

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 10, 1995

The Senate convened at 12:30 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Thomas K. Schmitt, St. Paul Lutheran Church, Rugby.

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

A quorum was declared by the President.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2002, SB 2005, SB 2074, SB 2085, SB 2180, SB 2248, SB 2283, SB 2285, SB 2334, SB 2448, SB 2450, SB 2451, SB 2456, SB 2473, SB 2493, SB 2519, SB 2532.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1004, HB 1010, HB 1057, HB 1110, HB 1129, HB 1177, HB 1187, HB 1193, HB 1215, HB 1232, HB 1235, HB 1237, HB 1238, HB 1239, HB 1242, HB 1264, HB 1268, HB 1269, HB 1270, HB 1271, HB 1272, HB 1273, HB 1277, HB 1279, HB 1283, HB 1285, HB 1292, HB 1298, HB 1299, HB 1302, HB 1309, HB 1313, HB 1314, HB 1319, HB 1321, HB 1327, HB 1328, HB 1330, HB 1331, HB 1332.

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

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1333, HB 1336, HB 1337, HB 1338, HB 1346, HB 1349, HB 1351, HB 1356, HB 1359, HB 1367, HB 1372, HB 1386, HB 1427.

CONSIDERATION OF AMENDMENTS

SB 2265: SEN. KRINGSTAD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 405-406 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2058: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 426 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2061: SEN. KELSH (Education Committee) MOVED that the amendments on SJ pages 426-427 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2090: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 427 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2104: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 427-428 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2352: SEN. SAND (Industry, Business and Labor Committee) MOVED that the

amendments on SJ page 429 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2415: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ pages 429-430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2444: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2445: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2460: SEN. THANE (Human Services Committee) MOVED that the amendments on SJ pages 430-431 be adopted and then be **REREFERRED** to the Appropriations Committee with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2491: SEN. SCHOBINGER (Education Committee) MOVED that the amendments on SJ pages 431-432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2495: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2510: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ page 432 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Jim Dotzenrod.

CONSIDERATION OF AMENDMENTS

SB 2533: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 433 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4046: SEN. LEE (Human Services Committee) MOVED that the amendments on SJ page 433 be adopted and then be placed on the **CONSENT CALENDAR** with **DO PASS**, which motion prevailed.

MOTION

SEN. THANE MOVED that the Senate reconsider its action whereby SB 2241 failed to pass.

POINT OF ORDER

SEN. G. NELSON stated that the motion to reconsider SB 2241 was out of order because, pursuant to Rule 346, the motion must be made by a member who voted on the prevailing side of the question.

RULING BY THE PRESIDENT

PRESIDENT MYRDAL RULED that the motion to reconsider SB 2241 was out of order.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to amend and reenact subsection 2 of section 4-18.1-03, subsections 1, 2, 6, and 7 of section 4-18.1-04, sections 4-18.1-12, 4-18.1-17, subsection 2 of section 4-18.1-18, and section 4-18.1-22 of the North Dakota Century Code, relating to renaming the milk stabilization board the milk marketing board, the executive officer of the milk marketing board, and assessments by the milk marketing board.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Heinrich; O'Connell; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2195 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2323, which is on the Eleventh order, be rereferred to the **Finance and Taxation Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2323 was rereferred.

MOTION

SEN. GOETZ MOVED that SB 2389, which is on the Eleventh order, be rereferred to the **Appropriations Committee**, which motion prevailed. Pursuant to Sen. Goetz's motion, SB 2389 was rereferred.

MOTION

SEN. GOETZ MOVED that SB 2235, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2164 be returned to the Senate floor from the **Human Services Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MATHERN REQUESTED the unanimous consent of the Senate to withdraw SB 2164. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to amend and reenact section 44-08-04 of the North Dakota Century Code, relating to state officer and employee expense reimbursement.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach;

Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2236 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2341: A BILL for an Act to amend and reenact subsection 1 of section 57-38-60 of the North Dakota Century Code, relating to the time for filing of state income taxes; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Nelson, C.; Tomac

Engrossed SB 2341 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2381: A BILL for an Act to amend and reenact subsection 1 of section 25-03.1-25 of the North Dakota Century Code, relating to detention of mentally ill or chemically dependent individuals.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2381 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2411: A BILL for an Act to create and enact a new section to chapter 57-51.1 of the North Dakota Century Code, relating to the filing of certifications to qualify for certain oil extraction tax exemptions and tax rate reductions; and to provide an effective date.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Tomac

Engrossed SB 2411 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to amend and reenact section 57-40.3-05.1 of the North Dakota Century Code, relating to a motor vehicle seller's certificate furnished by a seller to a purchaser.

ROLL CALL

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

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

NAYS: Christmann

Engrossed SB 2416 passed and the title was agreed to.

SECOND READING OF SENATE BILL

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

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 2 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Yockim

Engrossed SB 2482 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to consideration of irrigation in the valuation of cropland; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Freborg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; Nething; O'Connell; Redlin; Sand; Scherber; St. Aubyn; Tallackson; Tomac; Traynor; Wanzek; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Goetz; Grindberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Robinson; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Uriacher; Watne

Engrossed SB 2524 lost.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4051: A concurrent resolution directing the Legislative Council to study property tax assessment for irrigated and nonirrigated agricultural land.

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

SCR 4051 was declared adopted on a voice vote, and the title was agreed to.

MOTION

SEN. KRAUTER MOVED that the Senate reconsider its action whereby SB 2033 failed to pass, which motion prevailed on a verification vote.

SECOND READING OF SENATE BILL

SB 2033: A BILL for an Act to authorize the administrative committee on veterans' affairs to obtain loans to match federal funds available to acquire or construct a sixty-bed state basic care veterans' home in western North Dakota and to renovate the cedar grove building at the developmental center at Grafton for use as a state basic care veterans' home; to provide for the transfer of administrative control of the cedar grove building at the developmental center at Grafton from the department of human services to the administrative committee on veterans' affairs for use as a state basic care veterans' home; to create and enact a new section to chapter 37-15 of the North Dakota Century Code, relating to the establishment of a veterans' home in western North Dakota and criteria for site selection; to amend and reenact section 25-04-01 of the North Dakota Century Code, relating to administrative authority and control of the developmental center at Grafton; to provide for budget section approval of the western North Dakota basic care veterans' home site; and to provide an appropriation.

REQUEST

SEN. KRAUTER REQUESTED that the Senate divide SB 2033, which request was granted.

DIVISION A

Sections 1, 2, 3, 10, and 11

DIVISION B

Sections 4, 5, 6, 7, 8, and 9

Renumber accordingly and correct the title

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on Divisions A and B of SB 2033, which request was granted.

ROLL CALL

The question being on the final adoption of Division A of SB 2033, the roll was called and there were 24 YEAS, 25 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; O'Connell; Redlin; Robinson; Schobinger; Streibel; Tallackson; Thane; Tomac; Urlacher; Watne; Wogsland; Yockim

NAYS: Christmann; DeMers; Goetz; Grindberg; Heinrich; Krebsbach; Kringstad; LaFountain; Lee; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Sand; Scherber; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tennefos; Traynor; Wanzek

Division A of SB 2033 lost.

ROLL CALL

The question being on the final adoption of Division B of SB 2033, the roll was called and there were 17 YEAS, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lips; Mathern; Mushik; Redlin; Robinson; Tallackson; Thane; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Krebsbach; Kringstad; LaFountain; Lee; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne

Division B of SB 2033 lost.

Because both divisions of SB 2033 lost, no final roll call was taken and SB 2033 was declared lost.

SECOND READING OF SENATE BILL

SB 2529: A BILL for an Act to provide an appropriation to the department of public instruction to increase funding for elementary and secondary education and to provide property tax relief; to provide for allocation of property tax relief; to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to guaranteed tax base equalization of per student payments; to amend and reenact subdivision a of subsection 2 of section 15-40.1-06, section 57-38-29, subsection 2 of section 57-38-30.3, sections 57-39.2-02.1,

57-39.2-03.2, 57-39.2-03.6, 57-39.2-04.2, 57-39.2-08.2, 57-40.2-02.1, 57-40.2-03.2, 57-40.2-04.2, 57-40.3-02, and 57-40.5-02 of the North Dakota Century Code, relating to school district per student payments and income, sales, use, motor vehicle excise, and aircraft excise tax rates; and to provide an effective date.

MOTION

SEN. LIPS MOVED that SB 2529 be amended as follows:

In lieu of the amendments adopted by the Senate as printed on pages 408 and 409 of the Senate Journal, Senate Bill No. 2529 is amended as follows:

Page 1, line 1, remove "to provide an appropriation to the department of public"

Page 1, remove lines 2 through 5

Page 1, line 6, remove "student payments;" and remove "subdivision a of subsection 2 of"

Page 1, remove line 7

Page 1, line 8, remove "57-38-30.3,"

Page 1, line 10, remove "school district per"

Page 1, line 11, remove "student payments, inservice training for teachers, and income,"

Page 1, remove lines 15 through 21

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 27

Page 5, remove lines 1 through 29

Page 6, remove lines 1 through 28

Page 7, remove lines 1 through 9

Page 15, line 27, replace "Sections 6 and 7 of this Act are" with "This Act is"

Page 15, remove line 28

Page 16, line 1, remove "through 17 of this Act are"

Renumber accordingly

REQUEST

SEN. GOETZ REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2529, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2529, the roll was called and there were 7 YEAS, 42 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kelsh; Kinnoin; Kringstad; LaFountain; Lips; Nelson, C.

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krauter; Krebsbach; Langley; Lee; Lindaas; Mathern;

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

The proposed amendments to SB 2529 failed.

REQUEST

SEN. B. STENEHJEM REQUESTED that the Senate divide Engrossed SB 2529 as follows:

DIVISION A

Section 1 and sections 5 through 17

DIVISION B

Sections 2 through 4

Re-number accordingly

REQUEST

SEN. WOGSLAND REQUESTED that the chair rule the motion to divide SB 2529 out of order, due to lack of clarity.

RULING BY THE PRESIDENT

President Myrdal ruled that the Division was understandable.

POINT OF ORDER

SEN. WOGSLAND QUESTIONED the ruling by the chair based on Mason's Rules.

MOTION

SEN. NETHING MOVED that the Senate support the ruling by the chair.

REQUEST

SEN. WOGSLAND REQUESTED a recorded roll call vote on the motion that the Senate support the ruling by the chair, which request was granted.

ROLL CALL

The question being on the motion that the Senate support the ruling by the chair, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Naaden

The ruling by the chair was sustained.

MOTION

SEN. NETHING MOVED the previous question, which motion failed.

MOTION

SEN. WOGSLAND MOVED that the Senate vote on Division B first, which motion failed on a verification vote.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess for ten minutes, which motion prevailed.

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

REQUEST

SEN. B. STENEHJEM REQUESTED that he be allowed to withdraw his motion to divide SB 2529, which request was granted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 33 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Holmberg; LaFountain; Langley; Lindaas; Mathern; Nelson, C.; Redlin; Robinson; Scherber; St. Aubyn; Stenehjem, W.; Tallackson; Wogsland

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Yockim

Engrossed SB 2529 lost.

SECOND READING OF SENATE BILL

SB 2047: A BILL for an Act to amend and reenact sections 20.1-13.1-05, 20.1-13.1-07, subsection 2 of section 20.1-13.1-08, subsection 1 of section 20.1-13.1-10, sections 20.1-13.1-12, 20.1-15-05, subsection 1 of section 20.1-15-07, subsection 2 of section 20.1-15-08, subsection 3 of section 20.1-15-11, section 20.1-15-13, subsection 7 of section 39-06-32, subdivision a of subsection 1 of section 39-08-01, sections 39-20-03.1, 39-20-03.2, subsection 1 of section 39-20-04.1, subsections 2 and 5 of section 39-20-05, subsection 3 of section 39-20-07, and section 39-20-09 of the North Dakota Century Code, relating to the alcohol and drug concentration for motorboat or vessel operators, motor vehicle operators, and hunters under twenty-one years of age.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 40 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heinrich; Kinnoin; Lindaas; Mathern; Mushik; Redlin; Robinson; Scherber; St. Aubyn

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

SB 2047 lost.

SECOND READING OF SENATE BILL

SB 2216: A BILL for an Act to amend and reenact subsection 19 of section

50-06-05.1 of the North Dakota Century Code, relating to administration of the energy assistance program.

ROLL CALL

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

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

SB 2216 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2305: A BILL for an Act to amend and reenact sections 6-09.10-02.1, 6-09.10-03, and subsection 1 of section 6-09.10-06 of the North Dakota Century Code, relating to funding of a coordinated farm management delivery system and extension of the expiration date of the agricultural mediation service; to provide a continuing appropriation; and to declare an emergency.

ROLL CALL

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

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

SB 2305 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to amend and reenact section 54-12-17 of the North Dakota Century Code, relating to consumer fraud education provided by the attorney general's consumer protection and antitrust division; and to provide an appropriation.

ROLL CALL

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

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

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

SB 2340 lost.

SECOND READING OF SENATE BILL

SB 2347: A BILL for an Act to amend and reenact section 27-20-11 of the North Dakota Century Code, relating to venue in child deprivation proceedings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

ABSENT AND NOT VOTING: Naaden; Yockim

SB 2347 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2353: A BILL for an Act to create and enact a new section to chapter 40-57.4 of the North Dakota Century Code, relating to joint job development authorities.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Yockim

SB 2353 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2373: A BILL for an Act to create and enact a new section to chapter 54-44.1 of the North Dakota Century Code, relating to conformity of budget unit expenditures with legislative intent; and to amend and reenact section 54-44.1-12 of the North Dakota Century Code, relating to control over the rate of expenditures by the director of the budget.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Yockim

SB 2373 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2374: A BILL for an Act to amend and reenact section 14-09-06.2 of the North Dakota Century Code, relating to the preference of a child in custody or visitation proceedings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 4 YEAS, 45 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Mushik; Schobinger

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

SB 2374 lost.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to provide an appropriation for allocation to counties to provide property tax relief; and to provide for reduction of county tax levies.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Kelsh

SB 2393 lost.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to create and enact a new section to chapter

43-15 of the North Dakota Century Code, relating to limited prescriptive practices by licensed pharmacists.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 45 YEAS, 3 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Kinnoin; Traynor

ABSENT AND NOT VOTING: Tomac

SB 2438 passed and the title was agreed to.

REQUEST

SEN. ANDRIST REQUESTED that the Journal reflect that he intended to vote YEA on SB 2438, which request was granted.

SECOND READING OF SENATE BILL

SB 2439: A BILL for an Act to create and enact a new section to chapter 14-09, a new chapter to title 26.1, a new subsection to section 50-06-05.1, and a new section to chapter 50-24.5 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993; and to amend and reenact section 14-09-08.11, subsection 5 of section 14-09-09.10, and sections 26.1-36-12 and 50-24.1-07 of the North Dakota Century Code, relating to implementation of the medicaid requirements of the Omnibus Budget Reconciliation Act of 1993.

ROLL CALL

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

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

ABSENT AND NOT VOTING: Heinrich

SB 2439 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act relating to parental rights.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 18 YEAS, 31 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

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

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

SB 2441 lost.

SECOND READING OF SENATE BILL

SB 2478: A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to direct insurance reimbursements for advanced registered nurse practitioners; to amend and reenact subsection 9 of section 26.1-17-01, subsection 1 of section 26.1-36-04, and section 26.1-36-05 of the North Dakota Century Code, relating to the definition of practitioner and benefits for services performed by registered nurses; and to repeal section 26.1-17-12.1 of the North Dakota Century Code, relating to reimbursement of nurses for services.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 28 YEAS, 21 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Christmann; DeMers; Goetz; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lee; Lindaas; Mathern; Mushik; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Thane; Tomac; Urlacher; Watne; Wogsland; Yockim

NAYS: Andrist; Bowman; Freborg; Grindberg; Holmberg; Krebsbach; Kringstad; Lips; Mutch; Naaden; Nalewaja; Sand; Schobinger; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Traynor; Wanzek

SB 2478 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that the Senate stand in recess for five minutes, which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2498: A BILL for an Act to regulate the sale and distribution of tobacco products; to repeal section 12.1-31-03 of the North Dakota Century Code, relating to the sale and use of tobacco by minors; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad;

LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Yockim

ABSENT AND NOT VOTING: Kelsh; Wogsland

SB 2498 lost.

MOTION

SEN. YOCKIM MOVED that SB 2497 be returned to the Senate floor from the **Government and Veterans Affairs Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. YOCKIM REQUESTED the unanimous consent of the Senate to withdraw SB 2497. There being no objection, it was so ordered by the President.

MOTION

SEN. MUSHIK MOVED that SB 2504 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. MUSHIK REQUESTED the unanimous consent of the Senate to withdraw SB 2504. There being no objection, it was so ordered by the President.

SECOND READING OF SENATE BILL

SB 2112: A BILL for an Act to amend and reenact section 54-06-08.1 of the North Dakota Century Code, relating to approval of cash balances maintained by state agencies.

ROLL CALL

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

YEAS: DeMers; Langley; Mathern; O'Connell

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

ABSENT AND NOT VOTING: Mushik

SB 2112 lost.

SECOND READING OF SENATE BILL

SB 2159: A BILL for an Act to amend and reenact sections 15-21-13.1, 15-34.2-03, 15-40.1-01, 15-40.2-01, 15-40.2-05, 15-40.2-08, 15-47-01, 15-47-33, and 57-15-14.5 of the North Dakota Century Code, relating to uniform accounting and reporting, family transportation, definition of a high school student, tuition agreements in districts that do not provide grade levels of service, meetings of county committees regarding tuition hearings, students placed for reasons other than

education, school age, length of school term, and long-distance learning levies.

ROLL CALL

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

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

SB 2159 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2263: A BILL for an Act to create and enact a new section to chapter 12-60 of the North Dakota Century Code, relating to an automated fingerprint identification system by the bureau of criminal investigation.

ROLL CALL

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

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

SB 2263 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact a new section to chapter 27-14 of the North Dakota Century Code, relating to the confidentiality of records of disciplinary investigations of an attorney or counselor at law.

ROLL CALL

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

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

SB 2272 lost.

SECOND READING OF SENATE BILL

SB 2325: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for land used in conservation farming; and to provide an effective date.

ROLL CALL

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

YEAS: Heitkamp; Kinnoin; O'Connell

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

SB 2325 lost.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to amend and reenact section 15-40.2-04 of the North Dakota Century Code, relating to nonresident tuition payments.

ROLL CALL

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

YEAS: Kelsh; Kinnoin; O'Connell; Solberg; Wanzek; Yockim

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

SB 2328 lost.

SECOND READING OF SENATE BILL

SB 2330: A BILL for an Act to amend and reenact section 57-51.1-07 of the North Dakota Century Code, relating to allocation of oil extraction tax revenues; and to provide an effective date.

ROLL CALL

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

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

SB 2330 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2363: A BILL for an Act to create and enact a new section to chapter 6-06 of the North Dakota Century Code, relating to notice and hearings of credit union applications to expand fields of membership.

ROLL CALL

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

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

SB 2363 lost.

SECOND READING OF SENATE BILL

SB 2371: A BILL for an Act to create and enact a new section to chapter 4-12.2 of the North Dakota Century Code, relating to the placement of an apiary.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 20 YEAS, 27 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Krauter; Krebsbach; Kringstad; Naaden; Nalewaja; Nelson, G.; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Watne

NAYS: Andrist; Bowman; Christmann; Heitkamp; Kinnoin; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; Tallackson; Thane; Tomac; Urlacher; Wanzek; Wogsland

ABSENT AND NOT VOTING: LaFountain; Yockim

SB 2371 lost.

MOTION

SEN. G. NELSON MOVED that the vote by which SB 2047, SB 2112, SB 2272, SB 2325, SB 2328, SB 2340, SB 2363, SB 2371, SB 2374, SB 2393, SB 2441, SB 2498, and SB 2529 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

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

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth order of business and at the conclusion of that order, the Senate stand adjourned until 1:00 p.m., Monday, February 13, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, replace lines 12 through 16 with:

"Salaries and wages	\$4,314,482
Operating expenses	530,786
Equipment	<u>56,400"</u>

Page 1, line 17, replace "5,187,133" with "4,901,668"

Page 1, line 18, replace "1,903,601" with "1,654,044"

Page 1, line 19, replace "3,283,532" with "3,247,624"

Reumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

SENATE - This amendment provides object code-based line items for the State Auditor's appropriation rather than program-based line items. The funding provided for each State Auditor program is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Administration	\$ 233,305		\$ 233,305
Division of local government audits	1,254,052	\$(249,557)	1,004,495
Division of state audits	2,940,059	(35,908)	2,904,151
Mineral royalty auditing	595,287		595,287
Salary and benefits adjustment	<u>164,430</u>	<u> </u>	<u>164,430</u>
Total	\$5,187,133	\$(285,465)	\$4,901,668

Although the line items contained in the bill are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

The amendment makes the following line item changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$4,599,947	\$(285,465)	\$(285,465)	\$4,314,482
Operating expenses	530,786			530,786
Equipment	<u>56,400</u>	<u> </u>	<u> </u>	<u>56,400</u>
Total all funds	\$5,187,133	\$(285,465)	\$(285,465)	\$4,901,668
Less estimated income	<u>1,903,601</u>	<u>(249,557)</u>	<u>(249,557)</u>	<u>1,654,044</u>
Total general fund	\$3,283,532	\$ (35,908)	\$ (35,908)	\$3,247,624
FTE	59	(5)	(5)	54

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2006 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2008: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2008 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "4,369,119" with "4,235,158"

Page 1, line 14, replace "1,033,945" with "983,945"

Page 1, line 18, replace "10,142,969" with "9,959,008"

Page 1, line 19, replace "6,664,148" with "6,630,600"

Page 1, line 20, replace "3,478,821" with "3,328,408"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	REDUCE PROFESSIONAL SERVICES ¹	REMOVE VACANT POSITION	REMOVE RETIREMENT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 4,369,119		\$ (22,133) ²	\$ (111,828) ³	\$ (133,961)	\$4,235,158
Operating expenses	1,033,945	\$(50,000)			(50,000)	983,945
Equipment	167,500					167,500
Grants	20,000					20,000
AML contractual services	<u>4,552,405</u>					<u>4,552,405</u>
Total	\$10,142,969	\$(50,000)	\$ (22,133)	\$ (111,828)	\$ (183,961)	\$9,959,008
General fund	\$ 3,478,821	\$(50,000)	\$ (22,133)	\$ (78,280)	\$ (150,413)	\$3,328,408
Special funds	<u>6,664,148</u>			<u>(33,548)</u>	<u>(33,548)</u>	<u>6,630,600</u>
Total	\$10,142,969	\$(50,000)	\$ (22,133)	\$ (111,828)	\$ (183,961)	\$9,959,008
FTE	48		(1)	(2)	(3)	45

¹ Funding for employing experts and other assistance for regulating public utilities is reduced by \$50,000 from the general fund, from \$100,000 to \$50,000, to reflect less estimated usage of experts or other assistance during the 1995-97 biennium.

² Removes one FTE vacant position vacated prior to August 31, 1994.

³ Removes two FTE positions for which the individuals filling the positions are expected to retire prior to June 30, 1995.

REPORT OF STANDING COMMITTEE

SB 2011: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2011 was placed on the Sixth order on the calendar.

Page 1, replace lines 10 and 11 with:

"Salaries and wages	\$436,309
Operating expenses	96,389
Equipment	<u>6,000</u> "

Page 1, line 12, replace "593,135" with "538,698"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 414 - SECURITIES COMMISSIONER

SENATE - This amendment provides object code-based line items for the Securities Commissioner's appropriation rather than program-based line items. The funding provided for the Securities Commissioner's program is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Regulation	\$593,135	\$(54,437)	\$538,698

Although the line items are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

The amendment makes the following line item changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$490,746	\$(54,437)	\$(54,437)	\$436,309
Operating expenses	96,389			96,389
Equipment	<u>6,000</u>			<u>6,000</u>
Total general fund	\$593,135	\$(54,437)	\$(54,437)	\$538,698
FTE	6	(1)	(1)	5

REPORT OF STANDING COMMITTEE

SB 2016: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2016 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "1,459,184" with "1,630,084"

Page 1, line 12, replace "594,080" with "623,180"

Page 1, line 13, replace "103,700" with "123,700"

Page 1, line 14, replace "2,380,945" with "5,880,945"

Page 1, line 15, replace "4,537,909" with "8,257,909"

Page 1, line 16, replace "4,239,828" with "6,859,828"

Page 1, line 17, replace "298,081" with "1,398,081"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 512 - DIVISION OF EMERGENCY MANAGEMENT

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	CONTINUATION OF 1993 AND 1994 FLOOD DISASTER FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,459,184	\$ 170,900	\$ 170,900	\$1,630,084
Operating expenses	594,080	29,100	29,100	623,180
Equipment	103,700	20,000	20,000	123,700
Grants	<u>2,380,945</u>	<u>3,500,000</u>	<u>3,500,000</u>	<u>5,880,945</u>
Total all funds	\$4,537,909	\$3,720,000	\$3,720,000	\$8,257,909
Less estimated income	<u>4,239,828</u>	<u>2,620,000</u>	<u>2,620,000</u>	<u>6,859,828</u>
Total general fund	\$ 298,081	\$1,100,000	\$1,100,000	\$1,398,081
FTE	20		0	20

REPORT OF STANDING COMMITTEE

SB 2111: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2111 was placed on the Sixth order on the calendar.

Page 1, line 10, remove the overstrike over the period, after "each" insert "Each", and remove the overstrike over "~~year such~~"

Page 1, remove the overstrike over lines 11 through 19

Page 1, line 20, remove the overstrike over "~~auditing or examining such records~~" and remove "~~and shall complete an annual property~~"

Page 1, line 21, remove "~~inventory on a form approved by the state auditor~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2113: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2113 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 39-01 of the North Dakota Century Code, relating to university system number plates; and to"

Page 2, line 4, replace "~~or, if~~" with ". If"

Page 2, line 5, remove the second "~~by~~" and after "~~board~~" insert "shall design a window decal for these vehicles. The decal must contain the words NORTH DAKOTA in at least sixty-point type, above the words UNIVERSITY"

SYSTEM in at least seventy-five-point type, above the words Official System Vehicle in at least fifty-two-point type"

Page 2, after line 7, insert:

"SECTION 2. A new section to chapter 39-01 of the North Dakota Century Code is created and enacted as follows:

University system number plates. The director shall issue a number plate for vehicles owned or leased by the state board of higher education which contain the letters UF preceding any other numbers or letters on the plate."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2121, as engrossed: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2121 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2154: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2154 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 23-01 of the North Dakota Century Code, relating to environmental permit hearings conducted for purposes of receiving public comment.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 23-01 of the North Dakota Century Code is created and enacted as follows:

Permit hearings - Exemption from chapters 28-32 and 54-57. A permit hearing conducted for purposes of receiving public comment under chapters 23-20.1, 23-20.3, 23-25, 23-29, 61-28, and 61-28.1 is not a contested case under chapter 28-32 and is not subject to the requirements of chapter 54-57."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2183: Agriculture Committee (Sen. Bowman, Chairman) recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2183 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2351: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2351 was placed on the Sixth order on the calendar.

Page 1, line 3, remove the first "and"

Page 1, line 4, after the first comma insert "14-17-08, 14-17-15,"

Page 1, line 5, after "duties" insert "and paternity determinations; to provide an effective date; and to declare an emergency"

Page 4, after line 12, insert:

"SECTION 3. AMENDMENT. Section 14-17-08 of the North Dakota Century Code is amended and reenacted as follows:

14-17-08. Parties. The child must be made a party to the action. ~~if he~~ A child who is a minor he must be represented by ~~his general guardian~~ the child's parent whose parentage has been established under section 14-17-03 or a guardian ad litem appointed by the court. ~~The child's mother or father may not represent the child as guardian or otherwise.~~ The court may appoint the director of the county social service board as guardian ad litem for the child. The natural mother, each man presumed to be the father under section 14-17-04, and each man alleged to be the natural father, must be made parties or, if not subject to the jurisdiction of the court, must be given notice of the action in a manner prescribed by the court and an opportunity to be heard. The court may align the parties."

Page 6, after line 2, insert:

"SECTION 5. AMENDMENT. Section 14-17-15 of the North Dakota Century Code is amended and reenacted as follows:

14-17-15. Costs. The court may order reasonable fees of ~~counsel~~, experts, and the child's guardian ad litem, and other costs of the action and pretrial proceedings, including genetic tests, to be paid by the parties in proportions and at times determined by the court. The court may order the proportion of any indigent party to be paid by the county social service board of the county in which the child resides or is found. In addition, the court may award reasonable attorney's fees if an award is permitted under chapter 28-26."

Page 7, after line 11, insert:

"SECTION 9. EFFECTIVE DATE. Section 3 of this Act becomes effective April 1, 1995, if the fifty-fourth legislative assembly adjourns sine die on or before March 31, 1995, but otherwise becomes effective July 1, 1995.

SECTION 10. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2369: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2369 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "The defendant and the defendant's attorney shall" with "Upon the prosecuting attorney's compliance with a written request of the defendant for disclosure under subparagraph C or D of paragraph 1 of subdivision a of rule 16 or subdivision f of rule 16 of the North Dakota Rules of Criminal Procedure, the defendant, upon written request by the prosecuting attorney, shall reciprocate in kind and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2382: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact section 12.1-20-06.1 of the North Dakota Century Code, relating to sexual exploitation by a therapist.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 12.1-20-06.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

12.1-20-06.1. Sexual exploitation by therapist - Definitions - Penalty. Any person who is or who holds oneself out to be a therapist and who intentionally has sexual contact, as defined in section 12.1-20-02, with a patient or client during any treatment, consultation, interview, or examination is guilty of a class C felony. Consent by the complainant is not a defense under this section. A complaint of a violation of this section may be made to the police department of the city in which the violation occurred, the sheriff of the county in which the violation occurred, or the bureau of criminal investigation. Local law enforcement agencies and the bureau of criminal investigation shall cooperate in investigations of violations of this section. As used in this section, unless the context or subject matter otherwise requires:

1. "Psychotherapy" means the diagnosis or treatment of a mental or emotional condition, including alcohol or drug addiction.
2. "Therapist" means a physician, psychologist, psychiatrist, social worker, nurse, chemical dependency counselor, member of the clergy, or other person, whether licensed or not by the state, who performs or purports to perform psychotherapy."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2384: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2384 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections 24-02-03.3 and" with "section"

Page 1, line 3, replace "the central" with "office of management and budget" and replace "management system" with "purchases"

Page 1, remove lines 5 through 22

Page 2, remove lines 1 and 2

Page 3, line 10, remove ", upon request of the director of"

Page 3, line 11, remove "the department of transportation,"

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2405: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2405 was placed on the Sixth order on the calendar.

Page 1, line 1, after the second "and" insert "subsections 6 and 7 of"

Page 2, line 28, replace "Section" with "Subsections 6 and 7 of section"

Page 2, line 29, replace "is" with "are"

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 6

Page 5, line 7, remove the overstrike over "6-"

Page 5, line 12, replace "legislature" with "legislative assembly"

Page 5, line 14, remove the overstrike over "~~filing with the legislative council~~" and remove "the first publication"

Page 5, line 26, remove the overstrike over "7-" and remove "6."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2430: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS and BE REREFERRED to the Appropriations Committee (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2430 was placed on the Sixth order on the calendar.

Page 2, line 23 after "plan" insert "for release"

Page 3, after line 7, insert:

"e. Include information regarding the needs of the individual's family and the family's role in the individual's treatment plan."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2452: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2452 was placed on the Sixth order on the calendar for immediate second reading.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to repeal chapter 57-36.1 of the North Dakota Century Code, relating to the imposition of the controlled substance tax.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REPEAL. Chapter 57.36.1 of the North Dakota Century Code is repealed."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2475: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2475 was placed on the Sixth order on the calendar.

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

Page 1, line 8, replace "biennium" with "period"

Page 1, line 9, replace "July 1, 1995," with "with the effective date of this Act"

Page 1, after line 9, insert:

"SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment adds an emergency clause to allow the Adjutant General to begin distributing veterans' compensation prior to the 1995-97 biennium.

REPORT OF STANDING COMMITTEE

SB 2486: Appropriations Committee (Sen. Nething, Chairman) recommends DO NOT PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2486 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2511: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2511 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2522: Agriculture Committee (Sen. Bowman, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2522 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2525: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends DO NOT PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2525 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4033: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4033 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4034: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4034 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4037: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4040: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4040 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4041: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4041 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4044: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4044 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1113, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1113 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1114, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1114 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1118, as engrossed: Natural Resources Committee (Sen. Traynor, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1118 was placed on the Fourteenth order on the calendar.

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

William C. Parker, Secretary