

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, February 12, 2001

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

The prayer was offered by Pastor Keith Ritchie, Cornerstone Community Church, Bismarck.

The roll was called and all members were present.

A quorum was declared by the President.

## MOTION

**SEN. CHRISTMANN MOVED** that SB 2003 and SB 2040 be moved to the top of the calendar, which motion prevailed.

## CONSIDERATION OF AMENDMENTS

**SB 2003: SEN. NETHING (Appropriations Committee) MOVED** that the amendments on SJ pages 371-381 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, that SB 2003 be deemed properly engrossed, and be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2003:** A BILL for an Act to provide an appropriation for defraying the expenses of the North Dakota university system; to provide for a legislative council study; to provide statements of legislative intent; to amend and reenact sections 15-10-12, 54-44.1-04, subsection 7 of section 54-44.1-06, and section 54-44.1-11 of the North Dakota Century Code, relating to higher education institutions' special revenue funds, budget requests and block grant appropriations, and unexpended appropriations; to provide an expiration date; and to declare an emergency.

## ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2003 passed, the title was agreed to, and the emergency clause was declared carried.

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## SECOND READING OF SENATE BILL

**SB 2040:** A BILL for an Act to amend and reenact section 54-14-03.1 of the North Dakota Century Code, relating to reports to the budget section of the legislative council of irregularities noted in fiscal practices of state agencies and institutions.

## ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 42 YEAS, 7 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; O'Connell;

Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bercier; Christenson; Kelsh; Krauter; Mathern, T.; Nichols; Tomac

SB 2040 passed and the title was agreed to.

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#### MOTION

**SEN. ROBINSON MOVED** that the Senate reconsider its action whereby SB 2367 failed to pass.

#### REQUEST

**SEN. HEITKAMP REQUESTED** a recorded roll call vote on the motion to reconsider the action whereby SB 2367 failed to pass, which request was granted.

#### ROLL CALL

The question being on the motion to reconsider the action whereby SB 2367 failed to pass, the roll was called and there were 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Espegard; Every; Heitkamp; Holmberg; Krauter; Krebsbach; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Traynor; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Kelsh; Kilzer; Klein; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tollefson; Trenbeath; Urlacher; Wanzek

So the motion to reconsider the action whereby SB 2367 failed to pass, failed.

#### CONSIDERATION OF AMENDMENTS

**SB 2027: SEN. STENEHJEM (Transportation Committee) MOVED** that the amendments on SJ page 385 be adopted with **DO PASS**, which motion prevailed.

#### MOTION

**SEN. G. NELSON MOVED** that the rules be suspended SB 2027 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2027:** A BILL for an Act relating to a pilot project involving county treasurers administering motor vehicle registration programs; to provide for a legislative council study; and to provide an expiration date.

#### ROLL CALL

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Solberg; Stenehjem; Tallackson; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Krebsbach; Schobinger; Thane; Traynor

Engrossed SB 2027 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2394: SEN. FISCHER (Natural Resources Committee) MOVED** that the amendments on SJ pages 395-396 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2403: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ page 396 be adopted and then be **REFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that the rules be suspended, and after action taken on the Sixth order, all bills on that order be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2330 and SB 2331 be moved to the top of the calendar, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2330: SEN. FISCHER (Human Services Committee) MOVED** that the amendments on SJ pages 390-391 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2330: A BILL** for an Act to provide for a legislative council study relating to insurance coverage for augmentative communication devices and services for children.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2330 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2331: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 391-393 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2331: A BILL** for an Act to create a new section to chapter 26.1-36 and a new section to chapter 54-52.1 of the North Dakota Century Code, relating to insurance coverage for medical services provided to individuals under age twenty-two; and to amend and reenact section 26.1-26.4-02 of the North Dakota Century Code, relating to the definition of medically necessary.

**ROLL CALL**

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

**YEAS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; Polovitz; Robinson; Tallackson; Thane

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; O'Connell; Schobinger; Solberg; Stenehjem; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2331 lost.

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**CONSIDERATION OF AMENDMENTS**

**SB 2017: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 382-384 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2017:** A BILL for an Act to provide an appropriation for defraying the expenses of job service North Dakota; to create and enact a new section to chapter 52-08 of the North Dakota Century Code, relating to job task analysis services; to amend and reenact section 52-04-22 of the North Dakota Century Code and section 4 of chapter 433 of the 1999 Session Laws, relating to the federal advance interest repayment fund and the unemployment compensation incentive fund; and to provide a continuing appropriation.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2017 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2020: SEN. HOLMBERG (Appropriations Committee) MOVED** that the amendments on SJ pages 384-385 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state board for vocational and technical education.

**MOTION**

**SEN. HOLMBERG MOVED** that Engrossed SB 2020 be amended as follows, which motion prevailed on a voice vote.

Page 2, line 6, replace "January 1, 2003" with "July 1, 2002"

Renumber accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:****Senate Bill No. 2020 - Vocational Education - Senate Action**

This amendment provides that state workforce training funding for the second year of the 2001-03 biennium will be distributed to the institutions of higher education which, as of July 1, 2002, have received or have pledges for 75 percent of the total 2001-03 biennium budgeted regional contributions.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepflin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2020 passed and the title was agreed to.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2033, which is on the Sixth order, be laid over one legislative day, which motion prevailed.

**CONSIDERATION OF AMENDMENTS**

**SB 2209: SEN. ESPEGARD (Transportation Committee) MOVED** that the amendments on SJ page 389 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2209:** A BILL for an Act to create and enact a new subsection to section 57-40.3-04 of the North Dakota Century Code, relating to a motor vehicle excise tax exemption for a motor vehicle acquired or leased by a resident who was a prisoner of war; and to declare an emergency.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2209 passed, the title was agreed to, and the emergency clause was declared carried.

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**CONSIDERATION OF AMENDMENTS**

**SB 2260: SEN. DEVER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 389 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2260:** A BILL for an Act to amend and reenact sections 37-14-06 and 37-14-12 of the North Dakota Century Code, relating to loans from the veterans' aid fund and appeals from the department of veterans' affairs.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2260 passed and the title was agreed to.

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**CONSIDERATION OF AMENDMENTS**

**SB 2282: SEN. TRENBEATH (Transportation Committee) MOVED** that the amendments on SJ pages 389-390 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2282:** A BILL for an Act to provide for a legislative council study of methods to encourage production and consumption of ethanol.

**ROLL CALL**

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

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson;

Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Engrossed SB 2282 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2287: SEN. TRAYNOR (Natural Resources Committee) MOVED** that the amendments on SJ page 390 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2287:** A BILL for an Act to create and enact a new section to chapter 61-16.1 of the North Dakota Century Code, relating to maintenance of natural watercourses and debrisement of bridges and low water crossings.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 39 YEAS, 10 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Christenson; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nething; Polovitz; Robinson; Tallackson; Tollefson; Tomac; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Bowman; Christmann; Freborg; Mutch; Nichols; O'Connell; Schobinger; Solberg; Stenehjem; Thane

Engrossed SB 2287 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2335: SEN. KILZER (Government and Veterans Affairs Committee) MOVED** that the amendments on SJ page 393 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2335:** A BILL for an Act to create and enact a new subsection to section 54-07-01 of the North Dakota Century Code, relating to gubernatorial reports to the budget section of the legislative council concerning incentives for value-added businesses.

#### MOTION

**SEN. O'CONNELL MOVED** that Engrossed SB 2335 be amended as follows, which motion prevailed on a voice vote.

Page 1, line 3, after "value-added" insert "agricultural"

Page 1, line 7, after "value-added" insert "agricultural"

Page 1, line 11, after "value-added" insert "agricultural" and after "new" insert "value-added agricultural"

Renumber accordingly

**SB 2335:** A BILL for an Act to create and enact a new subsection to section 54-07-01 of the North Dakota Century Code, relating to gubernatorial reports to the budget section of the legislative council concerning incentives for value-added agricultural businesses.

#### 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, 32 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Every; Flakoll; Heitkamp; Kelsh; Krauter; Kroepin; Lindaas; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tomac

**NAYS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson;

Nelson, G.; Nething; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Traynor; Trenbeath; Urlacher; Wanzek; Wardner; Watne

Reengrossed SB 2335 lost.

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#### APPOINTMENT OF CONFERENCE COMMITTEE

**SEN. KREBSBACH MOVED** that the President appoint a committee of three to act with a like committee from the House as a Conference Committee on HCR 3003, which motion prevailed.

**THE PRESIDENT APPOINTED** as a Conference Committee on HCR 3003: Sens. Dever, Wardner, T. Mathern.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

**MR. SPEAKER:** The Senate has passed and your favorable consideration is requested on: SB 2115, SB 2251, SB 2302, SB 2307, SB 2326, SB 2328, SB 2340, SB 2341, SB 2366, SB 2370, SB 2381, SB 2396, SB 2412, SB 2440, SB 2443, SCR 4017, SCR 4021.

#### MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM R. HORTON, SECRETARY)

**MR. SPEAKER:** The President has appointed as a new conference committee to act with a like committee from the House on:

**HCR3003:** Sens. Dever; Wardner; T. Mathern

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed, the emergency clause carried, and your favorable consideration is requested on: HB 1089, HB 1218, HB 1452.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has passed and your favorable consideration is requested on: HB 1170, HB 1181, HB 1193, HB 1237, HB 1244, HB 1251, HB 1276, HB 1284, HB 1304, HB 1341, HB 1346, HB 1405, HB 1448, HB 1457, HB 1475, HCR 3001, HCR 3015, HCR 3017, HCR 3023.

#### MESSAGE TO THE SENATE FROM THE HOUSE (MARK L. JOHNSON, CHIEF CLERK)

**MR. PRESIDENT:** The House has concurred in the Senate amendments and subsequently passed: HB 1092 and HB 1180.

#### MOTION

**SEN. CHRISTMANN MOVED** that the Senate be on the Fourth, Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 1:00 p.m., Tuesday, February 13, 2001, which motion prevailed.

#### REPORT OF STANDING COMMITTEE

**SB 2022: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 14, replace "3,500,000" with "2,200,000"

Page 1, line 18, replace "20,488,873" with "11,971,373"

Page 1, line 20, replace "500,000" with "200,000"

Page 1, line 21, replace "107,021,019" with "96,903,519"

Page 1, line 23, replace "35,835,932" with "25,718,432"

Page 1, after line 23, insert:

**"SECTION 2. TRANSFERS.** Notwithstanding section 54-16-04, the director of the office of management and budget and the state treasurer shall make transfers of funds between line items of appropriations in section 1 of this Act for the information technology department as may be requested by the chief information officer."

ReNUMBER accordingly

**STATEMENT OF PURPOSE OF AMENDMENT:**

## Senate Bill No. 2022 - Information Technology Department - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,985,352		\$25,985,352
Operating expenses	36,076,824		36,076,824
Equipment	5,595,000		5,595,000
Center for Innovation and Instruction	934,583		934,583
Education Technology Commission grants	3,500,000	(\$1,300,000)	2,200,000
SENDIT network	1,973,669		1,973,669
IT technical education program development	590,300		590,300
Wide area network	9,968,905		9,968,905
Enterprise resource planning system	20,488,873	(8,517,500)	11,971,373
Prairie Public Broadcasting IT innovation fund	1,407,513 <u>500,000</u>	<u>(300,000)</u>	1,407,513 <u>200,000</u>
Total all funds	\$107,021,019	(\$10,117,500)	\$96,903,519
Less estimated income	<u>71,185,087</u>		<u>71,185,087</u>
General fund	\$35,835,932	(\$10,117,500)	\$25,718,432
FTE	212.00	0.00	212.00

## Dept. 112 - Information Technology Department - Detail of Senate Changes

	REDUCE FUNDING FOR THE EDUCATIONAL TELECOMMUNICATIONS COUNCIL <sup>1</sup>	ADJUST FUNDING FOR THE ENTERPRISE RESOURCE PLANNING SYSTEM <sup>2</sup>	REDUCE FUNDING FOR IT INNOVATION FUND	TOTAL SENATE CHANGES
Salaries and wages				
Operating expenses				
Equipment				
Center for Innovation and Instruction				
Education Technology Commission grants	(\$1,300,000)			(\$1,300,000)
SENDIT network				
IT technical education program development				
Wide area network				
Enterprise resource planning system		(\$8,517,500)		(8,517,500)
Prairie Public Broadcasting IT innovation fund			<u>(\$300,000)</u>	<u>(300,000)</u>
Total all funds	(\$1,300,000)	(\$8,517,500)	(\$300,000)	(\$10,117,500)
Less estimated income				
General fund	(\$1,300,000)	(\$8,517,500)	(\$300,000)	(\$10,117,500)
FTE	0.00	0.00	0.00	0.00

<sup>1</sup> This amendment reduces funding for the statewide information technology network by decreasing the funding from the general fund for the Educational Telecommunications Council from \$3,500,000 to \$2,200,000.

<sup>2</sup> This amendment provides for the following adjustments in funding for the enterprise resource planning (ERP) system which result in funding being reduced from \$20,499,873 to \$11,971,373, of which \$11,482,500 is from the general fund:

Decrease in funding for operating expenses	(\$9,000,000)
Increase in funding due to transfer of funding from the Department of Public Instruction related to the Quality Schools Commission (\$70,000) and student data base (\$412,500)	482,500
Total	(\$8,517,500)

## Senate Bill No. 2022 - Other Changes - Senate Action

This amendment also adds a section allowing the Information Technology Department to transfer spending authority between line items.

## REPORT OF STANDING COMMITTEE

**SB 2234: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2234 was placed on the Eleventh order on the calendar.

## REPORT OF STANDING COMMITTEE

**SB 2310: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO**

**PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2310 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "section" with "subsection 3 of section 16.1-08.1-02, sections 16.1-09-02, and"

Page 1, line 2, after "to" insert "write-in candidates and"

Page 1, after line 3, insert:

**"SECTION 1. AMENDMENT.** Subsection 3 of section 16.1-08.1-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The candidate shall file the statement in the office of the secretary of state no later than the twelfth day before the date of the election in which the candidate's name appears on the ballot ~~or in which the candidate seeks election through write-in votes~~ complete from the beginning of that calendar year through the twentieth day before the date of the election. The candidate shall file a complete statement for the entire calendar year no later than the thirty-first day of January of the following year, regardless of whether the candidate's name appeared on the ballot for any office during that calendar year ~~or whether the candidate did not seek election at any election through write-in votes.~~

**SECTION 2. AMENDMENT.** Section 16.1-09-02 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**16.1-09-02. Statement of interests to be filed.** Every candidate for elective office shall file a statement of interests as required by this chapter. In a year when a president and vice president of the United States are to be chosen, presidential and vice presidential candidates shall file with the secretary of state either a statement of interests as required by this chapter or a copy of the personal disclosure statement that is required by the federal election commission. A candidate for elective office shall file the statement of interests with the officer with whom the candidate filed the candidate's certificate of nomination, certificate of endorsement, ~~or~~ petition of nomination, ~~or~~ ~~certificate of write-in candidacy.~~ Candidates for elective office who are required to file such statements shall do so at the time of filing a certificate of nomination, a certificate of endorsement, ~~or~~ a petition of nomination, ~~or a certificate of write-in candidacy,~~ pursuant to chapter 16.1-11, ~~16.1-12,~~ or 40-21, as is appropriate. A person who has filed a statement as the result of candidacy in a primary election need not refile before running in the following general election. A write-in candidate ~~who is not required to file a certificate of write-in candidacy~~ in county, city, school district, or other political subdivision election shall file the statement of interests after the candidate's election at the time of filing the required oath of office. Every person who is appointed by the governor to a state agency, board, bureau, commission, department, or occupational or professional licensing board shall file a statement of interests as required by this chapter with the secretary of state simultaneously with announcement of the appointment."

Page 1, line 14, after the underscored period insert "Notwithstanding section 16.1-07-08.1, an election board or canvassing board is not required to count any write-in vote cast in a federal, state, judicial district, or legislative district election."

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2338: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2338 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2339: Judiciary Committee (Sen. Traynor, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2339 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2344: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO PASS** (6 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2344 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2353: Natural Resources Committee (Sen. Fischer, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2353 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new section to chapter 15-08 of the North Dakota"

Page 1, line 2, remove "Century Code, relating to access to school lands; and to"

Page 1, line 4, remove "school" and after "lands" insert "controlled by the board of university and school lands"

Page 1, remove lines 6 through 11

Page 1, line 18, remove "belonging"

Page 1, line 19, replace "to the state known as" with "controlled by the board of university and"

Page 1, line 20, after "lessee" insert "and the commissioner of university and school lands"

Page 1, line 21, remove "school" and after "lands" insert "controlled by the board of university and school lands"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2375: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2375 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "; and to" with a period

Page 1, remove line 3

Page 1, line 7, remove "- **Penalty**"

Page 1, line 9, remove ", agent," and replace "broker" with "insurance producer"

Page 1, remove line 10

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2382: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2382 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2405: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2405 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2423: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2423 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2438: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **DO NOT PASS** (8 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2438 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2448: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2448 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 provide for a legislative council study of compliance and jurisdictional issues arising under the tobacco, alcohol, and fuels tax laws.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying compliance and jurisdictional issues under the tobacco, alcohol, and fuels tax laws. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2454: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2454 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4031: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4031 was placed on the Eleventh order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTIONS**

Sens. Watne, Traynor introduced:

**SCR 4035:** A concurrent resolution directing the Legislative Council to study the state's implementation of federal full faith and credit provisions relating to domestic violence protection orders and the Uniform Interstate Enforcement of Domestic Violence Protection Orders Act.

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

Sens. Grindberg, Andrist, Cook and Reps. Carlson, Porter, Wald introduced:

**SCR 4036:** A concurrent resolution for the amendment of section 2 of article V, section 3 of article IX, and section 12 of article X of the Constitution of North Dakota, relating to the office of state treasurer; to repeal section 15 of article XII of the Constitution of North Dakota, relating to the duties of the state treasurer upon the issuance of legal tender by banks in the state; and to provide an effective date.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

Sens. Robinson, G. Nelson and Reps. Huether, Wentz introduced:

**SCR 4037:** A concurrent resolution directing the Legislative Council to study the adult correctional system in North Dakota, including its responsibilities, programs, and funding, types of offenders and offender programs, cost-effectiveness of the programs, rates of recidivism, and possible alternatives to incarceration which may reduce the number of inmates and reduce recidivism.

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

**FIRST READING OF HOUSE BILLS**

**HB 1089:** A BILL for an Act to create and enact a new subsection to section 12.1-30-03 and a new section to chapter 50-06 of the North Dakota Century Code, relating to businesses allowed to operate on Sunday and compulsive gambling services; to amend and reenact section 53-06.1-01, subsections 3 and 4 of section 53-06.1-01.1, subsections 1 and 4 of section 53-06.1-03, subsections 1, 3, and 5 of section 53-06.1-06, sections 53-06.1-07.2, 53-06.1-07.4, and 53-06.1-10, subsection 2 of section 53-06.1-11.1, subsections 1 and 2 of section 53-06.1-14, subsections 3 and 8 of section 53-06.1-15.1, and subsection 2 of section 53-06.1-16 of the North Dakota Century Code, relating to games of chance; to repeal section 53-06.1-18 of the North Dakota Century Code, relating to compulsive gambling services; and to declare an emergency.

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

**HB 1170:** A BILL for an Act to amend and reenact sections 4-30-01, 4-30-02, 4-30-02.1, 4-30-03.1, 4-30-03.2, 4-30-03.3, 4-30-03.4, 4-30-03.5, 4-30-03.6, 4-30-03.7, 4-30-03.8, 4-30-13.1, 4-30-18, 4-30-20, 4-30-36, 4-30-36.2, 4-30-36.3, 4-30-36.4, 4-30-37, 4-30-38, 4-30-47, and 4-30-48 of the North Dakota Century Code, relating to elimination of references to the sale of cream and to update references to federal laws and regulations; and to repeal sections 4-30-19, 4-30-21, 4-30-22, 4-30-23, 4-30-24,

4-30-25, 4-30-26, and 4-30-42 of the North Dakota Century Code, relating to standards for production and sale of cream.

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

**HB 1181:** A BILL for an Act to amend and reenact subsection 1 of section 4-05.1-16, subsection 5 of section 4-05.1-19, section 4-05.1-20, and subsection 1 of section 4-05.1-21 of the North Dakota Century Code, relating to state board of agricultural research and education biennial budget requests and use of agricultural research fund annual proceeds; and to provide a continuing appropriation.

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

**HB 1193:** A BILL for an Act to amend and reenact section 28-26-06 of the North Dakota Century Code, relating to the assessment of legal fees following a judgment.

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

**HB 1218:** A BILL for an Act to amend and reenact subsection 4 of section 39-08-01 of the North Dakota Century Code, relating to driving under the influence of intoxicating liquor or any other drug or substance; to provide an expiration date; and to declare an emergency.

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

**HB 1237:** A BILL for an Act to create and enact a new subsection to section 53-06.1-06 of the North Dakota Century Code, relating to the use of electronic bingo card marking devices.

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

**HB 1244:** A BILL for an Act to amend and reenact sections 18-10-01, 18-10-02, and 18-10-03, subsection 1 of section 18-10-04, sections 18-10-05, 18-10-11, and 57-15-26.3 of the North Dakota Century Code, relating to qualified electors in a rural fire protection district.

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

**HB 1251:** A BILL for an Act to create and enact a new subdivision to subsection 18 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation treatment of partnerships and limited liability companies; and to amend and reenact subsection 14 and paragraph 2 of subdivision a of subsection 17 of section 52-01-01 of the North Dakota Century Code, relating to unemployment compensation coverage of managers of limited liability companies.

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

**HB 1276:** A BILL for an Act to amend and reenact subsection 2 of section 47-05-02.1 of the North Dakota Century Code, relating to conservation easements.

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

**HB 1284:** A BILL for an Act to amend and reenact sections 61-05-13, 61-06-01, 61-10-31, and 61-10-38 of the North Dakota Century Code, relating to organization, government, and boundaries of irrigation districts.

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

**HB 1304:** A BILL for an Act to create and enact a new chapter to title 43 of the North Dakota Century Code, relating to the practice of interpreting for the deaf and hard-of-hearing.

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

**HB 1341:** A BILL for an Act to amend and reenact section 57-51-14, subsection 2 of section 57-51-15, and section 57-51-16 of the North Dakota Century Code, relating to allocation of oil and gas gross production tax revenues to political subdivisions by the tax commissioner.

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

**HB 1346:** A BILL for an Act to amend and reenact section 15-40.2-10 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-29-02 of the North Dakota Century Code, relating to tuition agreements for students attending school in bordering states.

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

**HB 1405:** A BILL for an Act to amend and reenact subsection 23 of section 57-15-06.7 of the North Dakota Century Code, relating to the county tax levy limitation for ambulance services; and to provide an effective date.

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

**HB 1448:** A BILL for an Act to create and enact a new subsection to section 14-02.5-02 of the North Dakota Century Code, relating to rental property for unmarried couples.

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

**HB 1452:** A BILL for an Act to create and enact a new section to chapter 39-21 of the North Dakota Century Code, relating to experimental vehicles; and to declare an emergency.

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

**HB 1457:** A BILL for an Act to amend and reenact section 23-13-15 of the North Dakota Century Code, relating to residential rental property smoke detection systems.

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

**HB 1475:** A BILL for an Act to amend and reenact section 12-44.1-21 of the North Dakota Century Code, relating to prohibited acts in correctional facilities; and to provide a penalty.

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

#### **FIRST READING OF HOUSE CONCURRENT RESOLUTIONS**

**HCR 3001:** A concurrent resolution urging Congress to provide for a consistent system of grain grading based upon point-of-origin grain grading.

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

**HCR 3015:** A concurrent resolution directing the Legislative Council to study the separation of powers between the legislative and judicial branches and the distinction between the responsibilities of each branch.

Was read the first time and referred to the **Government and Veterans Affairs Committee**.

**HCR 3017:** A concurrent resolution directing the Legislative Council to study the method of providing legal representation for indigent criminal defendants and the feasibility and desirability of establishing a public defender system.

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

**HCR 3023:** A concurrent resolution directing the Legislative Council to study the use of easements to protect agricultural and other lands in North Dakota.

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

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

**WILLIAM R. HORTON, Secretary**

