

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 11, 1999

The Senate convened at 1:00 p.m., with President Myrdal presiding.

The prayer was offered by Pastor Scott Sheets, Bismarck Alliance Church, Bismarck.

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

A quorum was declared by the President.

MOTION

SEN. ST. AUBYN MOVED that the Senate resolve itself into a Confirmation Session, which motion prevailed.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. W. Stenehjem, Chairman)** appointed to consider the nominations for the North Dakota State Gaming Commission, do advise and consent to the nomination of Lois Ivers Altenburg.

SEN. W. STENEHJEM MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Lois Ivers Altenburg for the North Dakota State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

The Senate advises and consents to the nomination of Lois Ivers Altenburg for the North Dakota State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. W. Stenehjem, Chairman)** appointed to consider the nominations for the North Dakota State Gaming Commission, do advise and consent to the nomination of Sandi Frenzel.

SEN. W. STENEHJEM MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Sandi Frenzel for the North Dakota State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

The Senate advises and consents to the nomination of Sandi Frenzel for the North Dakota State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. W. Stenehjem, Chairman)** appointed to consider the nominations for the North Dakota State Gaming Commission, do advise and consent to the nomination of Carrol Torgerson.

SEN. W. STENEHJEM MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Carrol Torgerson for the North Dakota State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

The Senate advises and consents to the nomination of Carrol Torgerson for the North Dakota State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. W. Stenehjem, Chairman)** appointed to consider the nominations for the North Dakota State Gaming Commission, do advise and consent to the nomination of Allan Stenehjem.

SEN. W. STENEHJEM MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of Allan Stenehjem for the North Dakota State Gaming Commission", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

The Senate advises and consents to the nomination of Allan Stenehjem for the North Dakota State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. W. Stenehjem, Chairman)** appointed to consider the nominations for the North Dakota State Gaming Commission, do advise and consent to the nomination of James P. Wang.

SEN. W. STENEHJEM MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of James P. Wang for the North Dakota State Gaming Commission", the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Thompson.

The Senate advises and consents to the nomination of James P. Wang for the North Dakota State Gaming Commission.

REPORT OF SELECT COMMITTEE

MADAM PRESIDENT: Your **Select Committee (Sen. G. Nelson, Chairman)** appointed to consider the nominations for the State Board of Higher Education, do advise and consent to the nomination of William B. Isaacson.

SEN. G. NELSON MOVED that the report be adopted.

ROLL CALL

The question being "will the Senate advise and consent to the nomination of William B. Isaacson for the State Board of Higher Education", the roll was called and there were 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

The Senate advises and consents to the nomination of William B. Isaacson for the State Board of Higher Education.

MOTION

SEN. ST. AUBYN MOVED that the Confirmation Session be dissolved, which motion prevailed.

COMMUNICATION FROM GOVERNOR EDWARD T. SCHAFER

February 10, 1999

Pursuant to Article VIII, section 6 of the North Dakota Constitution, and NDCC 15-10-05, I am hereby nominating John T. Korsmo, of Fargo, North Dakota, to serve on the State Board of Higher Education, succeeding Paul F. Ebeltoft, Jr., whose term will expire June 30, 1999. This nomination is required to be made within the first 30 days of the session.

Mr. Korsmo's name was submitted in accordance with NDCC 15-10-02. He is not a graduate of any North Dakota institution of higher education and meets the requirements of NDCC Chapter 15-10. Therefore, I ask the Senate to consider confirming John T. Korsmo for this position.

I would appreciate the Senate confirming this nomination prior to its adjournment. Thank you for your consideration.

REPORT OF PROCEDURAL COMMITTEE

MADAM PRESIDENT: Your procedural **Rules Committee (Sen. St. Aubyn, Chairman)** recommends that the Senate Rules of the Fifty-sixth Legislative Assembly, as published in the 1999 Senate and House Rules and Committees book, be amended as follows:

SECTION 1. AMENDMENT. Subsection 3 of Senate Rule 205 is amended as follows:

3. The Sergeant-at-Arms shall clear the floor of the Senate chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests, and properly identified representatives of the media, during the time period commencing sixty minutes before the Senate convenes on any legislative day and ending when the Senate recesses for that calendar day. During this period, a legislator may have only one guest on the floor at a time during a morning session and one guest on the floor during an afternoon session.

SECTION 2. AMENDMENT. Senate Rule 360 is amended as follows:

360. INTRODUCTION AND ANNOUNCEMENT OF GUESTS - COURTESY OF THE SENATE.

1. Introduction of guests in the Senate is limited to those individuals called on to address the Senate, individuals of statewide, national, or international prominence, and others in the discretion of the President. The presence of other guests in groups may be announced daily on the electronic message boards.

2. No member may have more than one guest in the morning on the floor during a session and one guest in the afternoon on the floor during a session as restricted under Senate Rule 205. The guest must be seated with the member at the time the session convenes.
3. For the purposes of this rule, the floor of the Senate is all of the first floor of the Senate chamber in front of the railing.

NOTE: House Rule 205(3) provides:

3. The Sergeant-at-Arms shall clear the floor of the House chamber in front of the railing of all persons, except legislators, legislative employees, legislative guests who have passes, former members of the Legislative Assembly who have passes, and properly identified representatives of the media, during the time period commencing sixty minutes before the House convenes on any legislative day and ending when the House recesses for that calendar day and from 12:00 noon until 1:00 p.m. on any legislative day. During these periods, a legislator may have only one guest per day on the floor. The Sergeant-at-Arms shall clear a designated area of the balcony of all persons, except legislative guests who have passes, during the daily session.

House Rule 360(3) and (4) provide:

3. No member may have more than one guest per day on the floor during the time period guests are restricted under House Rule 205. The guest must be seated with the member.
4. For the purposes of this rule, the floor of the House is all of the first floor of the House chamber in front of the railing.

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

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Solberg, Chairman)** has approved the introduction of a bill for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to interstate exemptions from federal hours of service provisions.

The bill will be SB 2438.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SB 2007, SB 2019, and SB 2328 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2007: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 339 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2007: A BILL for an Act to provide an appropriation for defraying the expenses of the office of the labor commissioner.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2007 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2019: SEN. TOMAC (Appropriations Committee) MOVED that the amendments on SJ pages 339-340 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2019: A BILL for an Act to make an appropriation for defraying the expenses of the state game and fish department.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Solberg

Engrossed SB 2019 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2068 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2217: SEN. CHRISTMANN (Finance and Taxation Committee) MOVED that the amendments on SJ pages 341-342 be adopted.

REQUEST

SEN. ANDRIST REQUESTED that the amendments to SB 2217 be divided in the following manner, which request was granted.

DIVISION A: All of the proposed amendments with the exception of Section 6.

DIVISION B: Section 6.

The question being on the adoption of Division A of the proposed amendments to SB 2217, the amendments were adopted on a voice vote.

REQUEST

SEN. O'CONNELL REQUESTED a recorded roll call vote on Division B of the proposed amendments to SB 2217, which request was granted.

ROLL CALL

The question being on the adoption of Division B of the proposed amendments to SB 2217, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Christmann; Freborg; Kinnoin; Klein; Krauter; Kroeplin; Naaden; Nething; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thompson; Tomac; Urlacher; Wanzek

NAYS: Andrist; Bowman; Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, W.; Thane; Traynor; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division B of the proposed amendments to SB 2217 was defeated.

Therefore, the proposed amendments to SB 2217 now consist of all of the originally proposed amendments with the exception of Section 6.

The question being on the adoption of the proposed amendments to SB 2217, the proposed amendments were adopted on a voice vote.

SB 2217, as amended, was placed on the Eleventh order for the following legislative day.

CONSIDERATION OF AMENDMENTS

SB 2287: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 342 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2328: SEN. SOLBERG (Appropriations Committee) MOVED that the amendments on SJ page 343 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2328: A BILL for an Act to amend and reenact section 4-05.1-05 of the North Dakota Century Code, relating to industrial hemp and alternative industrial use crops research.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Krebsbach

Engrossed SB 2328 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2375: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 343 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2385: SEN. SCHOBINGER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 343-344 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2068: SEN. WANZEK (Education Committee) MOVED that the amendments on SJ pages 340-341 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that a committee of two be appointed to escort Shanda Doan, Miss Rodeo North Dakota, to the rostrum, which motion prevailed.

PRESIDENT MYRDAL APPOINTED Sens. Schobinger and Tomac to the escort committee.

REMARKS OF SHANDA DOAN, MISS RODEO NORTH DAKOTA 1999

Good afternoon Madam President and Senators. My name is Shanda Doan and I am honored to have the opportunity to greet you today. My roots with the Legislature go back to when I was two years old, crawling around in Rep. Strinden's office when I came to visit my mom at work. Two sessions ago I was here as a "Page for the Day" and in 1997 I served as a Senate Assistant Committee Clerk.

Today I'm before you wearing a different hat -- literally. This black Resistol and silver crown go with my newly attained role: Miss Rodeo North Dakota 1999. This year I have the opportunity to serve as the state's goodwill ambassador for the sport of rodeo, the western way of life, and the State of North Dakota.

Having grown up on a ranch near McKenzie that my great-great-grandfather homesteaded in 1882, I have a love of the American cowboy, North Dakota pioneers, and the spirit of independence, grit, and cooperation that they portray. So that I can relay some of that spirit to others, I am taking a leave of absence in 1999 from my studies at the University of Wyoming where I am a senior majoring in Agricultural Economics in Business in preparation for earning an advanced degree in Agricultural Law.

I will devote the next year to making hundreds of appearances both in state and nationally, attending rodeos and other events, visiting with people of all ages and from all walks of life. I recently had the distinct honor of carrying our American flag in all 23 performances of the National Western Stock Show and Rodeo in Denver. I've also been to several schools to acquaint children with the sport of rodeo and its heritage. Their eyes light up and imaginations go to work when they learn that roping calves and training wild horses are part of real ranch work.

The culmination of my reign will be when I compete in the Miss Rodeo America Pageant next December in Las Vegas. Whether I'm lucky enough to win or not, my goal for the next year is to touch as many lives as possible -- to make a positive impact and help keep our heritage alive.

The Miss Rodeo North Dakota program has a proud history. Throughout its 44 years, 14 of our titleholders have been runners-up or among the top 10 in the national pageant. One went on to be Miss Rodeo America. I'm proud to be a North Dakotan and proud to be among the ranks of these women.

You each should have received an invitation to my coronation auction and dance to be held this Sunday, February 14, at the Hotel Bismarck beginning at 6:00 p.m. I would like to personally invite and encourage you to attend and join in the celebration.

Thank you again for this opportunity to speak to you today. In closing, I would like to share with you a bit of cowboy logic that I've learned about moving cattle, leadership, and politics. When we're riding ahead of the herd, we need to take a look back every now and then to make sure the herd is still there. I hope you have a productive day and a good session. Happy trails!

MOTION

SEN. ST. AUBYN MOVED that the remarks of Shanda Doan, Miss Rodeo North Dakota, be printed in the Journal, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2338: A BILL for an Act to amend and reenact section 4-05.1-19 of the North Dakota Century Code, relating to the state board of agricultural research; and to provide an appropriation for the pride of dakota program, developing standards for wheat quality, monitoring agricultural production standards, research, and the promotion of agricultural products.

REQUEST

SEN. KRAUTER REQUESTED that the Senate divide SB 2338 as follows, which request was granted.

DIVISION A: Section 1.

DIVISION B: Section 2.

DIVISION C: Section 3.

DIVISION D: Section 4.

DIVISION E: Section 5.

DIVISION F: Section 6.

DIVISION G: Section 7.

DIVISION H: Section 8.

DIVISION I: Section 9.

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on Divisions A through I of SB 2338, which request was granted.

ROLL CALL

The question being on the adoption of Division A of SB 2338, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division A of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division B of SB 2338, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division B of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division C of SB 2338, the roll was called and there were 18 YEAS, 29 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Holmberg

Division C of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division D of SB 2338, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division D of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division E of SB 2338, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Traynor

NAYS: Andrist; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division E of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division F of SB 2338, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division F of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division G of SB 2338, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division G of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division H of SB 2338, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Urlacher

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division H of SB 2338 lost.

ROLL CALL

The question being on the adoption of Division I of SB 2338, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division I of SB 2338 lost.

Because all divisions of the bill were defeated, SB 2338 lost.

SECOND READING OF SENATE BILL

SB 2340: A BILL for an Act to provide an appropriation for the development of a strategic transportation plan, a strategic irrigation plan, value-added agriculture, and marketing North Dakota products.

REQUEST

SEN. THOMPSON REQUESTED that the Senate divide Engrossed SB 2340, which request was granted.

DIVISION A: Section 1.

DIVISION B: Section 2.

DIVISION C: Section 3.

DIVISION D: Section 4.

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on Divisions A through D of Engrossed SB 2340, which request was granted.

ROLL CALL

The question being on the adoption of Division A of Engrossed SB 2340, the roll was called and there were 17 YEAS, 31 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division A of Engrossed SB 2340 lost.

ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2340, the roll was called and there were 15 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division B of Engrossed SB 2340 lost.

ROLL CALL

The question being on the adoption of Division C of Engrossed SB 2340, the roll was called and there were 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac; Urlacher

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division C of Engrossed SB 2340 lost.

ROLL CALL

The question being on the adoption of Division D of Engrossed SB 2340, the roll was called and there were 15 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Division D of Engrossed SB 2340 lost.

Because all divisions of the bill were defeated, Engrossed SB 2340 lost.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has amended, subsequently passed, and the emergency clause carried: SB 2065.

HOUSE AMENDMENTS TO SENATE BILL NO. 2065

Page 1, line 14, after the fourth comma insert "not to exceed a total of \$3,700,000 of all funds for the project,"

Renumber accordingly

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed unchanged: SB 2105.

MESSAGE TO THE SENATE FROM THE HOUSE (LANCE HAGEN, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1026, HB 1047, HB 1083, HB 1374, HB 1377, HB 1399, HB 1414, HB 1416, HB 1435, HB 1452, HB 1456.

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 2153, SB 2159, SB 2160, SB 2166, SB 2180, SB 2207, SB 2210, SB 2225, SB 2243, SB 2273, SB 2305, SB 2345, SB 2406, SB 2420.

MOTION

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

MOTION

SEN. ST. AUBYN MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 12:30 p.m., Friday, February 12, 1999, which motion prevailed.

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 11, replace "4,614,184" with "4,389,004"

Page 1, line 12, replace "1,074,694" with "1,067,294"

Page 1, line 16, replace "9,434,681" with "9,202,101"

Page 1, line 17, replace "5,640,789" with "5,633,045"

Page 1, line 18, replace "3,793,892" with "3,569,056"

Page 1, line 22, replace "sixty-four" with "fifty-eight", replace "one" with "two", replace "thirty-six" with "sixty-two", and after "2000" insert ", fifty-nine thousand four hundred twenty-eight dollars through December 31, 2000"

Page 1, line 23, replace "sixty-six" with "sixty-four", after "one" insert "five", remove the overstrike over "hundred", and replace "sixty" with "sixty-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 408 - PUBLIC SERVICE COMMISSION**

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$4,614,184	(\$225,180)	\$4,389,004
Operating expenses	1,074,694	(7,400)	1,067,294
Equipment	71,311		71,311
Grants	6,000		6,000
AML contractual services	<u>3,668,492</u>		<u>3,668,492</u>
Total all funds	\$9,434,681	(\$232,580)	\$9,202,101
Less special funds	<u>5,640,789</u>	<u>(7,744)</u>	<u>5,633,045</u>
General fund	\$3,793,892	(\$224,836)	\$3,569,056
FTE	43.00	(1.00)	42.00

Detail of Senate changes to the executive budget include:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/2001	REMOVE ATTORNEY POSITION ³	TOTAL SENATE CHANGES
Salaries and wages	(\$61,049)	\$12,260	(\$31,406) ^{1,2}	(\$144,985)	(\$225,180)
Operating expenses				(7,400)	(7,400)
Equipment					
Grants					
AML contractual services					
Total all funds	(\$61,049)	\$12,260	(\$31,406)	(\$152,385)	(\$232,580)
Less special funds	<u>(8,805)</u>	<u>1,757</u>	<u>(696)</u>		<u>(7,744)</u>
General fund	(\$52,244)	\$10,503	(\$30,710)	(\$152,385)	(\$224,836)
FTE	0.00	0.00	0.00	(1.00)	(1.00)

Senate changes narrative:

¹ In addition to the two percent annual salary increases, funding is included to provide each commissioner a market equity salary increase of \$428.42 per month for the final six months of the biennium. The statutory annual salary for each commissioner will be:

Current salary	\$57,120
July 1, 1999	\$58,262
July 1, 2000	\$59,428
January 1, 2001	\$64,569

² In addition to the two percent annual salary increases, funding is included to provide the executive secretary of the commission a market equity salary increase of \$151.17 per month for the final six months of the biennium.

³ Removes one FTE attorney position and associated operating costs.

REPORT OF STANDING COMMITTEE

SB 2031: 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 2031 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new section to chapter 54-03 and"

Page 1, line 2, replace "the executive budget and" with "a"

Page 1, line 3, replace "budget recommendations" with "agency review committee", replace the first comma with "and", and remove the second comma

Page 1, line 4, remove "54-44.1-04, and 54-44.1-06"

Page 1, line 5, replace the first comma with "and the" and remove ", budget requests, and appropriations bills"

Page 1, remove lines 7 through 12

Page 1, line 15, replace the first "**budget**" with "**agency review**" and replace "**interim budget**" with "**other review**"

Page 1, line 17, replace "**budgeting**" with "**agency review**" and remove "**of state government**"

Page 1, line 18, replace "**budget**" with "**agency review**"

Page 1, line 19, remove "**budget**"

Page 1, line 20, remove "**A goal of**"

Page 1, remove line 21

Page 1, line 22, remove "**information for budget recommendations.**" and replace the second "**budget**" with "**agency review**"

Page 1, line 23, replace "**budget**" with "**agency review**"

Page 1, line 24, replace "**budget**" with "**agency review**"

Page 2, line 5, replace "**budget**" with "**agency review**" and replace "**budget**" with "**agency review**"

Page 2, line 11, remove "**budget**"

Page 2, line 12, replace the first "**the**" with "**other**", after "**interim**" insert "**review**", and remove "**designated by the legislative council to have budget**"

Page 2, line 13, remove "**responsibilities**" and remove "**budget**"

Page 2, line 14, replace "**budget**" with "**review**"

Page 2, line 15, replace "**legislative budget**" with "**agency**"

Page 2, line 16, replace "**budget-related**" with "**agency-related**" and after "**interim**" insert "**review**"

Page 2, line 17, remove "**designated to have budget responsibilities by the legislative council**"

Page 2, remove lines 22 through 27

Page 2, line 28, replace "**8**" with "**7**"

Page 2, remove lines 29 and 30

Page 3, line 1, remove "**committee in the performance of its duties.**"

Page 3, line 3, replace "9" with "8", after "of" insert "other", and after "interim" insert "review"

Page 3, line 4, remove "designated by the legislative council to have budget responsibilities"

Page 3, line 5, replace "10" with "9" and remove "budget-related"

Page 3, line 7, remove "The recommendations may pertain to the state budget or any portion"

Page 3, remove lines 8 through 10

Page 3, line 11, replace "11" with "10" and remove "budget"

Page 3, line 14, replace "12" with "11"

Page 4, line 8, replace "budget" with "legislative agency review committee" and replace the underscored period with an underscored semicolon

Page 4, line 19, remove "legislative budget"

Page 4, line 24, remove "comparisons to budget recommendations of the legislative"

Page 4, line 25, remove "council,"

Page 5, line 1, remove the first "legislative"

Page 5, remove lines 7 through 29

Page 6, remove lines 1 through 31

Page 7, remove lines 1 through 31

Page 8, remove lines 1 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2039: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2039 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "the length" with "extended periods"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2040: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2040 was placed on the Sixth order on the calendar.

Page 2, line 4, after the underscored period insert "The court shall consider any domestic violence protection orders relating to the parties when determining whether to restrict or exclude any right or duty listed in this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2045: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2045 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "and" and after "54-52-02" insert ", and subsection 13 of section 58-06-01"

Page 1, line 4, after "law" insert "and the powers and duties of boards of township supervisors"

Page 4, line 10, replace "section 54-40-08" with "chapter 54-40.3"

Page 6, line 6, after the underscored period insert "For the purpose of this section, "prorated" means that each member county's contribution must be based on an equalized mill levy throughout the district."

Page 7, replace lines 15 and 16 with:

"11. Except in the case of an emergency, may conduct a search or seize material located on private property to ascertain the condition of the property as the condition relates to public health and safety as authorized by an administrative search warrant issued under chapter 29-29.1."

Page 9, line 7, replace "The judge may issue" with "If a warrant is issued and if requested by a board of health, a county sheriff or city police department shall provide assistance to that public health unit in any action to search or seize material in or on any private property to destroy, remove, or prevent the nuisance, source of filth, or cause of sickness, if there is probable cause to believe a public health hazard or public health nuisance exists on or in that property, and shall carry out any other preventive measures the public health unit requests. For purposes of this subsection, a request from a public health unit means a request for assistance which is specific to a public health nuisance and is not a continuous request for assistance."

Page 9, remove lines 8 through 11

Page 10, line 16, replace "city auditor" with "governing body" and after "governing body" insert "or auditor"

Page 10, line 29, replace "promptly shall" with "may"

Page 11, replace lines 25 through 29 with:

"3. A local health officer may request the assistance of a county sheriff or city health department in the same manner as provided under subsection 3 of section 23-35-09."

Page 12, line 24, after "state" insert "and political subdivision"

Page 12, line 26, after "state" insert "and political subdivision"

Page 13, after line 2, insert:

"SECTION 6. AMENDMENT. Subsection 13 of section 58-06-01 of the North Dakota Century Code is amended as follows:

13. To ~~be and act as a~~ request assistance from a county or district board of health or the state department of health."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2050: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2050 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2073: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2073 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2080: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2080 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2189: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2189 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "two" with "seven"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2232: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2237: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2237 was placed on the Sixth order on the calendar.

Page 1, line 21, after the comma insert "**emergency radio operators,**"

Page 2, line 2, after "firefighter" insert ", emergency radio operator"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2245: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2245 was placed on the Sixth order on the calendar.

Page 2, line 7, remove the overstrike over "~~two~~", remove "five", and remove the overstrike over "~~set aside for the North Dakota~~"

Page 2, line 8, remove the overstrike over "~~education association instructional conference,~~
~~three~~"

Page 2, line 9, after "~~been~~" insert "days"

Page 2, line 10, remove "for holidays, instructional conferences, and school activities"

Page 3, line 12, remove the overstrike over "~~Three~~" and remove "Five"

Page 3, line 13, remove the overstrike over the semicolon

Page 3, remove the overstrike over line 14

Page 3, line 15, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 3, line 16, remove "and school activities"

Page 3, line 17, remove the overstrike over "~~d.~~" and remove "c."

Page 4, line 1, remove the overstrike over "~~Three~~"

Page 4, line 2, remove "Five"

Page 4, line 3, remove the overstrike over the semicolon

Page 4, remove the overstrike over line 4

Page 4, line 5, remove the overstrike over "~~association instructional conference~~" and remove "for holidays, instructional conferences,"

Page 4, line 6, remove "and school activities"

Page 4, line 7, remove the overstrike over "~~d.~~" and remove "c."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2267, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). Engrossed SB 2267 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2311: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2311 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2312: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2312 was placed on the Sixth order on the calendar.

Page 1, line 23, after "office" insert ", in consultation with the interested agencies or institutions,"

Page 2, line 12, after "office" insert ", in consultation with the interested agencies or institutions,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2332: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2335: Education Committee (Sen. Freborg, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2335 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2344: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Sixth order on the calendar.

Page 1, line 1, after "to" insert "create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to the closure of schools in weather emergencies; to"

Page 1, line 3, after "year" insert "; and to repeal section 15-40.1-09.1 of the North Dakota Century Code, relating to the closure of schools due to emergencies"

Page 1, after line 4, insert:

"SECTION 1. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Weather or other emergency conditions - Closure of schools - Foundation aid. If because of severe weather or other emergency conditions a school or school district remains closed or provides less than a full day of instruction, the school or school district shall make every effort to reschedule classes so that students receive at least one hundred seventy-three full days of instruction. Any school or school district for which the rescheduling of classes would create undue hardship may request that, for purposes of foundation aid, the governor waive the rescheduling in whole or in part. In requesting a waiver under this section, the school or school district may aggregate hours during which classes were not provided, but the governor may not grant a waiver for less than a full day of instruction."

Page 2, after line 25, insert:

"SECTION 4. REPEAL. Section 15-40.1-09.1 of the North Dakota Century Code is repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2368: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2368 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "and" with "or"

Page 1, line 9, replace "with" with "that has" and replace "expiration date" with "expired shelf life"

Page 1, line 10, replace "store" with "or service establishment"

Page 1, line 11, remove "by transient merchants"

Page 1, line 12, after "retail" insert "or at an industry or association trade show"

Page 1, line 13, replace "which" with "that"

Page 1, line 14, remove the comma and after "expires" insert "and shall present, within ten days of demand, a receipt for any product sold which must include the price paid and the date of sale"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2371: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2371 was placed on the Sixth order on the calendar.

Page 1, line 7, remove "disputable"

Page 1, line 21, replace the period with a semicolon

Page 2, line 2, replace the period with a semicolon

Page 2, line 12, replace the period with "; or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2376: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 2, after "injury" insert "; to provide for a report to the legislative council; and to provide an expiration date"

Page 1, line 9, after "who" insert "has at least two convictions under section 39-08-20 and who"

Page 1, line 10, replace "that party's" with "a" and after "vehicle" insert "owned by that party"

Page 1, after line 12, insert:

"SECTION 2. REPORT TO LEGISLATIVE COUNCIL. In 2002, the director of the department of transportation shall report to an interim committee designated by the legislative council regarding the effectiveness of section 1 of this Act in decreasing the incidents of driving without liability insurance.

SECTION 3. EXPIRATION DATE. This Act is effective through July 31, 2003, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2379: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and

BE REREFERRED to the **Appropriations Committee** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2379 was placed on the Sixth order on the calendar.

Page 1, line 12, replace "20" with "30"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2404: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2404 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "However, job" with "Job"

Page 1, line 12, replace "may" with "shall", after "fee" insert "on an annual basis and may assess the fee", and after "contributions" insert "and taxable wages reported by reimbursing employers"

Page 1, line 14, replace "employees" with "employers"

Page 2, line 1, remove "or for assisting students to attain academic degrees"

Page 2, line 4, replace "are encouraged to" with "shall" and after "service" insert a comma

Page 2, line 5, remove "and" and after "board" insert ", and the tribal colleges in the state"

Page 2, line 12, after the period insert "If there is an Indian reservation within the region, the board must include at least one representative from an Indian-owned business, a tribal government, or a tribal college within the region."

Page 2, line 13, remove "Funds collected under subsection 1 must be allocated for use in the area of the"

Page 2, line 14, remove "state in which the funds were collected."

Page 2, line 17, after the period insert "Funds collected under subsection 1 must be allocated for use in the region of the state in which the funds were collected based upon covered employment in that region of the state."

Page 2, line 18, replace "Job service and the institutions" with "Each institution" and after "providing" insert "a"

Page 2, line 19, replace "programs" with "program" and remove "and"

Page 2, line 20, after "education" insert ", and the North Dakota work force development council"

Page 2, remove lines 22 through 27

Page 2, line 30, replace "\$1,300,000" with "\$1,963,100"

Page 3, line 1, remove "sections 1 and 2 of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2409: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2409 was placed on the Sixth order on the calendar.

Page 1, line 13, after "state" insert "and whose members are licensed and regulated by state or federal agencies"

Page 1, line 15, replace "affects the rights, status, or other legal" with "threatens to injure"

Page 1, line 16, remove "relations of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2410: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2410 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "credential" with "certificate"

Page 1, line 6, replace "**credential**" with "**certificate**" and replace "superintendent of public instruction" with "education standards and practices board"

Page 1, line 7, replace "credential" with "certificate" and remove "Any individual"

Page 1, remove lines 8 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2426: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2426 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2431: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2431 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2432: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO NOT PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2432 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4026: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4026 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4028: Natural Resources Committee (Sen. Traynor, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4028 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1042: Political Subdivisions Committee (Sen. Lee, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1042 was placed on the Fourteenth order on the calendar.

FIRST READING OF SENATE BILL

Sen. Mutch introduced:

(Approved by the Delayed Bills Committee)

SB 2438: A BILL for an Act to amend and reenact section 39-32-02 of the North Dakota Century Code, relating to interstate exemptions from federal hours of service provisions. Was read the first time and referred to the **Transportation Committee**.

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sens. Bercier, T. Mathern, Mutzenberger, Thane, Thompson and Rep. Boucher introduced:

SCR 4036: A concurrent resolution directing the Legislative Council to study the operation of the temporary assistance for needy families program in North Dakota as it relates to the relationship between the state and the federally recognized Indian tribes in the state.

Was read the first time and referred to the **Human Services Committee**.

Sens. Lindaas, W. Stenehjem, Tomac and Reps. Aarsvold, Maragos, Wald introduced:

SCR 4039: A concurrent resolution directing the Legislative Council to study methods by which qualified out-of-state students can be recruited by public institutions of higher education in this state and encouraged to enroll in postsecondary programs.

Was read the first time and referred to the **Education Committee**.

Sens. Wanzek, Christmann, Tomac and Reps. Belter, Meyer, Nicholas introduced:

SCR 4040: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of establishing a mechanism to allow farmers and ranchers to shelter a portion of their income in an agricultural real estate asset retirement-type fund.

Was read the first time and referred to the **Agriculture Committee**.

Sens. Wanzek, Tomac and Reps. Belter, Meyer, Nicholas introduced:

SCR 4041: A concurrent resolution directing the Legislative Council to study potential tax incentives and regulatory relief that would encourage greater investment participation by North Dakota residents in agricultural business ownership.

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

FIRST READING OF HOUSE BILLS

HB 1026: A BILL for an Act to amend and reenact subsection 1 of section 28-32-02 of the North Dakota Century Code, relating to clarifying rulemaking authority of administrative agencies; and to direct a legislative council study of the rulemaking authority of administrative agencies.

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

HB 1047: A BILL for an Act to amend and reenact section 6-09-15.5 of the North Dakota Century Code, relating to the beginning farmer revolving loan fund; to provide for a transfer; to provide an effective date; and to declare an emergency.

Was read the first time and referred to the **Agriculture Committee**.

HB 1083: A BILL for an Act to amend and reenact section 15-03-16 of the North Dakota Century Code, relating to continuing appropriations for the board of university and school lands.

Was read the first time and referred to the **Appropriations Committee**.

HB 1374: A BILL for an Act to amend and reenact section 6-06-14 of the North Dakota Century Code, relating to credit union unsecured loan limits.

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

HB 1377: A BILL for an Act to create and enact three new sections to chapter 11-28.2 of the North Dakota Century Code, relating to annexation of territory by a recreation service district; and to amend and reenact section 11-28.2-01 of the North Dakota Century Code, relating to annexation of territory by a recreation service district.

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

HB 1399: A BILL for an Act to amend and reenact section 4-28-07 of the North Dakota Century Code, relating to the wheat tax levy and its use.

Was read the first time and referred to the **Agriculture Committee**.

HB 1414: A BILL for an Act to amend and reenact subdivision e of subsection 2 of section 51-13-02 of the North Dakota Century Code, relating to delinquency and collection charges on retail installment payments.

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

HB 1416: A BILL for an Act to amend and reenact section 39-10-26 of the North Dakota Century Code, relating to the operation of emergency vehicles.

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

HB 1435: A BILL for an Act to amend and reenact subsection 1 of section 15-40.2-08 of the North Dakota Century Code, relating to tuition payments on behalf of children placed for purposes other than education.

Was read the first time and referred to the **Education Committee**.

HB 1452: A BILL for an Act to create and enact a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to required insurance coverage for dental anesthesia and hospitalization.

Was read the first time and referred to the **Human Services Committee**.

HB 1456: A BILL for an Act to amend and reenact section 40-57.1-03 and 57-02.2-03 of the North Dakota Century Code, relating to tax exemptions for new industries and improvements to commercial and residential buildings; and to provide an effective date.

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

The Senate stood adjourned pursuant to Senator St. Aubyn's motion.

WILLIAM C. PARKER, Secretary