

## JOURNAL OF THE SENATE

## Fifty-seventh Legislative Assembly

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Bismarck, February 14, 2001

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

The prayer was offered by Pastor Scott Bauman, Charity Lutheran Church, Bismarck.

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

A quorum was declared by the President.

## CONSIDERATION OF AMENDMENTS

**SB 2380: SEN. LEE (Human Services Committee) MOVED** that the amendments on SJ pages 434-438 be adopted and then be **REREFERRED** to the **Appropriations Committee** with **DO PASS**, which motion prevailed.

## MOTION

**SEN. CHRISTMANN MOVED** that the rules be suspended, and that after action 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.

## CONSIDERATION OF AMENDMENTS

**SB 2086: SEN. O'CONNELL (Education Committee) MOVED** that the amendments on SJ page 430 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2086:** A BILL for an Act to amend and reenact subsection 7 of section 21-03-07 and subsection 3 of section 57-15-17.1 of the North Dakota Century Code, relating to general obligation bonds that may be issued by the governing body of a school district without a vote upon the question of the issuance of the bonds and school district remodeling fund mill levies.

## ROLL CALL

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

**YEAS:** Andrist; 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2086 passed and the title was agreed to.

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## CONSIDERATION OF AMENDMENTS

**SB 2095: SEN. FISCHER (Human Services Committee) MOVED** that the amendments on SJ pages 430-431 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

## SECOND READING OF SENATE BILL

**SB 2095:** A BILL for an Act to amend and reenact subsection 1 of section 50-29-02 of the North Dakota Century Code, relating to implementation of the income provisions of the children's health insurance program by the department of human services.

## ROLL CALL

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

**YEAS:** Andrist; 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2095 passed and the title was agreed to.

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#### CONSIDERATION OF AMENDMENTS

**SB 2166: SEN. COOK (Education Committee) MOVED** that the amendments on SJ pages 431-432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2166:** A BILL for an Act to amend and reenact section 15.1-06-08 of the North Dakota Century Code, relating to the waiver of accreditation rules by the superintendent of public instruction; and to repeal section 15.1-06-05 of the North Dakota Century Code, relating to modification of the school calendar.

#### ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 8 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Kelsh; Krauter; Lindaas; Mathern, T.; O'Connell; Polovitz; Tallackson

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2166 passed and the title was agreed to.

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#### THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Carrol Torgerson.

#### CONSIDERATION OF AMENDMENTS

**SB 2180: SEN. CHRISTENSON (Education Committee) MOVED** that the amendments on SJ page 432 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### SECOND READING OF SENATE BILL

**SB 2180:** A BILL for an Act to create and enact a new section to chapter 15-39.1 of the North Dakota Century Code, relating to retired teachers returning to teaching under the teachers' fund for retirement; to amend and reenact subsection 1 of section 15-39.1-09 and section 15-39.1-19.1 of the North Dakota Century Code, relating to assessments and resumption of teaching under the teachers' fund for retirement; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2180 passed and the title was agreed to.

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#### **CONSIDERATION OF AMENDMENTS**

**SB 2191: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED** that the amendments on SJ pages 432-433 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

#### **SECOND READING OF SENATE BILL**

**SB 2191:** A BILL for an Act to create and enact a new subsection to section 6-08.1-02 of the North Dakota Century Code, relating to disclosure of financial information by financial institutions; to amend and reenact section 6-08.1-01 of the North Dakota Century Code, relating to the definition of a customer and customer information; to provide an effective 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 42 YEAS, 6 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Heitkamp; Kelsh; Lindaas; Mathern, T.; O'Connell; Tomac

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2191 passed, the title was agreed to, and the emergency clause was declared carried.

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#### **CONSIDERATION OF AMENDMENTS**

**SB 2417: SEN. KILZER (Human Services Committee) MOVED** that the amendments on SJ pages 438-439 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

#### **SECOND READING OF SENATE BILL**

**SB 2417:** A BILL for an Act to create and enact a new section to chapter 54-56 of the North Dakota Century Code, relating to a community child care improvement grant program; and to provide an 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 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Flakoll; Heitkamp; Holmberg; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Trenbeath

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

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2417 lost.

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#### **CONSIDERATION OF AMENDMENTS**

**SB 2430: SEN. O'CONNELL (Education Committee) MOVED** that the amendments on SJ pages 439-440 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2430:** A BILL for an Act to amend and reenact section 15-40.1-05 of the North Dakota Century Code or in the alternative to amend and reenact section 15.1-27-01 of the North Dakota Century Code, relating to the distribution of state aid to school districts; to provide an effective 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

Engrossed SB 2430 passed, the title was agreed to, and the emergency clause was declared carried.

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**SECOND READING OF SENATE BILL**

**SB 2234:** A BILL for an Act to amend and reenact section 53-06.1-12 of the North Dakota Century Code, relating to the excise tax for pull tabs.

**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; 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2234 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2304:** 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 bill, which has been read, and is PLACED ON THE CALENDAR WITHOUT RECOMMENDATION, the roll was called and there were 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Polovitz; Robinson; Stenehjerm; Tallackson; Thane; Tomac

**NAYS:** Andrist; Bowman; Christmann; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Nelson, G.; Nething; Schobinger; Solberg; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2304 lost.

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**SECOND READING OF SENATE BILL**

**SB 2305:** A BILL for an Act to amend and reenact section 20.1-04-14 of the North Dakota Century Code, relating to the use of propane exploders.

**ROLL CALL**

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

**YEAS:** Bercier; Heitkamp; Kelsh

**NAYS:** Andrist; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2305 lost.

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**SECOND READING OF SENATE BILL**

**SB 2319:** 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 duration of easements.

**ROLL CALL**

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

**YEAS:** Cook; Kelsh; Mathern, T.

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2319 lost.

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**SECOND READING OF SENATE BILL**

**SB 2338:** A BILL for an Act to provide for a revolving loan fund to allow counties to purchase optical vote-scanning devices; 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; 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2338 lost.

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**SECOND READING OF SENATE BILL**

**SB 2339:** A BILL for an Act to amend and reenact section 40-18-15.1 of the North Dakota Century Code, relating to transfers from municipal to district court.

**ROLL CALL**

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

**YEAS:** Fischer; Flakoll; Grindberg

**NAYS:** Andrist; Bercier; Bowman; Christenson; Christmann; Cook; Dever; Erbele; Espegard; Every; Freborg; 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2339 lost.

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**SECOND READING OF SENATE BILL**

**SB 2344:** A BILL for an Act to amend and reenact subsection 2 of section 44-08-04 of the North Dakota Century Code, relating to lodging expenses of political subdivision elective or appointive officers, employees, representatives, or agents.

**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 34 YEAS, 14 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Nelson, G.; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Stenehjerm; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Andrist; Bowman; Christmann; Cook; Klein; Krauter; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nething; Solberg; Tomac

**ABSENT AND NOT VOTING:** Traynor

SB 2344 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2363:** A BILL for an Act to amend and reenact section 39-01-05 of the North Dakota Century Code, relating to the prohibition on expense reimbursement by state officers and employees while engaged in political activity.

**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 46 YEAS, 2 NAYS, 0 EXCUSED, 1 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; Solberg; Stenehjerm; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**NAYS:** Schobinger; Tomac

**ABSENT AND NOT VOTING:** Traynor

SB 2363 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2382:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to a credit for alternative energy devices on the short-form income tax return; 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 20 YEAS, 28 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

**YEAS:** Bercier; Christenson; Dever; Erbele; Every; Heitkamp; Kelsh; Krauter; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac; Trenbeath; Wanzek

**NAYS:** Andrist; Bowman; Christmann; Cook; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjem; Tollefson; Urlacher; Wardner; Watne

**ABSENT AND NOT VOTING:** Traynor

SB 2382 lost.

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**SECOND READING OF SENATE BILL**

**SB 2392:** A BILL for an Act to create and enact a new section to chapter 4-09 and a new section to chapter 4-09.1 of the North Dakota Century Code, relating to reporting requirements for the state seed commission.

**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 14 YEAS, 33 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Christenson; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nichols; O'Connell; Robinson; Tomac

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

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2392 lost.

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**SECOND READING OF SENATE BILL**

**SB 2404:** A BILL for an Act to amend and reenact subsection 2 of section 36-21.1-09 of the North Dakota Century Code, relating to the use of animals as raffle prizes.

**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; 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; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2404 passed and the title was agreed to.

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### SECOND READING OF SENATE BILL

**SB 2405:** A BILL for an Act to amend and reenact sections 5-02-01, 5-02-02, 5-02-07.2, 5-02-09.1, 5-02-10, 5-02-11, 5-02-12, 53-06.1-01, 53-06.1-03, 53-06.1-06, 53-06.1-08, 53-06.1-10, 53-06.1-11, 53-06.1-11.1, 53-06.1-12, 53-06.1-12.3, 53-06.1-14, 53-06.1-15.1, 53-06.1-16, 53-06.2-02, and 53-06.2-13, subsection 8 of section 57-39.2-01, and subsection 7 of section 57-40.2-01 of the North Dakota Century Code, relating to transfer of retail alcoholic beverage licensing, and games of chance, and parimutuel racing administration responsibilities from the attorney general to the state tax commissioner.

### ROLL CALL

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

**NAYS:** Andrist; Bowman; 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.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2405 lost.

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### SECOND READING OF SENATE BILL

**SB 2419:** A BILL for an Act to provide for a legislative council study; and to repeal section 4-35-09.1 of the North Dakota Century Code, relating to proof of financial responsibility for commercial pesticide applicators.

### REQUEST

**SEN. NOTHING REQUESTED** that the Senate divide SB 2419, which request was granted.

**DIVISION A:** Section I of the bill.

**DIVISION B:** Section II of the bill.

### ROLL CALL

The question being on the final adoption of Division A of SB 2419, the roll was called and there were 47 YEAS, 0 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; 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.; Nothing; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Traynor

Division A of SB 2419 passed.

### ROLL CALL

The question being on the final adoption of Division B of SB 2419, the roll was called and there were 37 YEAS, 10 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christenson; Christmann; Erbele; Espgaard; Every; Fischer; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; Nichols; O'Connell; Robinson; Schobinger; Solberg; Tallackson; Tollefson; Tomac; Urlacher; Wanzek; Wardner

**NAYS:** Cook; Dever; Flakoll; Mutch; Nothing; Polovitz; Stenehjem; Thane; Trenbeath; Watne



**ABSENT AND NOT VOTING:** Bercier; Traynor

Division B of SB 2419 passed.

**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 41 YEAS, 6 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

**NAYS:** Cook; Dever; Flakoll; Mutch; Nothing; Thane

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2419 passed and the title was agreed to.

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**SECOND READING OF SENATE BILL**

**SB 2422:** A BILL for an Act to amend and reenact sections 16.1-11-08 and 16.1-11-24 of the North Dakota Century Code, relating to references to party affiliation in elections for elective county and city offices; and to repeal section 40-21-06 of the North Dakota Century Code, relating to references to party affiliation in petitions of candidates for city elective offices.

**ROLL CALL**

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 9 YEAS, 38 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Bowman; Christmann; Mutch; Nelson, G.; O'Connell; Polovitz; Solberg; Stenehjerm; Thane

**NAYS:** Andrist; Christenson; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kelsh; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroepelin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Nelson, C.; Nothing; Nichols; Robinson; Schobinger; Tallackson; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2422 lost.

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**MOTION**

**SEN. CHRISTMANN MOVED** that SB 2398 be moved to the top of the calendar, which motion prevailed.

**SECOND READING OF SENATE BILL**

**SB 2398:** A BILL for an Act to create and enact two new sections to chapter 43-02.2 of the North Dakota Century Code, relating to licensure of accredited public accountants; and to amend and reenact subdivision b of subsection 2 of section 10-19.1-50, subdivision a of subsection 1 of section 10-19.1-85, subdivision a of subsection 1 of section 10-32-52, subdivision b of subsection 2 of section 10-32-86, subdivision b of subsection 2 of section 10-33-45, section 43-02.2-02, subsection 5 of section 43-02.2-03, subsections 1 and 3 of section 43-02.2-06, section 43-02.2-08, subdivision c of subsection 1 of section 43-02.2-09, and section 43-02.2-12 of the North Dakota Century Code, relating to accredited public accountants.

**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, 39 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

**YEAS:** Andrist; Bowman; Christmann; Cook; Freborg; Klein; Mutch; Stenehjem

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

**ABSENT AND NOT VOTING:** Bercier; Traynor

SB 2398 lost.

\*\*\*\*\*

**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 2022, SB 2033, SB 2043, SB 2182, SB 2207, SB 2289, SB 2353, SB 2375, SB 2386, SB 2389, SB 2406, SB 2421, SB 2448.

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

**MR. SPEAKER:** The President has signed: HB 1092, HB 1180.

**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 1450.

**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 1023, HB 1024, HB 1157, HB 1293, HCR 3036.

**MOTION**

**SEN. CHRISTMANN MOVED** that the absent members be excused, which motion prevailed.

**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., Wednesday, February 15, 2001, which motion prevailed.

**REPORT OF STANDING COMMITTEE**

**SB 2021: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2021 was placed on the Sixth order on the calendar.

Page 1, line 3, after "station" insert "; to provide statements of legislative intent; to provide for a report to the budget section; and to amend and reenact section 4-05.1-16 and subsection 1 of section 4-05.1-21 of the North Dakota Century Code, relating to changing the voting membership of the state board of agricultural research and education and use of agricultural research fund annual proceeds"

Page 1, remove lines 14 through 17

Page 1, line 18, replace "33,678,046" with "33,628,046"

Page 1, line 20, replace "14,379,745" with "14,329,745"

Page 1, remove lines 23 and 24

Page 2, remove line 1

Page 2, remove lines 16 through 21

Page 2, line 22, replace "55,228,597" with "55,178,597"

Page 2, line 24, replace "28,415,985" with "28,365,985"

Page 2, line 27, replace "3,132,653" with "3,811,153"

Page 2, line 30, replace "1,781,894" with "1,916,894"

Page 3, line 1, replace "1,413,786" with "1,493,786"

Page 3, line 3, replace "13,772,645" with "14,666,145"

Page 3, line 4, replace "5,873,485" with "6,848,485"

Page 3, line 5, replace "7,899,160" with "7,817,660"

Page 3, line 10, replace "51,924,395" with "51,742,895"

Page 3, line 11, replace "61,359,583" with "62,334,583"

Page 3, line 12, replace "113,283,978" with "114,077,478"

Page 3, line 20, replace the first "and" with a comma and after the second "education" insert ", and appropriate research extension center directors"

Page 3, line 21, replace "from subdivision 4 to" with "within subdivisions 4, 5, and 6"

Page 3, line 22, remove "subdivision 5 and within subdivision 5"

Page 3, after line 27, insert:

**"SECTION 5. LEGISLATIVE INTENT - LANGDON LEARNING CENTER.** It is the intent of the legislative assembly that the Langdon research extension center begin construction on the Langdon learning center only when the station has \$650,000 in cash or pledges for the learning center for the biennium beginning July 1, 2001, and ending June 30, 2003.

**SECTION 6. REPORT TO THE BUDGET SECTION.** The state board of agricultural research and education shall present a status report to the budget section of the legislative council during the biennium beginning July 1, 2001, and ending June 30, 2003. The report must include:

1. The number of employees and expenditures for each research extension center and the main station.
2. The expenditures from all funds for each state board of agricultural research and education gas tax research initiative.
3. A statement for each agricultural experiment station research project indicating the economic impact of each project to the state of North Dakota and how the project relates to the vision statement "North Dakota is to become the trusted provider of the highest quality agricultural products in the world," and a statement regarding North Dakota state university extension service's dissemination of information regarding each agricultural experiment station research project.
4. A report on cooperative projects undertaken by the agricultural research center, extension centers, and the main station.
5. A report identifying the source of income at the research and extension centers, the use of those funds, and the extent the research projects are affected by each income source."

Page 4, after line 2, insert:

**"SECTION 8. AMENDMENT.** Section 4-05.1-16 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

**4-05.1-16. State board of agricultural research and education - Membership - Terms.**

1. The state board of agricultural research and education consists of:
  - a. The president of North Dakota state university, who serves in an ex officio nonvoting capacity;

- b. The vice president of agricultural affairs at North Dakota state university;
  - c. The administrator of the agricultural experiment station, who serves in an ex officio nonvoting capacity;
  - d. The five persons appointed to the agricultural consultation board by the ag coalition and serving in that capacity on July 1, 1997;
  - e. The five persons appointed to the agricultural consultation board by the extension service's multicounty program units and serving in that capacity on July 1, 1997;
  - f. The two persons appointed to the agricultural consultation board by the president of North Dakota state university as representatives of the state's research extension centers and serving in that capacity on July 1, 1997;
  - g. The agriculture commissioner, who serves in an ex officio nonvoting capacity; and
  - h. The director of the North Dakota state university extension service, who serves in an ex officio nonvoting capacity.
- 2. a. The initial five members appointed by the ag coalition shall select their terms by lot so that one member serves for one year, one member serves for two years, one member serves for three years, one member serves for four years, and one member serves for five years.
  - b. The initial five members appointed by the extension service's multicounty program units shall select their terms by lot so that one member serves for one year, one member serves for two years, one member serves for three years, one member serves for four years, and one member serves for five years.
  - c. The two persons appointed as representatives of the state's research extension centers shall serve only through June 30, 1998.
- 3. At the completion of each initial term, the term of office for each member is five years, beginning on July first. No person may be appointed to a second five-year term.
- 4. a. At least ninety days before the conclusion of the initial term of each member appointed by the ag coalition, the ag coalition shall provide to the state board of higher education a list of one or more names from which the state board of higher education shall appoint a successor. Future appointments to these five positions must be made in the same manner. The state board of higher education shall ensure that four out of the five seats are held by agricultural producers.
  - b. At least ninety days before the conclusion of the initial term of each member appointed by the extension service's multicounty program units, the units through their advisory groups shall provide to the state board of higher education a list of one or more names from which the state board of higher education shall appoint a successor. Future appointments to these five positions must be made in the same manner. The state board of higher education shall ensure that four out of the five seats are held by agricultural producers.

**SECTION 9. AMENDMENT.** Subsection 1 of section 4-05.1-21 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- 1. The state board of agricultural research and education may use up to ten percent of the proceeds of the agricultural research fund for administrative expenses and annually shall apportion the remaining proceeds of the agricultural research fund as follows:
  - a. Seventy percent to research activities affecting North Dakota agricultural commodities that account for at least two percent of the gross sales of all agricultural commodities grown or produced in the

state. The percentage of the dollars available for each agricultural commodity under this section may not exceed the percentage that the gross sales of the agricultural commodity bear to the North Dakota gross sales of all agricultural commodities grown or produced during the previous year, as determined by the agricultural statistics service;

- b. Eighteen percent to research activities affecting North Dakota animal agriculture; and
- c. Twelve percent to research activities affecting new and emerging crops in North Dakota."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

#### Senate Bill No. 2021 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Transportation Institute			
Total all funds	\$7,888,427	\$0	\$7,888,427
Less estimated income	<u>7,383,348</u>		<u>7,383,348</u>
General fund	\$505,079	\$0	\$505,079
Branch research centers			
Total all funds	\$13,772,645	\$893,500	\$14,666,145
Less estimated income	<u>5,873,485</u>	<u>975,000</u>	<u>6,848,485</u>
General fund	\$7,899,160	(\$81,500)	\$7,817,660
NDSU Extension Service			
Total all funds	\$33,678,046	(\$50,000)	\$33,628,046
Less estimated income	<u>19,298,301</u>		<u>19,298,301</u>
General fund	\$14,379,745	(\$50,000)	\$14,329,745
Northern Crops Institute			
Total all funds	\$1,457,123	\$0	\$1,457,123
Less estimated income	<u>732,697</u>		<u>732,697</u>
General fund	\$724,426	\$0	\$724,426
Main Research Station			
Total all funds	\$55,228,597	(\$50,000)	\$55,178,597
Less estimated income	<u>26,812,612</u>		<u>26,812,612</u>
General fund	\$28,415,985	(\$50,000)	\$28,365,985
Agronomy Seed Farm			
Total all funds	\$1,259,140	\$0	\$1,259,140
Less estimated income	<u>1,259,140</u>		<u>1,259,140</u>
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$113,283,978	\$793,500	\$114,077,478
Less estimated income	<u>61,359,583</u>	<u>975,000</u>	<u>62,334,583</u>
General fund	\$51,924,395	(\$181,500)	\$51,742,895

#### Senate Bill No. 2021 - Branch Research Centers - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Dickinson Research Center	\$3,132,653	\$678,500	\$3,811,153
Central Grasslands Research Center	1,413,982		1,413,982
Hettinger Research Center	1,559,583		1,559,583
Langdon Research Center	1,781,894	135,000	1,916,894
North Central Research Center	1,511,068		1,511,068
Williston Research Center	1,413,786	80,000	1,493,786
Carrington Research Center	<u>2,959,679</u>		<u>2,959,679</u>
Total all funds	\$13,772,645	\$893,500	\$14,666,145
Less estimated income	<u>5,873,485</u>	<u>975,000</u>	<u>6,848,485</u>
General fund	\$7,899,160	(\$81,500)	\$7,817,660
FTE	76.36	0.00	76.36

#### Dept. 628 - Branch Research Centers - Detail of Senate Changes

	PROVIDE FUNDING FOR LEARNING CENTER <sup>1</sup>	REMOVE FUNDING FOR OPERATING EXPENSES	PROVIDE FUNDING FOR BEEFLINE <sup>2</sup>	REDUCE FUNDING	PROVIDE FUNDING FOR LAND PURCHASE <sup>3</sup>	TOTAL SENATE CHANGES
Dickinson Research Center			\$745,000	(\$66,500)		\$678,500
Central Grasslands Research Center						
Hettinger Research Center						
Langdon Research Center	\$150,000	(\$15,000)				135,000
North Central Research Center						
Williston Research Center					\$80,000	80,000
Carrington Research Center						

Total all funds	\$150,000	(\$15,000)	\$745,000	(\$66,500)	\$80,000	\$893,500
Less estimated income	<u>150,000</u>		<u>745,000</u>		<u>80,000</u>	<u>975,000</u>
General fund	\$0	(\$15,000)	\$0	(\$66,500)	\$0	(\$81,500)
FTE	0.00	0.00	0.00	0.00	0.00	0.00

<sup>1</sup> Estimated income is increased by \$150,000 for construction of the Langdon Learning Center. A total of \$810,000 is provided for the project, \$150,000 of which is from the general fund. A section is added providing that the center must raise \$650,000 before construction may begin.

<sup>2</sup> Provides authorization for the beefline initiative from additional income.

<sup>3</sup> Provides authorization to purchase 160 acres of land in the Nesson Valley irrigation project from other income.

### Senate Bill No. 2021 - NDSU Extension Service - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$26,183,226	(\$26,183,226)	
Operating expenses	6,216,970	(6,216,970)	
Equipment	697,850	(697,850)	
Grants	580,000	(580,000)	
NDSU Extension Service		<u>33,628,046</u>	<u>\$33,628,046</u>
Total all funds	\$33,678,046	(\$50,000)	\$33,628,046
Less estimated income	<u>19,298,301</u>		<u>19,298,301</u>
General fund	\$14,379,745	(\$50,000)	\$14,329,745
FTE	275.81	0.00	275.81

### Dept. 630 - NDSU Extension Service - Detail of Senate Changes

	CHANGE TO ONE LINE ITEM	REDUCES FUNDING	TOTAL SENATE CHANGES
Salaries and wages	(\$26,183,226)		(\$26,183,226)
Operating expenses	(6,216,970)		(6,216,970)
Equipment	(697,850)		(697,850)
Grants	(580,000)		(580,000)
NDSU Extension Service	<u>33,678,046</u>	<u>(\$50,000)</u>	<u>33,628,046</u>
Total all funds	\$0	(\$50,000)	(\$50,000)
Less estimated income			
General fund	\$0	(\$50,000)	(\$50,000)
FTE	0.00	0.00	0.00

### Senate Bill No. 2021 - Northern Crops Institute - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$985,010	(\$985,010)	
Operating expenses	399,233	(399,233)	
Equipment	72,880	(72,880)	
Northern Crops Institute		<u>1,457,123</u>	<u>\$1,457,123</u>
Total all funds	\$1,457,123	\$0	\$1,457,123
Less estimated income	<u>732,697</u>		<u>732,697</u>
General fund	\$724,426	\$0	\$724,426
FTE	8.00	0.00	8.00

### Dept. 638 - Northern Crops Institute - Detail of Senate Changes

	CHANGE TO ONE LINE ITEM	TOTAL SENATE CHANGES
Salaries and wages	(\$985,010)	(\$985,010)
Operating expenses	(399,233)	(399,233)
Equipment	(72,880)	(72,880)
Northern Crops Institute	<u>1,457,123</u>	<u>1,457,123</u>
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	0.00	0.00

### Senate Bill No. 2021 - Main Research Station - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$40,952,648	(\$40,952,648)	
Operating expenses	10,027,903	(10,027,903)	
Equipment	1,532,746	(1,532,746)	
Capital improvements	415,300	(415,300)	
Agricultural research grants	2,000,000	(2,000,000)	
Animal replacement	300,000	(300,000)	
Main Research Station		<u>55,178,597</u>	<u>\$55,178,597</u>
Total all funds	\$55,228,597	(\$50,000)	\$55,178,597
Less estimated income	<u>26,812,612</u>		<u>26,812,612</u>
General fund	\$28,415,985	(\$50,000)	\$28,365,985
FTE	351.28	0.00	351.28

**Dept. 640 - Main Research Station - Detail of Senate Changes**

	CHANGE TO ONE LINE ITEM	REDUCE FUNDING	TOTAL SENATE CHANGES
Salaries and wages	(\$40,952,648)		(\$40,952,648)
Operating expenses	(10,027,903)		(10,027,903)
Equipment	(1,532,746)		(1,532,746)
Capital improvements	(415,300)		(415,300)
Agricultural research grants	(2,000,000)		(2,000,000)
Animal replacement	(300,000)		(300,000)
Main Research Station	<u>55,228,597</u>	<u>(\$50,000)</u>	<u>55,178,597</u>
Total all funds	\$0	(\$50,000)	(\$50,000)
Less estimated income			
General fund	\$0	(\$50,000)	(\$50,000)
FTE	0.00	0.00	0.00

**Senate Bill No. 2021 - Other Changes - Senate Action**

The bill provides for changes in the voting membership of the State Board of Agricultural Research and Education and provides for a limit of 10 percent on the funds in the agricultural research fund that can be used for administrative expenses. A section is added requiring the North Dakota State University Extension Service and the Agricultural Experiment Station to report to the Budget Section on specified performance and accountability measures.

**REPORT OF STANDING COMMITTEE**

**SB 2053: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2053 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2113: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2113 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2121: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2121 was placed on the Sixth order on the calendar.

Page 2, line 24, remove "nonverbal act intended"

Page 2, line 25, remove "to represent an injured worker's physical condition."

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2160, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2160 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2181, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "may" with "shall"

Page 1, line 22, replace "may" with "must"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2184: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2184 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2200: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2200 was placed on the Sixth order on the calendar.

Page 1, line 19, replace "\$2,000,000" with "\$3,000,000"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2229: 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 2229 was placed on the Sixth order on the calendar.

Page 1, line 4, after "**APPROPRIATION**" insert "**- MATCHING FUNDS REQUIRED**"

Page 1, line 5, replace "\$247,500" with "\$123,750"

Page 1, line 7, after the period insert "The funding may be used only if matching funds of \$123,750 are received from federal, public, private, or other sources."

Renumber accordingly

#### STATEMENT OF PURPOSE OF AMENDMENT:

The amendment changes the amount of the appropriation from the general fund from \$247,500 to \$123,750 and adds language allowing for the funds to be used only if \$123,750 in matching funds are received.

#### REPORT OF STANDING COMMITTEE

**SB 2272: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2272 was placed on the Eleventh order on the calendar.

#### REPORT OF STANDING COMMITTEE

**SB 2294: 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 2294 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "and" and after "date" insert "; and to provide an expiration date"

Page 1, line 13, replace "a guaranty" with "an annual guarantee"

Page 1, line 15, replace "was" with "is"

Page 2, after line 4, insert:

5. For purposes of this section, a "guarantee fee" paid to the small business administration means the fee identified in the small business administration 504 loan authorization to the business applying for guaranteed financing as the ongoing guarantee fee.
6. A small business is entitled to a credit under this section only for an annual guarantee fee for a small business administration 504 loan program loan funded during calendar years 2001 and 2002."



Page 2, line 9, after "DATE" insert "- EXPIRATION DATE" and after "for" insert "the first two"

Page 2, line 10, after "2000" insert ", and is thereafter ineffective"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2299, as engrossed: Appropriations Committee (Sen. Nething, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2299 was placed on the Sixth order on the calendar.

Page 1, line 1, after "Act" insert "to create and enact a new subdivision to subsection 7 of section 57-60-01 of the North Dakota Century Code, relating to coal conversion facility gross receipts;"

Page 12, after line 17, insert:

**"SECTION 8.** A new subdivision to subsection 7 of section 57-60-01 of the North Dakota Century Code is created and enacted as follows:

Prior to January 1, 2010, any revenue received by the operator of a coal gasification plant to the extent the quotient of the gross receipts realized by the operator divided by the synthetic natural gas produced and sold during a month, in units of one thousand cubic feet [28316.85 units] of synthetic gas, exceeds the ceiling price. For calendar years 2001 and 2002, ceiling price means \$4.25 for each thousand cubic feet [28316.85 liters] of synthetic natural gas produced and sold; and the ceiling price for 2003 is \$4.35; for 2004, \$4.45; for 2005, \$4.55; for 2006, \$4.65; for 2007, \$4.75; for 2008, \$4.86; and for 2009, \$4.97;"

Page 12, line 25, replace "six-tenths" with "one-tenth"

Page 14, line 30, after "57-60-02" insert "and through December 31, 2009, the first \$41,666.67 each month from the tax imposed by subsections 1 and 4 of section 57-60-02"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2327: Human Services 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 2327 was placed on the Sixth order on the calendar.

Page 1, line 10, overstrike "or fetal death"

Page 1, line 12, overstrike "or fetal death"

Page 1, line 18, overstrike "and fetal death"

Renumber accordingly

#### REPORT OF STANDING COMMITTEE

**SB 2337: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2337 was placed on the Sixth order on the calendar.

Page 3, line 18, remove "and"

Page 3, line 21, after "employees" insert "; and

- h. Is approved in writing by the collective bargaining agent for each collective bargaining agreement that covers any employee in the affected unit"

Page 6, line 15, replace "August 5, 2001" with "July 7, 2002"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2364: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2364 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2385: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2385 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2415: Political Subdivisions Committee (Sen. Cook, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2415 was placed on the Sixth order on the calendar.

Page 1, line 8, overstrike ", on an annual basis,"

Page 1, line 19, remove "A public safety"

Page 1, remove lines 20 and 21

Page 1, line 22, remove "correcting names and addresses used for official purposes.", overstrike "The" and insert immediately thereafter "In addition, a public safety answering point shall provide name and address, but not telephone number, information in the data base to the treasurer and auditor of the county in which the public safety answering point is located for the purpose of verifying and correcting names and addresses used for official purposes. However, the public safety answering point may not provide any information for an unpublished telephone number. If not otherwise provided, the", and after "furnished" insert "to the public safety answering point"

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SB 2416: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2416 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2425: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2425 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2428: 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 2428 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 the state and local tax structure for funding of elementary and secondary education.

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

**SECTION 1. LEGISLATIVE COUNCIL STUDY.** The legislative council shall consider studying the state and local tax structure for funding of elementary and secondary education to determine the feasibility and desirability of enhanced state funding to school districts for delivery of core curriculum instruction, the equity of the existing degree of reliance on property tax revenues for elementary and secondary education funding, and whether improved efficiency is attainable in delivery of elementary and secondary education services. 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 2429: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2429 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2432: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2432 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2433: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2433 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SB 2453: Finance and Taxation Committee (Sen. Urlacher, Chairman)** recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2453 was placed on the Eleventh order on the calendar.

**REPORT OF STANDING COMMITTEE**

**SCR 4014: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4014 was placed on the Sixth order on the calendar.

Page 1, line 11, after "process" insert "supports the needs of all individuals involved and that the process" and replace the period with a semicolon

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**SCR 4022: Human Services Committee (Sen. Lee, Chairman)** recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4022 was placed on the Sixth order on the calendar.

Page 1, remove lines 24 and 25

Page 2, remove lines 1 and 2

Renumber accordingly

**REPORT OF STANDING COMMITTEE**

**HB 1096: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1096 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1127: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1127 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1129: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1129 was placed on the Fourteenth order on the calendar.

**REPORT OF STANDING COMMITTEE**

**HB 1152: Industry, Business and Labor Committee (Sen. Mutch, Chairman)** recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1152 was placed on the Fourteenth order on the calendar.

**FIRST READING OF SENATE CONCURRENT RESOLUTION**

Sens. Wanzek, Erbele, Klein and Reps. Nelson, Nicholas introduced:

**SCR 4038:** A concurrent resolution directing the Legislative Council to study the benefits and risks associated with the use of contracts in agricultural production, including growing and sales provisions, labor arrangements, chemical usage, and provisions necessitated by emerging technologies.

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

**FIRST READING OF HOUSE BILLS**

**HB 1004:** A BILL for an Act to provide an appropriation for defraying the expenses of the state auditor; and to amend and reenact section 54-10-10 of the North Dakota Century Code, relating to the salary of the state auditor.

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

**HB 1006:** A BILL for an Act to provide an appropriation for defraying the expenses of the office of the state tax commissioner and for payment of state reimbursement under the homestead tax credit; to provide for allocations to the multistate tax compact fund; and to amend and reenact section 57-01-04 of the North Dakota Century Code, relating to the salary of the state tax commissioner.

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

**HB 1014:** A BILL for an Act to provide an appropriation for defraying the expenses of the committee on protection and advocacy.

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

**HB 1020:** A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society; and to declare an emergency.

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

**HB 1021:** A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department and the International Peace Garden.

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

**HB 1023:** A BILL for an Act to provide an appropriation for defraying the expenses of the state water commission; to provide for the sale of the land and building used by the state water commission as a maintenance shop and the purchase of new property for such use; to provide for a continuing appropriation; to provide a statement of legislative intent; to create and enact a new section to chapter 61-02.1 and a new subsection to section 61-02.1-04 of the North Dakota Century Code, relating to funding of water development projects and repayment of bonds; to amend and reenact sections 54-27-25 and 61-01-26.1 of the North Dakota Century Code and section 11 of chapter 535 of the 1999 Session Laws, relating to funds deposited in the water development trust fund, supplementing the water resources of eastern North Dakota, and to the expiration date for the issuance of bonds; to provide an exemption from payment of fees; and to provide a line of credit and an appropriation for repayment.

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

**HB 1024:** A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau; to amend and reenact section 3 of chapter 548 of the 1999 Session Laws, relating to the purchase of building and property by the workers compensation bureau; and to provide for retroactive application.

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

**HB 1052:** 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 sales and use of 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 and sections 57-39.2-02.1 and 57-40.2-02.1 of the North Dakota Century Code, relating to imposition of sales tax on sales of used farm machinery, farm machinery repair parts, and used irrigation equipment used exclusively for agricultural purposes; to provide an effective date; and to provide an expiration date.

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

**HB 1117:** A BILL for an Act to amend and reenact sections 50-24.3-01 and 50-24.3-03 of the North Dakota Century Code, relating to the provision of targeted case management by the department of human services; and to provide an expiration date.

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

**HB 1155:** A BILL for an Act to create and enact a new section to chapter 43-25 to the North Dakota Century Code, relating to the duties of the board of massage; to amend and reenact sections 43-25-02, 43-25-03, 43-25-04, 43-25-05, 43-25-06, 43-25-07, 43-25-08, 43-25-09, 43-25-10, 43-25-13, 43-25-14, 43-25-18, and 43-25-19 of the North Dakota Century Code, relating to the practice of massage; to repeal sections 43-25-11, 43-25-12, and 43-25-16 of the North Dakota Century Code, relating to the practice of massage; and to provide a penalty.

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

**HB 1157:** A BILL for an Act to provide for a quality schools initiative for studying the provision of education in public schools for the purpose of maintaining and enhancing educational quality and to provide for the powers, duties, and funding of the quality schools initiative; and to provide an expiration date.

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

**HB 1198:** A BILL for an Act to create and enact a new section to chapter 26.1-30.1, a new section to chapter 26.1-39, and a new section to chapter 26.1-40 of the North Dakota Century Code, relating to transfer of policies within an insurance holding company system; and to amend and reenact subsection 4 of section 26.1-39-11 and subsection 5 of section 26.1-40-01 of the North Dakota Century Code, relating to transfer of policies within an insurance holding company system.

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

**HB 1226:** A BILL for an Act to create and enact a new section to chapter 26.1-36 of the North Dakota Century Code, relating to providing basic health insurance coverage for individuals and small employers.

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

**HB 1228:** A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to authority of the administrative rules committee to call up existing administrative rules for review; to amend and reenact subsection 1 of section 28-32-03.3 of the North Dakota Century Code or in the alternative to amend and reenact subsection 1 of section 28-32-18 of the North Dakota Century Code, relating to authority of the administrative rules committee; and to provide an effective date.

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

**HB 1267:** A BILL for an Act to create and enact two new sections to chapter 15.1-19 of the North Dakota Century Code, relating to records of a school law enforcement unit and retention of records; and to amend and reenact sections 27-20-51 and 27-20-52 of the North Dakota Century Code, relating to court and law enforcement records of a juvenile.

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

**HB 1293:** A BILL for an Act to create and enact six new sections to chapter 15-47 of the North Dakota Century Code or in the alternative to create and enact six new sections to chapter 15.1-21 of the North Dakota Century Code, relating to the testing of reading and mathematics.

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

**HB 1360:** A BILL for an Act to create and enact a new section to chapter 43-12.1 of the North Dakota Century Code, relating to a study of nursing needs; and to provide an expiration date.

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

**HB 1375:** A BILL for an Act to provide for disclosures of funds transfers by wire or automated clearinghouse to a financial institution and liability for funds transfers that are not authorized by the financial institution.

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

**HB 1378:** A BILL for an Act to create and enact a new subsection to section 26.1-40-15.6 of the North Dakota Century Code, relating to limitations on automobile insurance; and to amend and reenact sections 26.1-40-16 and 26.1-40-16.1 of the North Dakota Century Code, relating to persons excluded from automobile insurance policies.

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

**HB 1395:** A BILL for an Act to create and enact two new sections to chapter 25-13 of the North Dakota Century Code, relating to assistance dogs; to amend and reenact sections 25-13-02, 25-13-03, 25-13-04, and 39-10-33.3 and subsection 22 of section 40-05-02 of the North Dakota Century Code, relating to the rights of individuals with disabilities who are accompanied by assistance dogs and the licensing of assistance dogs; to repeal sections 25-13-01 and 25-13-05 of the North Dakota Century Code, relating to legislative policy; and to provide a penalty.

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

**HB 1413:** A BILL for an Act to create and enact a new subsection to section 57-38-30.3 of the North Dakota Century Code, relating to credits allowed on the short-form income tax return; to amend and reenact subsection 4 of section 57-38.5-01 and sections 57-38.5-02, 57-38.5-03, and 57-38.5-05 of the North Dakota Century Code, relating to the seed capital investment tax credit; and to provide an effective date.

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

**HB 1450:** A BILL for an Act to create and enact a new subdivision to subsection 15 of section 52-01-01, a new subdivision to subsection 17 of section 51-01-01, and a new section to chapter 52-04 of the North Dakota Century Code, relating to definitions for unemployment compensation purposes and financing of benefits paid to employees of Indian tribes; to provide an effective date; and to declare an emergency.

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

**FIRST READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 3036:** A concurrent resolution designating the state crime laboratory building as the "Aaron Rash Crime Lab".

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

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

**WILLIAM R. HORTON, Secretary**