

JOURNAL OF THE SENATE

Fifty-sixth Legislative Assembly

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Bismarck, February 12, 1999

The Senate convened at 12:30 p.m., with President Pro Tem W. Stenehjem presiding.

The prayer was offered by Pastor Dom Vetter, Victory Family Bible Church, Bismarck.

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

A quorum was declared by the President Pro Tem.

MOTION

SEN. ST. AUBYN MOVED that SB 2371 be moved to the bottom of the Sixth order, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that after action taken on the Sixth order, SB 2008 and SB 2031 be placed on the Eleventh order for immediate second reading and final passage, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2008: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 358-359 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2008: A BILL for an Act to provide an appropriation for defraying the expenses of the public service commission; and to amend and reenact section 49-01-05 of the North Dakota Century Code, relating to the salary of public service commissioners.

MOTION

SEN. KRAUTER MOVED that Engrossed SB 2008 be amended as follows:

Page 1, line 11, replace "4,389,004" with "4,533,989"

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

Page 1, line 16, replace "9,202,101" with "9,354,486"

Page 1, line 18, replace "3,569,056" with "3,721,441"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 408 - PUBLIC SERVICE COMMISSION

SENATE - This amendment restores one FTE attorney position removed in the amendments to the bill as introduced as follows:

Salaries and wages - 1 FTE	\$144,985
Operating expenses	<u>7,400</u>
Total general fund	\$152,385

REQUEST

SEN. NETHING REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2008, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2008, the roll was called and there were 21 YEAS, 26 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bercier; Wanzek

The proposed amendments to Engrossed SB 2008 were defeated.

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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Wanzek

Engrossed SB 2008 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2031: SEN. NETHING (Appropriations Committee) MOVED that the amendments on SJ pages 359-360 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2031: A BILL for an Act to create and enact two new sections to chapter 54-35 of the North Dakota Century Code, relating to a legislative agency review committee; and to amend and reenact sections 54-03.1-03 and 54-35-14 of the North Dakota Century Code, relating to the organizational session and the legislative budget analyst and auditor.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 43 YEAS, 5 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; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Naaden; Nelson, G.; Nething; O'Connell; Robinson; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Mutzenberger; Nelson, C.; Redlin; Sand; Thompson

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2031 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2040: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ page 360 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2045: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ pages 360-361 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2189: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ pages 361-362 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2237: SEN. DEMERS (Government and Veterans Affairs Committee) MOVED that the amendments on SJ page 362 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that SB 2245, which is on the Sixth order, be rereferred to the **Education Committee**, which motion prevailed. Pursuant to Sen. St. Aubyn's motion, SB 2245 was rereferred.

CONSIDERATION OF AMENDMENTS

SB 2312: SEN. FLAKOLL (Political Subdivisions Committee) MOVED that the amendments on SJ page 363 be adopted with **DO PASS**, which motion prevailed.

MOTION

SEN. FLAKOLL MOVED that Engrossed SB 2312 be amended as follows, which motion prevailed.

Page 2, line 22, after the period insert "Any appropriation of an amount needed for debt service retirement to the state building authority is not subject to the limitation contained in section 54-17.2-23."

Renumber accordingly

Reengrossed SB 2312 was placed on the Eleventh order.

CONSIDERATION OF AMENDMENTS

SB 2344: SEN. O'CONNELL (Education Committee) MOVED that the amendments on SJ page 363 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2368: SEN. C. NELSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 364 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2376: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 364 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that after action on the Sixth order, SB 2379, as amended, not be rereferred to the **Appropriations Committee** but be placed on the Eleventh order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2379: SEN. WARDNER (Finance and Taxation Committee) MOVED that the amendments on SJ pages 364-365 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2404: SEN. GRINDBERG (Appropriations Committee) MOVED that the amendments on SJ page 365 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2409: SEN. TRAYNOR (Judiciary Committee) MOVED that the amendments on SJ page 365 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2410: SEN. COOK (Education Committee) MOVED that the amendments on SJ page 366 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2039: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 360 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2371: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ page 364 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2132: A BILL for an Act to amend and reenact sections 53-06.1-01, 53-06.1-01.1, 53-06.1-03, 53-06.1-06, 53-06.1-07.2, 53-06.1-07.3, 53-06.1-07.4, 53-06.1-10, 53-06.1-11, 53-06.1-11.1, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, and 53-06.1-16 of the North Dakota Century Code, relating to games of chance.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2132 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2217: A BILL for an Act to create and enact a new subsection to section 57-39.2-04 of the North Dakota Century Code, relating to a sales and use tax exemption for used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes; to amend and reenact subsection 3 of section 57-39.2-01, sections 57-39.2-02.1, 57-39.2-08.2, and 57-40.2-02.1 of the North Dakota Century Code, relating to the rate of sales and use tax for new farm machinery and new irrigation equipment used exclusively for agricultural purposes; 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 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Heitkamp; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; Stenehjem, B.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek

NAYS: Cook; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Kringstad; Lee; Nelson, G.; Nething; St. Aubyn; Stenehjem, W.; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2217 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2151: A BILL for an Act to create and enact a new chapter to title 15 of the North Dakota Century Code, relating to national certification of teachers; 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 5 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Flakoll; Mathern, T.; Redlin; Tallackson; Thompson

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2151 lost.

SECOND READING OF SENATE BILL

SB 2246: A BILL for an Act to amend and reenact sections 40-24-16, 57-20-07.1, 57-20-08, and subsection 2 of section 57-22-21 of the North Dakota Century Code, relating to property tax receipts; 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 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; 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; 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

NAYS: Naaden

ABSENT AND NOT VOTING: Bercier; Bowman

Engrossed SB 2246 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2271: A BILL for an Act to create and enact a new subsection to section 10-19.1-10, a new subsection to section 10-19.1-65, a new subsection to section 10-19.1-87, a new subsection to section 10-32-13, a new subsection to section 10-33-06, a new subsection to section 10-33-17, a new subsection to section 45-10.1-04, sections 45-10.1-04.1, 45-10.1-51.1, 45-10.1-54.1, 45-10.1-58.1, 45-13-04.1, 45-13-04.2, 45-15-03.1, 45-15-03.2, 45-22-08.1, 45-22-21.1, and chapter 45-23 of the North Dakota Century Code, relating to business corporations, nonprofit corporations, limited partnerships, general partnerships, limited liability partnerships, and limited liability limited partnerships; to amend and reenact sections 10-06.1-12, 10-06.1-13, 10-06.1-17, 10-06.1-27, 10-19.1-01, subsection 2 of section 10-19.1-05, section 10-19.1-11, subsection 1 of section 10-19.1-13, section 10-19.1-23, subsection 2 of section 10-19.1-30, section 10-19.1-61, subsection 5 of section 10-19.1-61.1, subsection 1 of section 10-19.1-63, subsection 4 of section 10-19.1-64, section 10-19.1-66, subsection 2 of section 10-19.1-68, subsection 2 of section 10-19.1-70, subsection 1 of section 10-19.1-73.2, subsection 1 of section 10-19.1-76.2, subsection 3 of section 10-19.1-83, subsection 1 of section 10-19.1-84, subsection 3 of section 10-19.1-88, sections 10-19.1-91, 10-19.1-96, 10-19.1-97, 10-19.1-98, 10-19.1-99, 10-19.1-100, 10-19.1-101, 10-19.1-102, 10-19.1-103, subsection 2 of section 10-19.1-106, subsection 1 of section 10-19.1-108, subsection 3 of section 10-19.1-112, subsection 1 of section 10-19.1-113.1, sections 10-19.1-129, 10-19.1-137, 10-19.1-139, subsection 1 of section 10-19.1-146, sections 10-19.1-147, 10-30-05, 10-30.1-04, subsection 1 of section 10-31-02.1, subsection 2 of section 10-31-11, sections 10-31-13, 10-32-02, 10-32-06, 10-32-07, subsection 1 of section 10-32-10, subsection 5 of section 10-32-11, sections 10-32-17, 10-32-22, 10-32-23, 10-32-28, 10-32-30, 10-32-31, 10-32-32, subsection 2 of section 10-32-35, sections 10-32-36,

10-32-37, 10-32-38, 10-32-39, subsection 3 of section 10-32-40, sections 10-32-40.1, 10-32-42, subsection 1 of section 10-32-43, section 10-32-43.1, subsection 1 of section 10-32-44, section 10-32-48, subsection 2 of section 10-32-48.1, sections 10-32-49, 10-32-50, subdivision d of subsection 1 of section 10-32-51, sections 10-32-54, 10-32-55, 10-32-56, 10-32-57, subsection 7 of section 10-32-58, sections 10-32-59, 10-32-60, 10-32-61, 10-32-62, subdivision c of subsection 1 of section 10-32-64, subsection 1 of section 10-32-66, subsection 2 of section 10-32-67, sections 10-32-68, 10-32-70, 10-32-71, 10-32-72, 10-32-74, 10-32-75, 10-32-76, subsection 1 of section 10-32-78, subdivision a of subsection 1 of section 10-32-78.1, subsection 1 of section 10-32-79, sections 10-32-80, 10-32-81, 10-32-82, 10-32-83, subsection 1 of section 10-32-84, subsection 2 of section 10-32-85, section 10-32-86, subdivision b of subsection 2 of section 10-32-87, sections 10-32-88, 10-32-89, 10-32-94, 10-32-95, 10-32-99, 10-32-100, subdivision b of subsection 1 of section 10-32-101, section 10-32-102, subsection 1 of section 10-32-103, sections 10-32-104, 10-32-105, subdivision a of subsection 2 of section 10-32-106, sections 10-32-107, 10-32-109, paragraph 1 of subdivision b of subsection 1 of section 10-32-112, subdivision b of subsection 3 of section 10-32-113, sections 10-32-114, 10-32-119, subsection 2 of section 10-32-122, sections 10-32-131, 10-32-140, 10-32-142, subsection 2 of section 10-32-149, subsection 1 of section 10-32-150, section 10-33-01, subsection 1 of section 10-33-10, subsection 4 of section 10-33-13, section 10-33-49, subsection 3 of section 10-33-50, subsection 3 of section 10-33-54, section 10-33-84, subsection 2 of section 10-33-87, sections 10-33-95, 10-33-130, 34-09-06, 45-10.1-01, subsection 1 of section 45-10.1-02, sections 45-10.1-08, 45-10.1-09, 45-10.1-10, 45-10.1-11, 45-10.1-14, 45-10.1-15, 45-10.1-36, 45-10.1-51, 45-10.1-52, 45-10.1-53, 45-10.1-55, 45-10.1-58, 45-11-08.2, 45-13-01, subsection 2 of section 45-13-03, sections 45-13-05, 45-13-06, 45-14-01, subsection 1 of section 45-15-03, subsection 1 of section 45-15-06, sections 45-22-01, 45-22-03, 45-22-04, 45-22-05, 45-22-06, 45-22-07, 45-22-10, 45-22-11, 45-22-12, 45-22-13, 45-22-14, 45-22-15, 45-22-16, 45-22-17, 45-22-18, 45-22-20, subsection 1 of section 45-22-21, sections 45-22-22, 45-22-23, subsection 2 of section 45-22-24, sections 45-22-25, 45-22-26, subdivision b of subsection 1 of section 45-22-27, subsection 6 of section 47-22-02, sections 47-25-03, and 61-13-03.1 of the North Dakota Century Code, relating to farm corporations, business corporations, development corporations, venture capital corporations, professional associations, limited liability companies, nonprofit corporations, labor unions, limited partnerships, fictitious partnership names, general partnerships, limited liability partnerships, trademarks, trade names, and the organization of corporations for irrigation purposes; and to repeal sections 45-10.1-54 and 45-22-08 of the North Dakota Century Code, relating to the names of foreign limited partnership and piercing the limited liability shield of limited liability partnerships.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Tallackson

Engrossed SB 2271 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2285: A BILL for an Act to amend and reenact sections 23-27-01, 23-27-02, 23-27-03, 23-27-04, 23-27-04.1, 23-27-04.2, 23-27-04.3, and 23-27-04.4 of the North Dakota Century Code, relating to licensing of emergency services.

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 13 YEAS, 33 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Kelsh; Krauter; Kroeplin; Lee; Lindaas; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Thane; Thompson

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

ABSENT AND NOT VOTING: Bercier; Tallackson; Tomac

Engrossed SB 2285 lost.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to amend and reenact section 65-05-09 of the North Dakota Century Code, relating to workers' compensation temporary total and permanent total disability.

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 18 YEAS, 30 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Holmberg; 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; 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

Engrossed SB 2301 lost.

SECOND READING OF SENATE BILL

SB 2310: A BILL for an Act to amend and reenact subsection 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to unemployment compensation benefit amounts and maximum potential benefits.

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 46 YEAS, 2 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; 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

NAYS: Bowman; Solberg

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2310 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to create and enact a new section to chapter 57-15 and a new subsection to section 57-15-06.7 of the North Dakota Century Code, relating to creating county levy authority for automation and telecommunications, within the levy authority for old-age and survivors' insurance; and to amend and reenact subsection 3 of section 52-09-08 and subsection 5 of section 57-15-28.1 of the North Dakota Century Code, relating to the levy limitation for old-age and survivors' insurance.

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 31 YEAS, 16 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner

NAYS: Bowman; Cook; Heitkamp; Krauter; Kroeplin; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; O'Connell; Solberg; Tomac; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier; Stenehjem, B.

Engrossed SB 2358 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2408: A BILL for an Act to create and enact a new section to chapter 57-38 and a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to an income tax credit for employers who make a contribution to support child care or provide a child care program for children of employees; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 29 YEAS, 19 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Cook; DeMers; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutzenberger; Nelson, C.; O'Connell; Redlin; Robinson; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac

NAYS: Andrist; Bowman; Christmann; Freborg; Kilzer; Klein; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2408 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2417: A BILL for an Act to provide for the establishment of empowerment zones and to provide tax credits for businesses located within empowerment zones; to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to empowerment zone tax credits; to provide an appropriation; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bercier; Stenehjem, B.

Engrossed SB 2417 lost.

MOTION

SEN. ST. AUBYN MOVED that the Senate stand in recess until 3:10 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2068: A BILL for an Act to create and enact a new section to chapter 15-29 of the North Dakota Century Code, and in the alternative to create and enact a new section to chapter 15.1 of the North Dakota Century Code, relating to the borrowing of money by school district technology consortia; to provide for a contingent expiration date; and to declare an emergency.

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, 1 NAY, 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; 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

NAYS: Solberg

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2068 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2287: A BILL for an Act to create and enact a new section to chapter 28-20 of the North Dakota Century Code, relating to application of a partial payment on a judgment; to amend and reenact subsection 6 of section 14-09-25 of the North Dakota Century Code, relating to partial payments on child support arrears; and to provide for retroactive application.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2287 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2375: A BILL for an Act to amend and reenact section 23-16-14 of the North Dakota Century Code, relating to participation in abortions and other procedures.

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 36 YEAS, 12 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: DeMers; Grindberg; Krebsbach; Kringstad; Lee; Mutzenberger; Nelson, C.; Redlin; Sand; Tallackson; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2375 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to create and enact a new section to chapter 57-38 of the North Dakota Century Code, relating to annual reductions in corporate income tax liability; to amend and reenact section 10-06.1-22, subsection 2 of section 10-30.1-01, subsection 4 of section 10-33-124, sections 57-35.3-06, 57-38-01, 57-38-01.1, subdivision i of subsection 1 of section 57-38-01.2, subsections 1 and 2 of section 57-38-01.7, section 57-38-01.17, subsection 5 of section 57-38-04, sections 57-38-07.1, 57-38-34, subsection 12 of section 57-38-40, sections 57-38-44, 57-38-45, 57-38-62, and 57-38.1-17.2 of the North Dakota Century Code relating to elimination of the corporate income tax; to repeal sections 57-38-01.3, 57-38-01.4, 57-38-07.2, 57-38-11, 57-38-12, 57-38-13, 57-38-14, 57-38-30, 57-38-30.1, 57-38-30.5, 57-38-32, 57-38-64, 57-38.1-17.3, and chapter 57-38.4 of the North Dakota Century Code, relating to the corporate income tax; 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 PASS, the roll was called and there were 10 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Flakoll; Grindberg; Mutch; Naaden; Schobinger; Solberg; Stenehjem, B.; Watne

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

ABSENT AND NOT VOTING: Bercier

Engrossed SB 2385 lost.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act to provide for the continuation of an agricultural pesticide and pesticide container disposal program; and to provide an expiration 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 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; 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

SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2082: A BILL for an Act to amend and reenact section 55-08-06 of the North Dakota Century Code, relating to fees for annual and daily state park permits and senior citizen discounts; and to repeal section 55-08-06.2 of the North Dakota Century Code, relating to state park entrance permits for senior citizens.

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 43 YEAS, 5 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Christmann; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krebsbach; Kringstad; 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

NAYS: Bowman; Cook; DeMers; Krauter; Kroeplin

ABSENT AND NOT VOTING: Bercier

SB 2082 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2144: A BILL for an Act to amend and reenact section 15-40.1-08 of the North Dakota Century Code, relating to foundation aid payments for elementary summer school programs; 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 0 YEAS, 48 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

NAYS: 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2144 lost.

SECOND READING OF SENATE BILL

SB 2195: A BILL for an Act to provide for the advance purchase of tuition credits and to establish a tuition account program; and to provide a continuing appropriation.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2195 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to amend and reenact paragraph 1 of subdivision e of subsection 2 of section 26.1-36-09 of the North Dakota Century Code, relating to group insurance coverage for licensed professional clinical counselors providing outpatient mental health treatment.

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, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Kilzer

ABSENT AND NOT VOTING: Bercier

SB 2213 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2233: A BILL for an Act to amend and reenact sections 39-06-03.1, 39-06-14, and 39-06-19 of the North Dakota Century Code, relating to the photograph background for operator's licenses and identification cards.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2233 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2236: A BILL for an Act to create and enact a new section to chapter 57-39.2 of the North Dakota Century Code, relating to a sales and use tax exemption for office furniture and computer and telecommunications equipment in a new or expanding primary sector business; 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 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

NAYS: Christmann; Cook; Mutch; Nelson, G.; Nething; Stenehjem, B.; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier

SB 2236 passed and the title was agreed to.

MOTION

SEN. KREBSBACH MOVED that SB 2242 be placed at the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to create and enact a new section to chapter 5-01 of the North Dakota Century Code, relating to beer and wine licenses for bed and breakfast facilities.

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: Schobinger; Solberg; Tallackson; Traynor

NAYS: 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; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2244 lost.

SECOND READING OF SENATE BILL

SB 2247: A BILL for an Act to amend and reenact section 20.1-05-06 of the North Dakota Century Code, relating to orange garment requirements for hunting deer with muzzle-loading firearms.

ROLL CALL

The question being on the final passage of the bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; Freborg; Grindberg; Holmberg; Kinnoin; Klein; Lee; Lyson; Mathern, D.; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Urlacher; Wanzek; Wardner; Watne

NAYS: DeMers; Fischer; Flakoll; Heitkamp; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Mathern, T.; Nelson, C.; O'Connell; Redlin; Robinson; Tallackson; Thane; Thompson; Tomac; Traynor

ABSENT AND NOT VOTING: Bercier

SB 2247 passed and the title was agreed to.

MOTION

SEN. ST. AUBYN MOVED that SB 2324, SB 2339, and SB 2394, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

MOTION

SEN. ST. AUBYN MOVED that SB 2242 be moved to the top of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to provide for a beginning entrepreneur loan guarantee program; 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 PASS, 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

SB 2242 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2252: A BILL for an Act to amend and reenact subsection 2 of section 39-01-01 and section 39-10-03.2 of the North Dakota Century Code, relating to authorized emergency vehicles.

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 1 YEA, 47 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Klein

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; 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

SB 2252 lost.

SECOND READING OF SENATE BILL

SB 2255: A BILL for an Act to create and enact a new section to chapter 12.1-23 of the North Dakota Century Code, relating to theft by nonresidents.

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; 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

SB 2255 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2269: A BILL for an Act to provide for contingent per student 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 13 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Holmberg; Kinnoin; Krauter; Kroeplin; Mathern, D.; Mathern, T.; Nelson, C.; Robinson; Sand; Thompson; Wardner

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lindaas; Lyson; Mutch; Mutzenberger; Naaden; Nelson, G.; Nething; O'Connell; Redlin; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Bercier

SB 2269 lost.

SECOND READING OF SENATE BILL

SB 2274: A BILL for an Act to amend and reenact subsection 7 of section 11-10-10 of the North Dakota Century Code, relating to the salaries of state's attorneys.

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 8 YEAS, 40 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kringstad; Nething; O'Connell; Solberg; Stenehjem, W.; Tallackson; Traynor; Watne

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Schobinger; St. Aubyn; Stenehjem, B.; Thane; Thompson; Tomac; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Bercier

SB 2274 lost.

SECOND READING OF SENATE BILL

SB 2281: A BILL for an Act to amend and reenact subdivision a of subsection 2 of section 15-40.1-06 of the North Dakota Century Code, relating to per student payments.

MOTION

SEN. THOMPSON MOVED that SB 2281 be amended as follows:

Page 1, line 7, replace "four" with "two" and after "~~fifty-four~~" insert "forty-nine"

Page 1, line 9, replace "six" with "four" and after "hundred" insert "thirty"

Renumber accordingly

REQUEST

SEN. THOMPSON REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2281, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to SB 2281, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Cook; DeMers; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

NAYS: Fischer

ABSENT AND NOT VOTING: Bercier

The proposed amendments to SB 2281 were adopted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 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; Stenehjem, B.; Stenehjem, W.; Thane; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; St. Aubyn

Engrossed SB 2281 lost.

SECOND READING OF SENATE BILL

SB 2289: A BILL for an Act to amend and reenact section 6-09.10-03 of the North Dakota Century Code, relating to an expiration date for the agricultural mediation service; 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 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner

ABSENT AND NOT VOTING: Bercier; Watne

SB 2289 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. G. NELSON MOVED that SB 2304 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2323: A BILL for an Act to amend and reenact subsection 2 of section 53-06.1-12 of the North Dakota Century Code, relating to a pull tab excise tax exemption for small charitable gaming organizations; 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 11 YEAS, 37 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Kinnoin; Klein; Kroeplin; Lindaas; Mathern, T.; Mutzenberger; O'Connell; Redlin; Robinson; Tallackson

NAYS: Andrist; Bowman; Christmann; Cook; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krauter; Krebsbach; Kringstad; Lee; Lyson; Mathern, D.; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; Sand; Schobinger; Solberg;

St. Aubyn; Stenehjem, B.; Stenehjem, W.; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2323 lost.

SECOND READING OF SENATE BILL

SB 2348: A BILL for an Act to amend and reenact section 57-39.2-04.3 of the North Dakota Century Code, relating to a sales and use tax exemption for purchases of computer and telecommunications equipment by a new primary sector business; 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 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Lee; Mathern, D.; Mathern, T.; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Urlacher; Wardner; Watne

NAYS: Andrist; Christmann; Cook; Heitkamp; Kinnoin; Krauter; Kringstad; Kroeplin; Lindaas; Lyson; Mutch; Mutzenberger; Stenehjem, B.; Tomac; Wanzek

ABSENT AND NOT VOTING: Bercier

SB 2348 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2352: A BILL for an Act to create and enact a new section to chapter 51-14.1 of the North Dakota Century Code, relating to disclosure of credit card account numbers; to amend and reenact section 51-14.1-05 of the North Dakota Century Code, relating to the penalty for disclosing credit card account numbers; 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 1 YEA, 46 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Naaden

NAYS: 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; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier; Urlacher

SB 2352 lost.

SECOND READING OF SENATE BILL

SB 2354: A BILL for an Act to amend and reenact section 15-40.1-06 of the North Dakota Century Code, relating to the calculation and application of the school district equalization factor.

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 15 YEAS, 33 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Bercier

SB 2354 lost.

SECOND READING OF SENATE BILL

SB 2363: A BILL for an Act to provide for the establishment of a nonpoint source management program trust fund; to provide an appropriation; and to provide a continuing 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 6 YEAS, 42 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Heitkamp; Klein; Krauter; Kroeplin; Thompson

NAYS: Andrist; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Kinnoin; Krebsbach; Kringstad; 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

SB 2363 lost.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to amend and reenact subsection 2 of section 26.1-40-15.1 and section 26.1-40-15.6 of the North Dakota Century Code, relating to the payment of uninsured and underinsured motor vehicle coverages.

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 5 YEAS, 43 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kelsh; Kinnoin; O'Connell; Thompson; Urlacher

NAYS: Andrist; Bowman; Christmann; Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Naaden; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2377 lost.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 3 of section 26.1-41-13 of the North Dakota Century Code, relating to the coordination of health insurance benefits.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2378 lost.

SECOND READING OF SENATE BILL

SB 2384: A BILL for an Act to create and enact a new section to chapter 12.1-27.1 of the North Dakota Century Code, relating to city ordinances to prohibit material harmful to minors; and to amend and reenact section 12.1-27.1-02 of the North Dakota Century Code, relating to the promotion of material that is harmful to minors.

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, 26 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Flakoll; Freborg; Holmberg; Kelsh; Kinnoin; Klein; Krauter; Krebsbach; Kroeplin; Mathern, T.; Mutch; Naaden; Nelson, C.; Nething; O'Connell; Redlin; Schobinger; Solberg; Wanzek; Watne

NAYS: Andrist; Cook; DeMers; Fischer; Grindberg; Heitkamp; Kilzer; Kringstad; Lee; Lindaas; Lyson; Mathern, D.; Mutzenberger; Nelson, G.; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wardner

ABSENT AND NOT VOTING: Bercier

SB 2384 lost.

SECOND READING OF SENATE BILL

SB 2387: A BILL for an Act to amend and reenact section 57-02.3-01 of the North Dakota Century Code, relating to payments in lieu of taxes on property owned by the board of university and school lands; 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 14 YEAS, 34 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Heitkamp; Kinnoin; Klein; Krauter; Lyson; Naaden; Nething; Schobinger; Solberg; Tomac; Urlacher

NAYS: Cook; DeMers; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Mathern, D.; Mathern, T.; Mutch; Mutzenberger; Nelson, C.; Nelson, G.; O'Connell; Redlin; Robinson; Sand; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Traynor; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2387 lost.

SECOND READING OF SENATE BILL

SB 2393: A BILL for an Act to amend and reenact section 28-32-12.1 of the North Dakota Century Code, relating to ex parte communications between an agency head and the agency head's litigation attorney.

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; 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; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Thane; Thompson; Tomac; Traynor; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Bercier

SB 2393 passed and the title was agreed to.

MOTION

SEN. THANE MOVED that SB 2392 be returned to the Senate floor from the **Appropriations Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. THANE REQUESTED the unanimous consent of the Senate to withdraw SB 2392. There being no objection, it was so ordered by the President Pro Tem.

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 1303.

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 2007, SB 2019, SB 2328.

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 1:00 p.m., Monday, February 15, 1999, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 54-09 of the North Dakota Century Code, relating to the secretary of state's general services operating fund;" and replace "section" with "sections 41-09-42.1 and"

Page 1, line 3, after "to" insert "fees collected by the secretary of state and"

Page 1, line 7, after "appropriated" insert ", and from special funds derived from other income"

Page 1, line 12, replace "1,868,340" with "1,846,778"

Page 1, line 15, replace "12,000" with "12,000"

Page 1, replace line 16 with:

"Total all funds
Less estimated income

\$3,592,568
250,000"

Page 1, line 17, replace "3,864,130" with "3,342,568"

Page 1, line 23, replace "Grant" with "Grand" and replace "4,399,330" with "3,877,768"

Page 1, after line 23, insert:

"Grand total special funds appropriation S.B. 2002	\$250,000
Grand total all funds appropriation S.B. 2002	\$4,127,768

SECTION 2. AMENDMENT. Section 41-09-42.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

41-09-42.1. Fees collected by secretary of state. Any fees collected by the secretary of state pursuant to section 41-09-42, except for fees collected under subsections 8 and 11, must be deposited in the general fund in the state treasury. Fees collected pursuant to subsections 8 and 11 of section 41-09-42 must be deposited in the secretary of state's general services operating fund.

SECTION 3. A new section to chapter 54-09 of the North Dakota Century Code is created and enacted as follows:

Secretary of state's general services operating fund. The secretary of state's general services operating fund is a special fund in the state treasury. Moneys in the fund are to be used pursuant to legislative appropriations for the provision of services under subsections 8 and 11 of section 41-09-42 and subsection 10 of section 54-09-04. At the close of each fiscal year, the secretary of state shall transfer any unobligated balance remaining in the fund exceeding seventy-five thousand dollars to the general fund.

Page 2, line 4, replace "sixty" with "fifty-eight", replace "six" with "two", after "~~sixty-four~~" insert "sixty-two", and after "2000" insert ", fifty-nine thousand four hundred twenty-eight dollars through December 31, 2000"

Page 2, line 5, replace "sixty-two" with "sixty-one", remove the overstrike over "one", remove "four", and replace "twenty-four" with "forty-two"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 108 - SECRETARY OF STATE

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,868,340	(\$21,562)	\$1,846,778
Operating expenses	1,673,790		1,673,790
Equipment	60,000		60,000
Petition review	12,000		12,000
Presidential preference contest	<u>250,000</u>	<u>(250,000)</u>	
Total all funds	\$3,864,130	(\$271,562)	\$3,592,568
Less special funds		<u>250,000</u>	<u>250,000</u>
General fund	\$3,864,130	(\$521,562)	\$3,342,568
FTE	26.00	0.00	26.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENTS TO 1/1/01	ESTABLISH SPECIAL FUND	REMOVE PRESIDENTIAL PRIMARY FUNDING	TOTAL SENATE CHANGES
Salaries and wages	(\$23,011)	\$7,413	(\$5,964) ^{1,2}			(\$21,562)
Operating expenses						
Equipment						
Petition review						
Presidential preference contest					<u>(\$250,000)</u> ⁴	<u>(250,000)</u>
Total all funds	(\$23,011)	\$7,413	(\$5,964)	\$0	(\$250,000)	(\$271,562)
Less special funds				<u>250,000</u> ³		<u>250,000</u>
General fund	(\$23,011)	\$7,413	(\$5,964)	(\$250,000) ³	(\$250,000)	(\$521,562)

Senate changes narrative:

¹ In addition to the two percent annual salary increases, funding is included to provide the Secretary of State a market equity salary increase of \$142.83 per month for the final six months of the biennium. The statutory annual salary for the Secretary of State will be:

Current salary	\$57,120
July 1, 1999	\$58,262
July 1, 2000	\$59,428
January 1, 2001	\$61,142

² In addition to the two percent annual salary increases, funding is included to provide the deputy secretary of state a market equity salary increase of \$129.92 per month for the final six months of the biennium.

³ A special fund is established for the Secretary of State to deposit and spend funds relating to the selling of information. A \$250,000 special fund appropriation is provided and the general fund appropriation is reduced by \$250,000. Any amounts remaining in the special fund in excess of \$75,000 at the end of each fiscal year will be transferred to the general fund. For the 1999-2001 biennium it is anticipated that no amounts will be transferred to the general fund from this fund. As a result of establishing this fund, general fund revenues for the 1999-2001 biennium will be reduced by \$216,840 because these funds will be deposited in the special fund rather than the general fund.

⁴ Removes funding added in the executive budget for a February 2000 presidential primary election.

REPORT OF STANDING COMMITTEE

SB 2004: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2004 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "277,458" with "268,538"

Page 1, line 11, replace "1,215,134" with "1,204,310"

Page 1, line 12, replace "3,708,031" with "3,852,274"

Page 1, line 13, replace "752,758" with "746,196"

Page 1, line 14, replace "5,953,381" with "6,071,318"

Page 1, line 15, replace "1,967,892" with "1,950,506"

Page 1, line 16, replace "3,985,489" with "4,120,812"

Page 1, line 18, replace "\$1,215,134" with "\$1,204,310"

Page 1, line 20, replace "\$1,215,134" with "\$1,204,310"

Page 2, line 6, replace "sixty-two" with "fifty-eight", replace "three" with "two", overstrike "sixty-four" and insert immediately thereafter "sixty-two", and after "2000" insert "1, fifty-nine thousand four hundred twenty-eight dollars through December 31, 2000"

Page 2, line 7, replace "sixty-four" with "sixty-two", replace "two" with "eight", and replace "thirty-six" with "fifty-five"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 117 - STATE AUDITOR

SENATE - This amendment makes the following changes:

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Administration	\$277,458	(\$8,920)	\$268,538
Division of local gov. audits	1,215,134	(10,824)	1,204,310
Division of state audits	3,708,031	144,243	3,852,274
Mineral royalty auditing	<u>752,758</u>	<u>(6,562)</u>	<u>746,196</u>
Total all funds	\$5,953,381	\$117,937	\$6,071,318
Less special funds	<u>1,967,892</u>	<u>(17,386)</u>	<u>1,950,506</u>
General fund	\$3,985,489	\$135,323	\$4,120,812
FTE	53.00	2.00	55.00

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	DELAY MARKET SALARY ADJUSTMENT TO JANUARY 1, 2001	PROVIDE ADDITIONAL SALARY FUNDING TO ADDRESS TURNOVER	ADD 1 FTE AUDITOR POSITION	ADD 1 FTE PERFORMANCE AUDITOR POSITION
Administration	(\$3,246)	\$570	(\$6,244)			
Division of local gov. audits	(13,960)	3,136				
Division of state audits	(43,452)	9,695		\$38,000	\$70,000	\$70,000
Mineral royalty auditing	<u>(8,272)</u>	<u>1,710</u>				
Total all funds	(\$68,930)	\$15,111	(\$6,244)	\$38,000	\$70,000	\$70,000
Less special funds	<u>(22,232)</u>	<u>4,846</u>				
General fund	(\$46,698)	\$10,265	(\$6,244)	\$38,000	\$70,000	\$70,000
FTE	0.00	0.00	0.00	0.00	1.00	1.00

	TOTAL SENATE CHANGES
Administration	(\$8,920)
Division of local gov. audits	(10,824)
Division of state audits	144,243
Mineral royalty auditing	<u>(6,562)</u>
Total all funds	\$117,937
Less special funds	<u>(17,386)</u>
General fund	\$135,323
FTE	2.00

Senate changes narrative:

In addition to the two percent annual salary increases, funding is included to provide the State Auditor with a market equity salary increase of \$285.58 per month for the final six months of the biennium. The statutory annual salary for the State Auditor will be:

Current salary	\$57,120
July 1, 1999	\$58,262
July 1, 2000	\$59,428
January 1, 2001	\$62,855

The amendment provides \$38,000 from the general fund to address the high turnover rate within the State Auditor's office.

The amendment also adds one FTE auditor position for a financial auditor to provide audits of the Mill and Elevator Association and the Veterans Home along with additional auditing resources for auditing the University System. The audits of the Mill and Elevator Association and the Veterans Home will generate an additional \$60,000 of departmental collections, which are deposited in the general fund, from the State Auditor's office.

The amendment adds one FTE performance auditor; six FTE performance auditors were removed in the executive budget. Of the six FTE removed, three were funded with federal funds which were not available. The one FTE position being restored is funded with general fund moneys.

REPORT OF STANDING COMMITTEE

SB 2012: 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 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to create and enact a new section to chapter 50-09, a new section to chapter 50-24.3, and a new section to chapter 50-24.4 of the North Dakota Century Code, relating to the county share of foster care costs, the duty of nursing facilities to assure preadmission assessment of medicaid recipients, and the limits on geropsychiatric nursing facilities; to amend and reenact sections 25-03.1-04, 50-24.3-01, 50-24.3-03, subsection 5 of section 50-24.4-10, and section 50-24.4-13 of the North Dakota Century Code, relating to public treatment facilities, the provision of targeted case management, preadmission assessments, operating cost limits for nursing homes, and to exceptions to case mix nursing home rates;"

Page 1, line 5, after the semicolon insert "to repeal section 25-04-20 of the North Dakota Century Code, relating to the westwood park assets management committee;"

Page 1, line 6, after the second semicolon insert "to provide for a legislative council study; to provide legislative intent regarding basic care rates;"

Page 1, line 17, replace "10,868,180" with "10,573,612"

Page 1, line 18, replace "41,100,433" with "39,387,796"

Page 1, line 19, replace "2,542,107" with "2,780,785"

Page 1, line 20, replace "891,629" with "727,369"

Page 1, line 22, replace "line items" with "all funds" and replace "57,243,305" with "55,310,518"

Page 1, line 23, replace "40,028,011" with "40,813,727"

Page 1, line 24, replace "17,215,294" with "14,496,791"

Page 2, line 3, replace "8,993,027" with "8,786,134"

Page 2, line 4, replace "11,600,427" with "12,162,839"

Page 2, line 7, replace "126,508,309" with "118,918,381"

Page 2, line 8, replace "663,006,687" with "678,805,038"

Page 2, line 9, replace "line items" with "all funds" and replace "810,136,993" with "818,700,935"

Page 2, line 10, replace "614,499,563" with "618,743,557"

Page 2, line 11, replace "195,637,430" with "199,957,378"

Page 2, line 14, replace "10,031,827" with "9,771,984"

Page 2, line 15, replace "12,848,436" with "12,604,936"

Page 2, line 18, replace "128,432,949" with "126,451,941"

Page 2, line 19, replace "line items" with "all funds" and replace "151,481,156" with "148,996,805"

Page 2, line 20, replace "106,387,072" with "105,625,287"

Page 2, line 21, replace "45,094,084" with "43,371,518"

Page 2, line 24, replace "7,975,995" with "7,738,383"

Page 2, line 26, replace "4,526,635" with "4,289,023"

Page 2, line 28, replace "14,689,153" with "14,342,296"

Page 2, line 29, replace "6,887,695" with "6,876,846"

Page 2, line 30, replace "7,801,458" with "7,465,450"

Page 3, line 1, replace "7,583,271" with "7,353,203"

Page 3, line 2, replace "2,988,423" with "2,983,149"

Page 3, line 3, replace "4,594,848" with "4,370,054"

Page 3, after line 4, insert:

"Capital improvements	\$1,271,335
Human service center operations	<u>17,580,906</u>

Page 3, line 5, replace "19,087,289" with "18,852,241"

Page 3, line 6, replace "10,795,905" with "10,423,054"

Page 3, line 7, replace "8,291,384" with "8,429,187"

Page 3, line 10, replace "centers/institutions" with "center operations" and replace "18,863,559" with "18,365,509"

Page 3, line 11, replace "19,015,384" with "18,517,334"

Page 3, line 12, replace "10,685,090" with "10,672,110"

Page 3, line 13, replace "8,330,294" with "7,845,224"

Page 3, line 15, replace "9,615,044" with "9,332,090"

Page 3, line 16, replace "4,213,824" with "4,209,971"

Page 3, line 17, replace "5,401,220" with "5,122,119"

Page 3, line 19, replace "18,497,803" with "17,996,234"

Page 3, line 20, replace "10,680,481" with "10,507,579"

Page 3, line 21, replace "7,817,322" with "7,488,655"

Page 3, line 23, replace "9,064,314" with "8,803,927"

Page 3, line 24, replace "4,509,348" with "4,502,332"

Page 3, line 25, replace "4,554,966" with "4,301,595"

Page 3, line 27, replace "2,099,665" with "1,699,665"

Page 3, line 28, replace "Human service centers/institutions" with "Operations" and replace "49,824,493" with "48,609,561"

Page 3, line 29, replace "line items" with "all funds" and replace "51,924,158" with "50,309,226"

Page 3, line 31, replace "36,156,824" with "34,541,892"

Page 4, line 3, replace "Capital improvements" with "Operations" and replace "39,158,063" with "39,281,922"

Page 4, line 4, replace "line items" with "all funds" and replace "39,353,453" with "39,477,312"

Page 4, line 5, replace "29,609,825" with "30,018,365"

Page 4, line 6, replace "9,743,628" with "9,458,947"

Page 4, line 7, replace "196,805,864" with "192,722,246"

Page 4, line 8, replace "99,587,285" with "99,410,100"

Page 4, line 9, replace "97,218,579" with "93,312,146"

Page 4, line 10, replace "355,165,387" with "351,137,833"

Page 4, line 11, replace "860,501,931" with "864,792,671"

Page 4, line 12, replace "1,215,667,318" with "1,215,930,504"

Page 5, line 9, replace "during" with "in subdivision 4 of section 1 of this Act for"

Page 5, after line 9, insert:

"SECTION 7. AMENDMENT. Section 25-03.1-04 of the North Dakota Century Code is amended and reenacted as follows:

25-03.1-04. Voluntary Screening and admission to a public treatment facility. Under rules adopted by the department, an application for screening and admission of an individual to a public treatment facility for observation, diagnosis, care, or treatment as a voluntary patient may be made by any person who is mentally ill or chemically dependent or who has symptoms of those illnesses for mental illness or chemical dependency must be performed by a regional human service center. An application for admission as a voluntary patient may be made on behalf of a minor who is mentally ill or chemically dependent or who has symptoms of those illnesses, by the This screening must be performed in the region where the individual is physically located. Upon the request of a court, a law enforcement official, a qualified mental health professional, the individual's legal guardian, a minor's parent or legal guardian custodian, or the individual requesting services, the regional human service center shall conduct a screening. ~~The application must be submitted to a regional human services~~

~~center, or, in an emergency, to the state hospital. Upon receipt of an application the request, the regional human service center must shall~~ arrange for ~~an evaluation a~~ screening of the ~~applicant individual~~ and must, if appropriate, treat the applicant, or refer the applicant to the appropriate treatment facility. Upon admittance to a public treatment facility, the superintendent or ~~the~~ director shall immediately designate a physician, psychiatrist, psychologist, or mental health professional to examine the ~~patient individual~~.

SECTION 8. A new section to chapter 50-09 of the North Dakota Century Code is created and enacted as follows:

County share of foster care costs.

1. For all periods after January 1, 1998, each county shall reimburse the state agency, upon claim being made therefor by the state agency, for that county's share of one-fourth of the amount expended in the state in excess of any amount provided by the federal government under title IV-E for payments on behalf of children approved and granted foster care for children or subsidized adoption, without regard to that child's eligibility for benefits under title IV-E.
2. Each county's share of all counties' shares must be calculated under a formula established by the state agency through consultation with county representatives. The formula must:
 - a. Include consideration of the most recent census data or official census estimates of the number of youth in each county;
 - b. Include consideration of recent expenditures for foster care for youth from each county; and
 - c. Be established by policy, and not by rule.

SECTION 9. AMENDMENT. Section 50-24.3-01 of the North Dakota Century Code is amended and reenacted as follows:

50-24.3-01. Assessment mechanism - Establishment - Targeted case management. The department of human services shall establish a mechanism to assess, prior to admission to a skilled nursing facility, ~~intermediate care facility,~~ or a hospital swing-bed facility ~~approved to furnish skilled or intermediate care services,~~ the health and social needs of each ~~person~~ individual making application for admission to the facility while eligible for benefits under chapter 50-24.1 or while making application for benefits under chapter 50-24.1. The department may provide targeted case management services for disabled and elderly individuals at risk of entering nursing facilities or hospital swing-bed facilities to assure that the individual's care alternatives are evaluated and considered.

SECTION 10. AMENDMENT. Section 50-24.3-03 of the North Dakota Century Code is amended and reenacted as follows:

50-24.3-03. Department of human services - Powers and duties.

1. ~~The~~ In providing assessment services and targeted case management, the department of human services has the following powers and duties which it may delegate to any entity which provides assessment services approved by the department:
 - 4- a. ~~To seek~~ Seek cooperation from other public and private agencies in the community which offer services to disabled and elderly ~~persons~~ individuals;
 - 2- b. ~~To provide~~ Provide information and education to the general public regarding availability of the assessment program: and targeted case management;
 - 3- c. ~~To accept~~ Accept referrals from individuals, families, human services professionals ~~and, nursing home facility personnel, and acute care facility personnel;~~

4. ~~d. To assess~~ Assess the health and social needs of, and provide targeted case management to, referred individuals;.
 5. ~~e. To identify~~ Identify available noninstitutional services to meet the needs of referred individuals;.
 6. ~~f. To prepare~~ Make recommendations for individuals receiving assessment program services or targeted case management services as to the need for skilled nursing facility care, ~~or intermediate care as provided in a facility,~~ or other care which is available in the community;.
 7. ~~g. To inform~~ Inform referred individuals of the extent to which home and community-based services are available; and of ~~their~~ the individual's opportunity to choose, in consultation with an attending physician ~~and~~ and family ~~member~~ members, and a case manager, among the appropriate alternatives that may be available; and
 - ~~h. Monitor the results of targeted case management and preadmission assessment.~~
2. The department may contract with, and delegate to, any person to provide targeted case management services, including assessment services.

SECTION 11. A new section to chapter 50-24.3 of the North Dakota Century Code is created and enacted as follows:

Facility's duties - Preadmission assessment. Each nursing facility and hospital swing-bed facility shall assure that each individual requiring an assessment under section 50-24.3-01 receives that assessment before admission. The assessment must be used to determine the type of services necessary to maintain each individual and to determine which long-term care alternatives, if any, could meet those needs. The assessment may not be used as a condition of admission to the facility.

SECTION 12. AMENDMENT. Subsection 5 of section 50-24.4-10 of the 1995 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5. ~~The department shall establish a composite index or indices by determining the appropriate economic change indicators based on the average of the increase in the Data Resources, Incorporated, nursing home input price index and the increase in the consumer price index for all urban wage earners and clerical workers (all items, United States city average) to be applied to specific operating cost categories or combination of operating cost categories.~~

SECTION 13. AMENDMENT. Section 50-24.4-13 of the North Dakota Century Code is amended and reenacted as follows:

50-24.4-13. Exclusion. Until procedures for determining operating cost payment rates according to mix of resident needs are established for nursing homes that exclusively provide residential services for the nongeriatric physically handicapped individuals with physical disabilities or units within nursing homes which exclusively provide geropsychiatric services, such nursing homes or units within nursing homes may not be included in the calculation of the percentiles of any group. Each of these nursing homes or units within nursing homes shall receive ~~their~~ its actual allowed historical operating cost per diem adjusted by a percentage amount equal to the increase, if any, in the national or state economic change index, made available under section 50-24.4-10, and which the department determines to be relevant to residential services for the nongeriatric physically handicapped individuals with physical disabilities or geropsychiatric services.

SECTION 14. A new section to chapter 50-24.4 of the North Dakota Century Code is created and enacted as follows:

Limits on geropsychiatric facilities. The number of units within nursing homes which exclusively provide geropsychiatric services may not exceed one, and admission to a nursing home which exclusively provides geropsychiatric services may only be granted after the state hospital has performed an evaluation of the individual being admitted. After a geropsychiatric unit has been established within a nursing

home, the state hospital may not offer geropsychiatric services through a separate geropsychiatric unit."

Page 5, after line 19, insert:

"SECTION 16. LEGISLATIVE INTENT - BASIC CARE RATES. It is the intent of the legislative assembly that rates effective July 1, 1999, and July 1, 2000, for basic care facilities include a three percent operating margin on direct care costs and include property costs as pass-through costs, not subject to limitations. The department may adopt interim final rules without a finding that emergency rulemaking is necessary to implement this intent. Any interim final rules so adopted may take effect on a date no earlier than the date of first filing with the legislative council of the notice of proposed adoption of a rule.

SECTION 17. LEGISLATIVE COUNCIL STUDY - WELFARE FRAUD - COST-EFFECTIVENESS. The legislative council shall consider studying welfare fraud detection efforts and the related cost/benefit during the 1999-2000 interim.

SECTION 18. TRADITIONAL MEDICAID GRANTS - BUDGET SECTION APPROVAL. The department of human services shall periodically report to the budget section regarding the status of funding for traditional medicaid grants and receive prior budget section approval before exceeding the amount appropriated for traditional medicaid grants during the biennium beginning July 1, 1999, and ending June 30, 2001.

SECTION 19. LEGISLATIVE COUNCIL STUDY - HUMAN SERVICE CENTER SERVICES - SERIOUSLY MENTALLY ILL. The legislative council shall consider studying during the 1999-2000 interim community services provided for the seriously mentally ill including human service center services and the number of clients served.

SECTION 20. LEGISLATIVE COUNCIL STUDY - OPTIONAL MEDICAID SERVICES. The legislative council shall consider studying during the 1999-2000 interim the services provided by the state in its medical assistance program, including optional medical assistance services and the impact to the state and its citizens of providing those services.

SECTION 21. LEGISLATIVE COUNCIL STUDY - RESIDENTIAL TREATMENT CENTERS AND RESIDENTIAL CHILD CARE FACILITIES. The legislative council shall consider studying during the 1999-2000 interim residential treatment centers and residential child care facilities, including occupancy rates, the number of out-of-state residents, and the need for additional facilities.

SECTION 22. LEGISLATIVE INTENT - MEDICAL ASSISTANCE - CERTIFIED NURSE MIDWIVES. It is the intent of the legislative assembly that the department of human services reimburse through the medical assistance program certified nurse midwives at a rate of at least eighty-five percent of the fee paid physicians for the same service."

Page 5, after line 28, insert:

"SECTION 25. REPEAL. Section 25-04-20 of the 1997 Supplement to the North Dakota Century Code is repealed."

Page 6, line 2, after the period insert "Section 16 of this Act is declared to be an emergency measure."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - This amendment makes the following changes:

Subdivision 1. Management and Councils

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$10,868,180	(\$294,568)	\$10,573,612
Operating expenses	41,100,433	(1,712,637)	39,387,796
Equipment	2,542,107	238,678	2,780,785
Grants	891,629	(164,260)	727,369
DD loan fund	<u>1,840,956</u>		<u>1,840,956</u>

Total all funds	\$57,243,305	(\$1,932,787)	\$55,310,518
Less special funds	<u>40,028,011</u>	<u>785,716</u>	<u>40,813,727</u>
General fund	\$17,215,294	(\$2,718,503)	\$14,496,791
FTE	123.60	0.00	123.60

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	GENERAL FUND SALARY REDUCTION	REVISED COMPUTER PROJECTS COSTS	REMOVE FUNDING ARIS/VRIS PROJECT	TOTAL SENATE CHANGES
Salaries and wages	(\$141,280)	\$35,741	(\$189,029)			(\$294,568)
Operating expenses				(\$235,740)	(\$1,476,897)	(1,712,637)
Equipment				400,000	(161,322)	238,678
Grants				(164,260)		(164,260)
DD loan fund						
Total all funds	(\$141,280)	\$35,741	(\$189,029)	\$0	(\$1,638,219)	(\$1,932,787)
Less special funds	<u>(42,863)</u>	<u>11,299</u>		<u>1,604,280</u>	<u>(787,000)</u>	<u>785,716</u>
General fund	(\$98,417)	\$24,442	(\$189,029)	(\$1,604,280)	(\$851,219)	(\$2,718,503)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

Subdivision 2. Economic Assistance

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$8,993,027	(\$206,893)	\$8,786,134
Operating expenses	11,600,427	562,412	12,162,839
Equipment	26,000		26,000
Major improvements	2,543		2,543
Grants			
DD loan fund			
Grants - Assistance payments	126,508,309	(7,589,928)	118,918,381
Grants - Medical assistance	<u>663,006,687</u>	<u>15,798,351</u>	<u>678,805,038</u>
Total all funds	\$810,136,993	\$8,563,942	\$818,700,935
Less special funds	<u>614,499,563</u>	<u>4,243,994</u>	<u>618,743,557</u>
General fund	\$195,637,430	\$4,319,948	\$199,957,378
FTE	111.80	0.00	111.80

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	GENERAL FUND SALARY REDUCTION	RESTORE WELFARE FRAUD UNITS	GRANT REPROJECTIONS ECONOMIC ASSISTANCE	GRANT REPROJECTIONS EXCLUDING TRADITIONAL MEDICAL ASSISTANCE
Salaries and wages	(\$115,148)	\$31,947	(\$123,692)			
Operating expenses				\$562,412		
Equipment						
Major improvements						
Grants						
DD loan fund						
Grants - Assistance payments					(\$8,026,380)	
Grants - Medical assistance						(\$1,122,157)
Total all funds	(\$115,148)	\$31,947	(\$123,692)	\$562,412	(\$8,026,380)	(\$1,122,157)
Less special funds	<u>(68,633)</u>	<u>19,329</u>		<u>349,683</u>	<u>(8,026,380)</u>	<u>(146,317)</u>
General fund	(\$46,515)	\$12,618	(\$123,692)	\$212,729	\$0	(\$975,840)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

	FUND BASIC CARE 3% OPERATING MARGIN AND ALL PROPERTY COSTS	NURSING HOMES REBASING AND CPI/DRI	DD GROUP HOMES .44/HOUR INCREASE	TARGETED CASE MANAGEMENT FUNDING FROM SUBDIVISION 3 AND NEW FUNDING	TOTAL SENATE CHANGES
Salaries and wages					(\$206,893)
Operating expenses					562,412
Equipment					
Major improvements					
Grants					
DD loan fund					
Grants - Assistance payments	\$436,452				(7,589,928)
Grants - Medical assistance		\$9,737,114	\$6,189,394	\$994,000	15,798,351
Total all funds	\$436,452	\$9,737,114	\$6,189,394	\$994,000	\$8,563,942
Less special funds	<u>436,452</u>	<u>6,840,000</u>	<u>4,119,537</u>	<u>720,323</u>	<u>4,243,994</u>
General fund	\$0	\$2,897,114	\$2,069,857	\$273,677	\$4,319,948

FTE	0.00	0.00	0.00	0.00	0.00
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Subdivision 3. Program and Policy

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$10,031,827	(\$259,843)	\$9,771,984
Operating expenses	12,848,436	(243,500)	12,604,936
Equipment	166,325		166,325
Major improvements	1,619		1,619
Grants	128,432,949	(1,981,008)	126,451,941
DD loan fund			
Total all funds	\$151,481,156	(\$2,484,351)	\$148,996,805
Less special funds	<u>106,387,072</u>	<u>(761,785)</u>	<u>105,625,287</u>
General fund	\$45,094,084	(\$1,722,566)	\$43,371,518
FTE	118.70	0.00	118.70

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	GENERAL FUND SALARY REDUCTION	REDUCE CHILD PROTECTION ASSESSMENT COST INCREASE FROM \$60/CASE TO \$35/CASE (ALLOW \$400/CASE)	REMOVE FUNDING FOR MULTICOUNTY ASSESSMENT	TARGETED CASE MANAGEMENT FUNDING TRANSFERRED TO SUBDIVISION 2
Salaries and wages	(\$128,520)	\$34,999	(\$166,322)			
Operating expenses					(\$243,500)	
Equipment						
Major improvements						
Grants				(\$237,736)		(\$273,677)
DD loan fund						
Total all funds	(\$128,520)	\$34,999	(\$166,322)	(\$237,736)	(\$243,500)	(\$273,677)
Less special funds	<u>(68,070)</u>	<u>19,915</u>		<u>(78,187)</u>	<u>(80,355)</u>	
General fund	(\$60,450)	\$15,084	(\$166,322)	(\$159,549)	(\$163,145)	(\$273,677)

	GRANT REPROJECTIONS INCLUDING SPED AND FOSTER CARE	ADDITIONAL SENIOR MILL LEVY MATCH TO PROVIDE 50% (TOTAL OF \$1,262,945)	CHANGE FUNDING SOURCE OF INCREASED FUNDING FOR GAMBLING ADDICTION COUNSELING	TOTAL SENATE CHANGES
Salaries and wages				(\$259,843)
Operating expenses				(243,500)
Equipment				
Major improvements				
Grants	(\$1,682,540)	\$212,945		(1,981,008)
DD loan fund				
Total all funds	(\$1,682,540)	\$212,945	\$0	(\$2,484,351)
Less special funds	<u>(605,088)</u>		<u>50,000</u>	<u>(761,785)</u>
General fund	(\$1,077,452)	\$212,945	(\$50,000)	(\$1,722,566)
FTE	0.00	0.00	0.00	0.00

Subdivision 4. Human Service Centers, State Hospital, and Developmental Center - General Fund Changes

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Northwest HSC	\$4,526,635	(\$237,612)	\$4,289,023
North Central HSC	7,801,458	(336,008)	7,465,450
Lake Region HSC	4,594,848	(224,794)	4,370,054
Northeast HSC	8,291,384	137,803	8,429,187
Southeast HSC	8,330,294	(485,070)	7,845,224
South Central HSC	5,401,220	(279,101)	5,122,119
West Central HSC	7,817,322	(328,667)	7,488,655
Badlands HSC	4,544,966	(253,371)	4,301,595
State Hospital	36,156,824	(1,614,932)	34,541,892
Developmental Center	9,743,628	(284,681)	9,458,947
Total all funds	\$97,218,579	(\$3,906,433)	\$93,312,146
Less special funds			
General fund	\$97,218,579	(\$3,906,433)	\$93,312,146
FTE	1,911.50	(2.00)	1,909.50

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	GENERAL FUND SALARY REDUCTION	REMOVE 2.0 FTE AT NORTHEAST HSC	PURCHASE NORTHEAST HSC AND RELATED COSTS	REMOVE NORTHEAST HSC RENT AND ONE-TIME MOVING COSTS
Northwest HSC	(\$77,352)	\$20,823	(\$181,083)			
North Central HSC	(99,958)	29,797	(265,847)			
Lake Region HSC	(64,397)	17,183	(177,580)			
Northeast HSC	(113,429)	35,708	(295,982)	(\$67,314)	\$1,302,703	(\$656,883)
Southeast HSC	(168,733)	45,488	(361,825)			
South Central HSC	(83,083)	21,017	(217,035)			
West Central HSC	(58,221)	16,909	(273,675)			
Badlands HSC	(79,702)	23,353	(197,022)			
State Hospital	(524,887)	146,901	(836,946)			
Developmental Center	(113,249)	42,530	(213,962)			
Total all funds	(\$1,383,011)	\$399,709	(\$3,020,957)	(\$67,314)	\$1,302,703	(\$656,883)
Less special funds						
General fund	(\$1,383,011)	\$399,709	(\$3,020,957)	(\$67,314)	\$1,302,703	(\$656,883)
	REMOVE EXPANDED OUTREACH SERVICES	REDUCE STATE HOSPITAL CAPITAL IMPROVEMENTS FUNDING TO \$1,699,665	REMOVE ADDITIONAL SUPPORTED RESIDENTIAL SERVICES	TOTAL SENATE CHANGES		
Northwest HSC				(\$237,612)		
North Central HSC				(336,008)		
Lake Region HSC				(224,794)		
Northeast HSC			(\$67,000)	137,803		
Southeast HSC				(485,070)		
South Central HSC				(279,101)		
West Central HSC	(\$13,680)			(328,667)		
Badlands HSC				(253,371)		
State Hospital		(\$400,000)		(1,614,932)		
Developmental Center				(284,681)		
Total all funds	(\$13,680)	(\$400,000)	(\$67,000)	(\$3,906,433)		
Less special funds						
General fund	(\$13,680)	(\$400,000)	(\$67,000)	(\$3,906,433)		

Subdivision 4. Human Service Centers, State Hospital, and Developmental Center - Total All Funds Changes

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Northwest HSC	\$7,975,995	(\$237,612)	\$7,738,383
North Central HSC	14,689,153	(346,857)	14,342,296
Lake Region HSC	7,583,271	(230,068)	7,353,203
Northeast HSC	19,087,289	(235,048)	18,852,241
Southeast HSC	19,015,384	(498,050)	18,517,334
South Central HSC	9,615,044	(282,954)	9,332,090
West Central HSC	18,497,803	(501,569)	17,996,234
Badlands HSC	9,064,314	(260,387)	8,803,927
State Hospital	51,924,158	(1,614,932)	50,309,226
Developmental Center	39,353,453	123,859	39,477,312
Total all funds	\$196,805,864	(\$4,083,618)	\$192,722,246
Less special funds	<u>99,587,285</u>	<u>(177,185)</u>	<u>99,410,100</u>
General fund	\$97,218,579	(\$3,906,433)	\$93,312,146
FTE	1,911.50	7.00	1,918.50

Detail of Senate changes to the executive budget includes:

	REDUCE COMPENSATION PACKAGE TO 2/2	ADJUST HEALTH INSURANCE COST	GENERAL FUND SALARY REDUCTION	REMOVE 2.0 FTE AT NORTHEAST HSC	PURCHASE NORTHEAST HSC AND RELATED COSTS ¹	REMOVE NORTHEAST HSC RENT AND ONE-TIME MOVING COSTS ²
Northwest HSC	(\$77,352)	\$20,823	(\$181,083)			
North Central HSC	(114,954)	33,944	(265,847)			
Lake Region HSC	(71,884)	19,396	(177,580)			
Northeast HSC	(163,335)	48,491	(295,982)	(\$116,229)	\$1,582,933 ¹	(\$1,140,926) ²
Southeast HSC	(187,284)	51,059	(361,825)			
South Central HSC	(88,739)	22,820	(217,035)			
West Central HSC	(136,117)	38,223	(273,675)			
Badlands HSC	(89,893)	26,528	(197,022)			
State Hospital	(524,887)	146,901	(836,946)			
Developmental Center	(378,946)	141,767	(213,962)			
Total all funds	(\$1,833,391)	\$549,952	(\$3,020,957)	(\$116,229)	\$1,582,933	(\$1,140,926)
Less special funds	<u>(450,380)</u>	<u>150,243</u>		<u>(48,915)</u>	<u>280,230</u>	<u>(484,043)</u>
General fund	(\$1,383,011)	\$399,709	(\$3,020,957)	(\$67,314)	\$1,302,703	(\$656,883)
FTE	0.00	0.00	0.00	(2.00)	0.00	0.00

	REMOVE EXPANDED OUTREACH SERVICES	REDUCE STATE HOSPITAL CAPITAL IMPROVEMENTS FUNDING TO \$1,699,665	ALLOW TBI UNIT AT DEVELOPMENTAL CENTER IF COST EFFECTIVE	REMOVE ADDITIONAL SUPPORTED RESIDENTIAL SERVICES	TOTAL SENATE CHANGES
Northwest HSC					(\$237,612)
North Central HSC					(346,857)
Lake Region HSC					(230,068)
Northeast HSC				(\$150,000)	(235,048)
Southeast HSC					(498,050)
South Central HSC					(282,954)
West Central HSC	(\$130,000)				(501,569)
Badlands HSC					(260,387)
State Hospital		(\$400,000)			(1,614,932)
Developmental Center			\$575,000		123,859
Total all funds	(\$130,000)	(\$400,000)	\$575,000	(\$150,000)	(\$4,083,618)
Less special funds	(116,320)		575,000	(83,000)	(177,185)
General fund	(\$13,680)	(\$400,000)	\$0	(\$67,000)	(\$3,906,433)
FTE	0.00	0.00	9.00	0.00	7.00

Senate changes narrative:

1 Northeast Human Service Center purchase-related costs. Provides \$895,000 from the general fund for the purchase of the existing human service center building in Grand Forks and allows \$236,598, of which \$125,400 is from the general fund, for maintenance calculated at \$3 per square foot x 39,433 square feet, allows \$376,335 from the general fund for improvements, and recognizes \$169,032 of rent of which \$75,000 is for maintenance and the balance of \$94,032 in general fund savings.

2 Removes funding for rent for the Northeast Human Service Center \$945,226, of which \$504,905 is from the general fund, and moving costs, cabinetry, wiring, and utilities hook-up associated with the move to the county office building at a total cost of \$195,700, of which \$151,978 is from the general fund.

Total Department of Human Services

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Total all funds	\$1,215,667,318	\$263,186 *	\$1,215,930,504
Less special funds	<u>860,501,931</u>	<u>4,290,740 *</u>	<u>864,792,671</u>
General fund	\$355,165,387	(\$4,027,554)	\$351,137,833
FTE	2,265.60	7.00	2,272.60

In addition, these amendments in Section 8 create a new section to Chapter 50-09 of the North Dakota Century Code relating to the county share of foster care grants (Senate Bill No. 2115), in Sections 9 and 10 amend Sections 50-24.3-01 and 50-24.3-03, in Section 11 create a new section to Chapter 50-24.3 relating to targeted case management (Senate Bill No. 2037), in Section 7 amend Section 25-03.1-04 relating to screening for admission to the State Hospital, in Section 13 amend Section 50-24.4-13, in Section 14 create a new section to Chapter 50-24.4 relating to geropsychiatric facilities (Senate Bill No. 2035), in Sections 22 and 16 provide legislative intent relating to Medicaid payments for certified nurse midwives, and relating to the implementation of basic care rate changes and related emergency rulemaking authority in Sections 17-21, provide for Legislative Council studies of welfare fraud detection efforts and the related cost-effectiveness of human service center services for the seriously mentally ill, of residential treatment centers, and of optional medical assistance services, and provide that the Department of Human Services periodically report to the Budget Section regarding traditional Medicaid grants and receive prior Budget Section and Emergency Commission approval before exceeding the amount appropriated, and in Section 25 repeal Section 25-04-20 relating to the Westwood Park Assets Management Committee.

* Reflects \$200,000 from lands and minerals trust fund included in Section 7 of original bill.

REPORT OF STANDING COMMITTEE

SB 2032: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2035, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2035 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2037, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2037 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2038: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2038 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2060, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2060 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2115: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2115 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2147: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2147 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2164: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2164 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2165: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2165 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2168: 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 2168 was placed on the Sixth order on the calendar.

Page 1, line 8, after the second semicolon insert "to provide an appropriation;"

Page 4, line 3, remove "to the department for remittance"

Page 4, line 7, remove the first "all" with "for"

Page 4, line 16, replace "There is hereby appropriated to the" with "The" and replace "as a standing" with "subject to legislative appropriation, may make"

Page 4, line 17, remove "and continuing appropriation for the purpose of making"

Page 4, line 18, replace the first comma with "for"

Page 4, line 22, after "From" insert "the" and replace "funds" with "fund"

Page 4, line 24, replace "for each calendar quarter in" with "multiplied times the pool amount determined under subsection 2"

Page 4, line 25, remove "each fiscal period"

Page 6, line 17, replace "appropriated" with "available" and after "department" insert ", subject to legislative appropriation,"

Page 9, after line 19, insert the following:

"SECTION 4. APPROPRIATION - GOVERNMENT NURSING FACILITY FUNDING POOL. There is hereby appropriated a total of \$20,543,942, of which \$6,058,739 is from the general fund, to the department of human services for the purpose of making the payments pursuant to section 2 of this Act. In the event that additional amounts in excess of \$20,543,942 become available during the biennium based on the calculation in section 2 of this Act, the department of human services may increase the amount paid which funds are hereby appropriated, subject to emergency commission and budget section approval, and providing that any additional "state percentage" required be made available from a loan from the Bank of North Dakota which funds are hereby appropriated.

SECTION 5. APPROPRIATION - HEALTH CARE TRUST FUND. There is hereby appropriated a total of \$14,785,540 from special funds derived from amounts available in the North Dakota health care trust fund to the department of human services for the purpose of the implementation of this Act for the biennium beginning July 1, 1999, and ending June 30, 2001."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2171, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2171 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2182, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2182 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2188: 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 2188 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 create and enact a new section to chapter 61-01 and chapter 61-02.1 of the North Dakota Century Code, relating to statewide water development goals and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program; to amend and reenact subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code, relating to the definition of works; to require the pledging of funds for certain water projects; to allocate funds from settlements with tobacco product manufacturers; to provide a statement of legislative intent; to provide for reports to the legislative council; to provide an appropriation; to provide an effective date; to provide an expiration date; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 61-01 of the North Dakota Century Code is created and enacted as follows:

Statewide water development goals. The legislative assembly is committed to the comprehensive statewide water development program developed pursuant to section 2 of chapter 587 of the 1995 Session Laws and to the state water management plan established under section 61-01-26. In order to implement the state water management plan, the legislative assembly is committed to the following:

1. During the 1999-2001 biennium:
 - a. Southwest pipeline project: Six million dollars in state funds and eleven million five hundred thousand dollars in federal funds, assuming Perkins County water system payment to the state water commission of four million five hundred thousand dollars.
 - b. Northwest area water supply project: Eight million two hundred thousand dollars in local funds and fourteen million eight hundred thousand dollars in federal funds, with an option being considered of the state water commission bonding the local cost-share with local repayment to the state water commission.
 - c. Other municipal, rural, and industrial projects: Twenty-five million five hundred thousand dollars in local funds and thirty-nine million nine hundred thousand dollars in federal funds.
 - d. Grand Forks flood control: Twenty-five million dollars in local funds, twenty-five million dollars in state funds, and thirty-eight million five hundred thousand dollars in federal funds. The state total cost-share of fifty-two million dollars will be bonded, requiring a local repayment estimated at three million nine hundred thousand dollars per year with repayment beginning in 2001.
 - e. Devils Lake outlet: Seventeen million five hundred thousand dollars in state funds and thirty-two million five hundred thousand dollars in federal funds. The total state cost-share of seventeen million five hundred thousand dollars includes mitigation costs and will be bonded, requiring a local repayment estimated at one million five

hundred thousand dollars per year, with the split between state and local loan repayment to be determined.

- f. General projects: Thirty-one million seven hundred thousand dollars in local funds, twenty-five million nine hundred thousand dollars in state funds, and thirty-nine million eight hundred thousand dollars in federal funds.

2. During the 2001-03 biennium:

- a. Water to eastern North Dakota: Seventeen million dollars in federal funds appropriated under the Garrison Diversion Unit Reformulation Act of 1986 [Pub. L. 99-294; 100 Stat. 418], Dakota Water Resources Act of 1998, or other federal Act. The local cost has not been determined and will be determined after project configuration is complete.
- b. Southwest pipeline project: Five hundred thousand dollars in local funds, one million seven hundred thousand dollars in state funds, and twelve million five hundred thousand dollars federal funds.
- c. Northwest area water supply project: Eight million seven hundred thousand dollars in local funds and sixteen million three hundred thousand dollars in federal funds.
- d. Other municipal, rural, and industrial projects: Seventeen million seven hundred thousand dollars in local funds and thirty-two million eight hundred thousand dollars in federal funds.
- e. Grand Forks flood control: Thirty-five million seven hundred thousand dollars in local funds, twenty-seven million dollars in state funds, and sixty-two million nine hundred thousand dollars in federal funds; annual bond payments of three million nine hundred thousand dollars. Components of the Grand Forks flood control project involve water treatment plant improvements. Those federal costs are reflected in subdivision d because of potential cost-sharing using Garrison diversion municipal, rural, and industrial funds. Other projects, such as greenway, are listed under subdivision g.
- f. Devils Lake outlet: Bond repayments of one million five hundred thousand dollars per year.
- g. General projects: Twenty-four million dollars in local funds, eighteen million four hundred thousand dollars in state funds, and five million five hundred thousand dollars in federal funds.

3. During the 2003-05 biennium:

- a. Water to eastern North Dakota: Six million dollars in federal funds appropriated under the Garrison Diversion Unit Reformulation Act of 1986 [Pub. L. 99-294; 100 Stat. 418], Dakota Water Resources Act of 1998, or other federal Act. The local cost has not been determined and will be determined after project configuration is complete.
- b. Southwest pipeline project: One million dollars in local funds, five million dollars in state funds, and eleven million four hundred thousand dollars in federal funds.
- c. Northwest area water supply project: Eleven million eight hundred thousand dollars in local funds and twenty-one million eight hundred thousand dollars in federal funds.
- d. Other municipal, rural, and industrial projects: Seventeen million seven hundred thousand dollars in local funds and thirty-two million eight hundred thousand dollars in federal funds.
- e. Grand Forks flood control: Annual bond payments of three million nine hundred thousand dollars.

- f. Devils Lake outlet: Bond repayments of one million five hundred thousand dollars per year.
 - g. General projects: Twenty-four million dollars in local funds, eighteen million four hundred thousand dollars in state funds, and five million five hundred thousand dollars in federal funds.
 - 4. During the 2005-07 biennium:
 - a. Water to eastern North Dakota: Eighty-four million dollars in federal funds appropriated under the Garrison Diversion Unit Reformulation Act of 1986 [Pub. L. 99-294; 100 Stat. 418], Dakota Water Resources Act of 1998, or other federal Act. The local cost has not been determined and will be determined after project configuration is complete.
 - b. Southwest pipeline project: One million dollars in local funds, nine million five hundred thousand dollars in state funds, and nineteen million five hundred thousand dollars in federal funds.
 - c. Northwest area water supply project: Five million eight hundred thousand dollars in local funds and ten million nine hundred thousand dollars in federal funds.
 - d. Other municipal, rural, and industrial projects: Seventeen million seven hundred thousand dollars in local funds and thirty-two million eight hundred thousand dollars in federal funds.
 - e. Grand Forks flood control: Annual bond payments of three million nine hundred thousand dollars.
 - f. Devils Lake outlet: Bond repayments of one million five hundred thousand dollars per year.
 - g. General projects: Twenty-four million dollars in local funds, eighteen million four hundred thousand dollars in state funds, and five million five hundred thousand dollars in federal funds.
 - 5. During the 2007-09 biennium:
 - a. Water to eastern North Dakota: Fifty-nine million dollars in federal funds appropriated under the Garrison Diversion Unit Reformulation Act of 1986 [Pub. L. 99-294; 100 Stat. 418], Dakota Water Resources Act of 1998, or other federal Act. The local cost has not been determined and will be determined after project configuration is complete.
 - b. Northwest area water supply project: Three million seven hundred thousand dollars in local funds and seven million dollars in federal funds.
 - c. Other municipal, rural, and industrial projects: Seventeen million seven hundred thousand dollars in local funds and thirty-two million eight hundred thousand dollars in federal funds.
 - d. Grand Forks flood control: Annual bond repayments of three million nine hundred thousand dollars.
 - e. Devils Lake outlet: Bond repayments of one million five hundred thousand dollars per year.
 - f. General projects: Twenty-four million dollars in local funds, eighteen million four hundred thousand dollars in state funds, and five million five hundred thousand dollars in federal funds.
 - 6. During the 2009-11 biennium:
 - a. Water to eastern North Dakota: Two million dollars in federal funds appropriated under the Garrison Diversion Unit Reformulation Act of 1986 [Pub. L. 99-294; 100 Stat. 418], Dakota Water Resources Act of

1998, or other federal Act. The local cost has not been determined and will be determined after project configuration is complete.

- b. Northwest area water supply project: One million seven hundred thousand dollars in local funds and three million three hundred thousand dollars in federal funds.
- c. Other municipal, rural, and industrial projects: Seventeen million seven hundred thousand dollars in local funds and thirty-two million eight hundred thousand dollars in federal funds.
- d. Grand Forks flood control: Annual bond repayments of three million nine hundred thousand dollars.
- e. Devils Lake outlet: Bond repayments of one million five hundred thousand dollars per year.
- f. General projects: Twenty-four million dollars in local funds, eighteen million four hundred thousand dollars in state funds, and five million five hundred thousand dollars in federal funds.

7. Beyond the year 2011:

- a. Water to eastern North Dakota: The local cost has not been determined and will be determined after project configuration is complete.
- b. Northwest area water supply project: Eight million seven hundred thousand dollars in local funds and sixteen million three hundred thousand dollars in federal funds.
- c. Other municipal, rural, and industrial projects: One hundred thirty million two hundred thousand dollars in local funds and two hundred forty-one million two hundred thousand dollars in state funds. The anticipated three hundred forty-five million dollars in federal cost-share has been used in the previous bienniums and the remaining cost-share for projects has been identified as a potential state cost-share.
- d. Grand Forks flood control: A total of fifty-eight million five hundred thousand dollars in bond payments is anticipated.
- e. Devils Lake outlet: A total of fifteen million dollars in bond repayments.
- f. General projects: One hundred ninety-six million two hundred thousand dollars in local funds, one hundred thirty-eight million dollars in state funds, and twenty-five million eight hundred thousand dollars in federal funds.

SECTION 2. AMENDMENT. Subdivision d of subsection 5 of section 61-02-02 of the North Dakota Century Code is amended and reenacted as follows:

- d. All works for the conservation, control, development, storage, treatment, distribution, and utilization of water including, without limiting the generality of the foregoing subdivisions, works for the purpose of irrigation, flood control, watering stock, supplying water for public, domestic, industrial, and recreational use, fire protection, and the draining of lands injured or in danger of injury as a result of such water utilization.

SECTION 3. Chapter 61-02.1 of the North Dakota Century Code is created and enacted as follows:

61-02.1-01. Legislative findings and intent - Authority to issue bonds.

- 1. The legislative assembly finds that some cities suffered serious economic and social injuries due to the major flood disaster in 1997 and other recent floods and are at significant risk for future flooding; and that construction of flood control or reduction projects is necessary for the protection of health,

property, and enterprises and for the promotion of prosperity and the general welfare of the people of the state and that construction of any such projects involves and requires the exercise of the sovereign powers of the state and concerns a public purpose. Therefore, it is declared necessary and in the public interest that the state by and through the state water commission assist in financing the costs of constructing flood control or reduction projects through the issuance of bonds.

2. The legislative assembly finds that continued construction of the southwest pipeline project is necessary for the protection of health, property, and enterprises and for the promotion of prosperity and the general welfare of the people of the state and that continued construction of the southwest pipeline project involves and requires the exercise of the sovereign powers of the state and concerns a public purpose. The legislative assembly also finds that current funding for the southwest pipeline project has become uncertain, and therefore, it is declared necessary and in the public interest that the state by and through the state water commission assist in financing the costs of continued construction of the southwest pipeline project through the issuance of bonds.
3. The legislative assembly finds that the Devils Lake basin is suffering and facing a worsening flood disaster; and that construction of an outlet from Devils Lake is necessary for the protection of health, property, and enterprises and for the promotion of prosperity and the general welfare of the people of the state; and that construction of the outlet involves and requires the exercise of the sovereign powers of the state and concerns a public purpose. Therefore, it is declared necessary and in the public interest that an outlet from Devils Lake be constructed with financing from the state water commission to provide flood relief to the Devils Lake basin.
4. The legislative assembly finds that there is a critical need to develop a comprehensive statewide water development program to serve the long-term water resource needs of the state and its people and to protect the state's current usage of, and the state's claim to, its proper share of Missouri River water.
5. In furtherance of the public purpose set forth in subsection 1, the state water commission may issue bonds under chapter 61-02 and the proceeds are appropriated for flood control projects authorized and funded in part by the federal government and designed to provide permanent flood control or reduction to cities that suffered severe damages as a result of the 1997 flood or other recent floods. The commission may issue bonds for a flood control or reduction project only:
 - a. When:
 - (1) A flood control or reduction project involves a city that suffered catastrophic flood damage requiring evacuation of the major share of its populace;
 - (2) A flood control or reduction project includes interstate features and requires acquisition of private property to build permanent flood protection systems to comply with federal flood protection standards;
 - (3) The governing body of a city provides a written certification to the state water commission that the city has committed itself to contribute one-half or more of the North Dakota project sponsor's share of the nonfederal share of the cost to construct the project; and
 - (4) The United States army corps of engineers issues its approval of the flood control or reduction project;
 - b. When a flood control or reduction project in a city with a population as of the 1990 federal decennial census of at least eight thousand and not more than ten thousand has received significant federal funding through federal grants and funds from the United States army corps of engineers and the federal emergency management agency; or

- c. When a flood control or reduction project in a city with a population as of the 1990 federal decennial census of at least four thousand five hundred and not more than six thousand has at least seventy percent of the land within the boundaries of the city located within the one hundred year floodplain as designated on a flood insurance rate map and the United States army corps of engineers issues its approval of the flood control or reduction project.
- 6. In furtherance of the public purpose set forth in subsection 2, the state water commission may issue bonds under chapter 61-02 and the proceeds are appropriated for construction of the southwest pipeline project. The commission may only issue bonds under this chapter for continued construction of the southwest pipeline project when it is determined that the Perkins County water system will not make payment to the state water commission in the amount of four million five hundred thousand dollars or on January 1, 2000, whichever occurs earlier. If the Perkins County water system makes payment to the state water commission after January 1, 2000, the payment must be used to pay principal and interest on bonds issued for continued construction of the southwest pipeline project as provided in subsection 2 of section 61-02.1-04.
- 7. In furtherance of the public purposes set forth in subsections 3 and 4, the state water commission may issue bonds under chapter 61-02 to finance the cost of one or more of the projects identified in this subsection, provided that:
 - a. The state water commission may only issue bonds for construction of an outlet from Devils Lake when the United States authorizes construction of an outlet and either the state water commission or a federal agency has developed a plan addressing damage to basic infrastructure such as roads, culverts, and bridges; riverbank erosion; downstream flooding; and increased water treatment costs caused by or resulting from construction of the outlet.
 - b. The state water commission may only issue bonds to finance the nonfederal cost-share of the Garrison diversion unit when the Congress of the United States enacts legislation for the completion of the Garrison diversion unit, which may include the delivery of water to the northwest area water supply project; southwest pipeline project; Turtle Lake irrigation district; Nesson-Valley irrigation district; Elk Charbon irrigation district; the Williston irrigation project; the Oakes irrigation project; other irrigation, municipal, rural, and industrial water supply projects; augmented streamflow and ground water recharge projects; development of a Red River valley water supply; and delivery of Missouri River water to the Sheyenne River.
- 8. This chapter does not affect the state water commission's authority to otherwise issue bonds pursuant to chapter 61-02 or 61-24.3-01.
- 9. Notwithstanding this section, the state water commission may not issue bonds under subsection 5 or subdivision a of subsection 7 for a project unless that project has received federal funds.

61-02.1-02. Bond issuance amount limited.

- 1. The state water commission bonds issued for flood control or reduction projects meeting the requirements of subdivision a of subsection 5 of section 61-02.1-01 may not exceed forty-five percent and bonds issued for flood control or reduction projects meeting the requirements of subdivision b or c of subsection 5 of section 61-02.1-01 may not exceed one-half of the North Dakota project sponsor's share of the nonfederal share of the cost to construct the flood control or reduction project or, in the aggregate, sixty million three hundred thousand dollars plus the costs of issuance of the bonds, capitalized interest, and reasonably required reserves, whichever is less. Of the sixty million three hundred thousand dollars authorized in this subsection for flood control or reduction projects under subsection 5 of section 61-02.1-01, fifty-two million dollars must be allocated for flood control or reduction projects meeting the requirements of subdivision a of subsection 5 of section 61-02.1-01, three million five hundred thousand dollars must be allocated for flood control or reduction

projects meeting the requirements of subdivision b of subsection 5 of section 61-02.1-01, and four million eight hundred thousand dollars must be allocated for flood control or reduction projects meeting the requirements of subdivision c of subsection 5 of section 61-02.1-01.

2. The state water commission bonds issued under subsection 6 of section 61-02.1-01 for continued construction of the southwest pipeline project may not exceed, in the aggregate, four million five hundred thousand dollars plus the costs of issuance of the bonds, capitalized interest, and reasonably required reserves.
3. The state water commission bonds issued under subsection 7 of section 61-02.1-01 for the Devils Lake outlet or other projects listed in subdivision b of subsection 7 of section 61-02.1-01 may not exceed, in the aggregate, twenty million dollars, plus the costs of issuance of the bonds, capitalized interest, and reasonably required reserves. The state water commission may use all or part of the proceeds of bonds issued as provided in subsection 7 of section 61-02.1-01 and the proceeds are appropriated to match, in a ratio no greater than required by the federal government, any federal funds available for the projects identified in subsection 7 of section 61-02.1-01. The commission may require any political subdivision affected by Devils Lake flooding to participate in the cost of construction of an outlet from Devils Lake by providing matching funds in a percentage of the construction costs determined by the commission to be reasonable in light of the benefits to be received by that political subdivision in relation to benefits received by all benefited political subdivisions. Any local matching fund requirement must be determined by the commission and the affected political subdivisions must be informed of their matching fund obligation prior to issuance of bonds pursuant to this chapter.

61-02.1-03. Limitation of action. An action may not be brought or maintained in any court in this state questioning the validity of any bonds issued under this chapter unless the action is commenced within thirty days after the adoption of the resolution of the state water commission authorizing the sale of the bonds. The state water commission may commence a special proceeding any time after the effective date of this chapter in and by which the constitutionality and validity of the bonds to be issued pursuant to this chapter may be judicially examined, approved and confirmed, or disapproved and disaffirmed. Proceedings must comply as nearly as possible with the procedure required for declaratory judgment proceedings.

61-02.1-04. Bonds payable from appropriations and other revenues.

1. Principal and interest on bonds issued for flood control or reduction projects under this chapter are payable from transfers to be made and appropriated by the legislative assembly from the resources trust fund as provided in section 5 of this Act, from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture, or from appropriations of other available revenues in the then current biennium, and any other revenues the state water commission makes available during the then current biennium for that purpose, including any federal moneys received by the state for the construction of flood control or reduction projects to pay bonds issued for that project.
2. Principal and interest on bonds issued for continued construction of the southwest pipeline project are payable from transfers to be made and appropriated by the legislative assembly from the resources trust fund as provided in section 5 of this Act, from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds under a trust indenture, from appropriations of other available revenues in the then current biennium, or from payment from the Perkins County rural water system, and any other

revenues the state water commission makes available during the then current biennium for that purpose, including any federal moneys received by the state for the construction of the southwest pipeline project to pay bonds issued for the project.

3. Principal and interest on bonds issued under subsection 7 of section 61-02.1-01 are payable from transfers to be made and appropriated by the legislative assembly from the resources trust fund as provided in section 5 of this Act, from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota prorated with any other bonds payable from transfers to be made and appropriated by the legislative assembly from the first available current biennial earnings of the Bank of North Dakota, to be credited by the trustee to the fund established for paying principal and interest on the bonds pursuant to a trust indenture, or from appropriations of other available revenues in the then current biennium, and any other revenues the state water commission makes available during the then current biennium for that purpose, including any federal moneys received by the state for the construction of an outlet to Devils Lake to pay bonds issued for that project, or financing a statewide water development program to pay bonds issued for that project.
4. Obligations issued under this chapter do not constitute a debt, liability, or obligation of the state of North Dakota or a pledge of the faith and credit of the state of North Dakota, but are payable solely from the sources as described in this chapter.
5. The state water commission shall include in its submission to the governor for inclusion by the governor in the biennial executive budget of the state for each year of the respective biennium during the term of any bonds issued under this chapter an amount fully sufficient to pay the principal and interest required to be paid in each year of the biennium, if any, from moneys from nongeneral fund sources. Provided, that should the governor not include in the executive budget for any reason the amounts required to be included by this section, the state water commission shall request independently that the legislative assembly amend the executive budget appropriation so as to include the amounts.

SECTION 4. CORPORATE CENTER - CONTRACT TO PLEDGE REVENUES.

Before the issuance of any bonds for any flood control or reduction project in Grand Forks under chapter 61-02.1, the state water commission shall require a contract be entered with the city of Grand Forks pledging revenue from the corporate center in that city as follows:

1. After all moneys pledged for the repayment of revenue bonds for the corporate center project have been paid, the city must pledge revenue from the project to the resources trust fund as repayment for the flood control or reduction project to facilitate economic development in this state. This contract must be in compliance with all applicable federal requirements.
2. If the corporate center is sold, the city must pledge the proceeds of the sale to the resources trust fund as repayment for the flood control or reduction project to facilitate economic development in this state. The corporate center may not be sold without the prior approval of the budget section of the legislative council.
3. The revenue to be pledged must be in amounts similar to the amounts previously dedicated each year for the repayment of the revenue bonds.
4. The period during which revenue must be pledged under this section is from the date of the final payment of the revenue bonds until the end of the projected life of the corporate center, which must be not less than forty years from the date of initial occupancy.
5. Any refinancing of debt or any improvements to the corporate center requiring the incurring of indebtedness cannot be entered without prior approval of the budget section of the legislative council.

SECTION 5. ALLOCATION OF TOBACCO SETTLEMENT FUNDS. Forty-five percent of any funds received by the state pursuant to the 1998 settlement agreement

with tobacco product manufacturers, or any successor agreement, must be deposited in the resources trust fund for use in paying for bonds issued under section 3 of this Act and for other water projects.

SECTION 6. LEGISLATIVE INTENT. It is the intent of the fifty-sixth legislative assembly that a total of six million dollars of funding be provided to the state water commission for the southwest pipeline project through a combination of funding sources. The potential funding source must include payment from the Perkins County rural water system, bonds issued by the state water commission, or other available resources.

SECTION 7. EFFECTIVE DATE. The authority of the commission to issue bonds under subsection 2 of section 61-02.1-01 becomes effective on the date the state engineer certifies to the state water commission that the Perkins County water system will not make a payment to the state water commission in the amount of four million five hundred thousand dollars or January 1, 2000, whichever occurs earlier.

SECTION 8. REPORTS TO LEGISLATIVE COUNCIL - COMPREHENSIVE STATEWIDE WATER DEVELOPMENT PROGRAM AND STATE WATER MANAGEMENT PLAN IMPLEMENTATION - BOND ISSUANCE. The state engineer shall report periodically to the budget section and to any other interim committee designated by the legislative council regarding implementation of the comprehensive statewide water development program and state water management plan and the issuance of bonds to finance construction of flood control projects, the southwest pipeline project, a Devils Lake outlet, and a statewide water development program during the 1999-2000 interim.

SECTION 9. EXPIRATION DATE. The authority of the commission to issue bonds under chapter 61-02.1 is effective through June 30, 2001, and after that date is ineffective.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2191: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2191 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2208: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2208 was placed on the Sixth order on the calendar.

Page 1, line 14, replace the underscored comma with ". The"

Page 1, line 15, remove "and the" and remove "give the measure or proposal an unfavorable"

Page 1, line 16, remove "recommendation and " and after "committee" insert "a statement"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2212: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2212 was placed on the Sixth order on the calendar.

Page 1, line 9, after "or" insert "a class B felony if that person negligently"

Page 1, line 16, overstrike "class" and remove "C"

Page 1, line 17, remove "felony", overstrike "for a first or second offense and a", remove the overstrike over "€", remove "A", and overstrike "for a subsequent offense"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2248: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2248 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2262: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2262 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2278: 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 2278 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 create and enact a new section to chapter 15-27.4 of the North Dakota Century Code, or in the alternative to create and enact a new section to chapter 15.1-12 of the North Dakota Century Code, relating to the use of a dissolved district's unobligated funds.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. If House Bill No. 1034 does not become effective, a new section to chapter 15-27.4 of the North Dakota Century Code is created and enacted as follows:

Unobligated funds - Marketability of school. Within a school district's plan of dissolution under this chapter, moneys that would otherwise be considered unobligated within the meaning of sections 15-27.4-02.1 and 15-27.4-03 may be set aside to maintain a building that, as a result of the dissolution, will no longer be used as a school, in order to enhance its marketability.

SECTION 2. If House Bill No. 1034 does become effective, a new section to chapter 15.1-12 of the North Dakota Century Code is created and enacted as follows:

Unobligated funds - Marketability of school. Within a school district's plan of dissolution under this chapter, moneys that would otherwise be considered unobligated within the meaning of sections 15-27.4-02.1 and 15-27.4-03 may be set aside to maintain a building that, as a result of the dissolution, will no longer be used as a school, in order to enhance its marketability."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

SENATE - This amendment replaces Section 1 of the bill which provided a \$500,000 appropriation from the Bank of North Dakota to the Department of Economic Development and Finance for grants to remodel abandoned school buildings, with a new section of the North Dakota Century Code to allow unobligated school district funds to be used to maintain a school building abandoned due to dissolution of the district.

REPORT OF STANDING COMMITTEE

SB 2295: Human Services Committee (Sen. Thane, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2309: 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 2309 was placed on the Sixth order on the calendar.

Page 1, line 10, replace "classroom" with "supervised"

Page 1, line 13, remove "classroom"

Page 1, line 14, after "instruction" insert ". Any student enrolled in a massage school on or before the effective date of this Act satisfies the requirements in this subdivision if the

student presents a diploma or credentials issued by a school of massage that requires at least five hundred hours of instruction"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2320: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2320 was placed on the Sixth order on the calendar.

Page 1, line 3, after "patients" insert "; and to provide an expiration date"

Page 1, line 10, replace ", or" with ". This chapter does not permit an agent" and remove "the"

Page 1, line 11, replace "withdrawal" with "withdraw" and replace "withholding of" with "withhold"

Page 2, after line 6, insert:

"SECTION 3. EXPIRATION DATE. This Act is effective until July 31, 2001, and after that date is ineffective."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2330: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2330 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "amend and reenact" with "repeal"

Page 1, line 4, replace "**AMENDMENT**" with "**REPEAL**"

Page 1, after line 5, replace "amended and reenacted as follows:" with "repealed."

Page 1, remove lines 6 through 24

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2362: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2362 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "or the person who"

Page 1, line 7, remove "would have committed suicide, in the case of an attempt,"

Page 1, line 9, after "of" insert "or consent to" and remove "or attempt"

Page 1, line 15, replace "the law of this state" with "title 43"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2365: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2365 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2370: 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 2370 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 create and enact a new chapter to title 51 of the North Dakota Century Code, relating to pawnshops and certain secondhand stores; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new chapter to title 51 of the North Dakota Century Code is created and enacted as follows:

Definitions. In this chapter:

1. "Pawnshop" means a business in which money is loaned at interest in exchange for personal property left as security.
2. "Secondhand store" means a business that buys and sells previously used merchandise and the majority of the items purchased or sold are purchased or sold for consideration exceeding fifty dollars per item. The term does not include a business that deals mainly in used clothing or sports items or memorabilia.

Identification and recordkeeping.

1. If a person working in a pawnshop or secondhand store takes a pledge or buys an item for consideration exceeding fifty dollars, that person shall:
 - a. Require the pledgor or seller to present two forms of identification, including one photograph identification.
 - b. Record the pledgor's or seller's social security number or motor vehicle operator's license identification number, and record the consideration given.
 - c. Require the pledgor or seller to sign the form on which the information required under subdivision b is recorded.
2. A person working in a pawnshop or secondhand store may not take in pledge or buy personal property exceeding fifty dollars from anyone under eighteen years of age.
3. Before a person working in a pawnshop or secondhand store may sell an item for consideration exceeding fifty dollars, the person shall obtain the name and address of the buyer and verify the buyer's name through one form of picture identification.

Inspection of records. Any record required to be kept by this chapter is open to inspection by law enforcement officers during regular business hours.

Application in home rule cities and counties. A home rule charter or ordinance implementing a home rule charter of a city or county may not be less stringent than the requirements of this chapter.

Penalty. A person who willfully violates this chapter is guilty of an infraction."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2380: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2380 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2383: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO NOT PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2383 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2391: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2391 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2396: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2396 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2403: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2403 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2405: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2405 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "sections 5-02-01.1 and"

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

Page 1, after line 3, insert:

"SECTION 1. AMENDMENT. Section 5-02-01.1 of the 1997 Supplement to the North Dakota Century Code is amended and reenacted as follows:

5-02-01.1. Event permit authorized - Penalty.

1. The local governing body may by permit authorize a qualified alcoholic beverage licensee licensed under this chapter to engage in the sale of alcoholic beverages at events designated by the permit. For purposes of this section, "qualified alcoholic beverage licensee" means a licensee in a city that imposed a city lodging and restaurant tax on July 31, 1993, who paid such tax and who continues to pay any such tax imposed by the city or a licensee in a county or a licensee in a city that did not impose a city lodging and restaurant tax on July 31, 1993. A fee for the local permit may be set by ordinance or resolution at not more than twenty-five dollars. The permit may not be valid for a period greater than fourteen days, and may include Sundays. The local governing body may establish rules to regulate and restrict the operation of an event permit. Any person who dispenses, sells, or permits the consumption of alcoholic beverages in violation of this section or the conditions of a permit is guilty of a class B misdemeanor.
2. The local governing body may authorize persons under twenty-one years of age to remain in the area of the event, or a portion thereof, where beer, wine, or sparkling wine may be sold pursuant to the permit. However, this authorization must be subject to the following minimum conditions:
 - a. The area where persons under twenty-one years of age may remain must be specifically set forth in the permit;
 - b. Only employees of the qualified alcoholic beverage licensee who are at least twenty-one years of age may deliver and sell the beer, wine, or sparkling wine;
 - c. Subject to section 5-02-06, the area where persons under twenty-one years of age may remain may not be the qualified alcoholic beverage licensee's fixed or permanent licensed premises as shown on the state and local governing body's alcoholic beverage license issued pursuant to section 5-02-01; and
 - d. No person under twenty-one years of age within the area described in the permit may consume, possess, or receive alcoholic beverages."

Page 1, line 19, replace "if in that area beer, wine, or sparkling wine" with "in accordance with the conditions of an event permit issued pursuant to section 5-02-01.1"

Page 1, remove line 20

Page 1, line 21, remove "container containing twenty-four fluid ounces [.71 liters] or less"

Page 2, after line 3, insert:

"SECTION 3. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2416: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2416 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2418: Human Services Committee (Sen. Thane, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2418 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2423: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2428: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2428 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2434: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2434 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2435: Transportation Committee (Sen. B. Stenehjem, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2435 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4018: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4018 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4024: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4024 was placed on the Sixth order on the calendar.

Page 1, line 10, after "in" insert "what would later become"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4025: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4025 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "Grand Forks" with "Minot"

Page 1, line 19, replace "scheme completely disregards the needs of" with "plan must consider the unique demographics"

Page 1, line 20, remove "the western portion", remove "and would prove", replace "highly inefficient" with "efficient", and replace "impracticable" with "practicable"

Page 1, line 21, remove "many of"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4030: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4030 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "is a" with "serves the dual roles of"

Page 1, line 18, remove "also has the responsibility of acting as" and replace "there appears to" with "the responsibilities of these roles may"

Page 1, line 19, remove "be a" and replace "of interest with respect to the responsibility of the Attorney General" with "at times"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4034: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4034 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1070: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1070 was placed on the Fourteenth order on the calendar.

FIRST READING OF HOUSE BILL

HB 1303: A BILL for an Act to create and enact a new section to chapter 32-03 of the North Dakota Century Code, relating to the recovery of damages for fraudulent use of social security numbers.

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

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

WILLIAM C. PARKER, Secretary