and reenact subsection 2 of section 57-62-02 and section 57-62-03 of the North Dakota Century Code, relating to loans to oil and gas development impacted counties, cities, and school districts through the coal development trust fund; and to provide an expiration date.

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

HB 1608: A BILL for an Act to amend and reenact section 40-08-08 of the North Dakota Century Code, relating to filling vacancies on city councils.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1671: A BILL for an Act to provide for collection of user fees by park districts and issuance of evidences of indebtedness in anticipation of user fee revenues.

Was read the first time and referred to the Committee on Political Subdivisions.

HB 1672: A BILL for an Act to amend and reenact section 11-11-55.1 of the North Dakota Century Code, relating to county authority to provide special assessment improvements for service connections; and to declare an emergency.

Was read the first time and referred to the Committee on Political Subdivisions.

#### RULING

THE PRESIDENT PRO TEM RULED that pursuant to Senate Rule 507, SB 2003, SB 2010, and SB 2283 shall be placed on the Eleventh order for second reading and final passage on the succeeding legislative day.

The Senate adjourned pursuant to Senator Heigaard's motion.

PERRY GROTEBERG, Secretary