

JOURNAL OF THE SENATE

Fifty-seventh Legislative Assembly

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Bismarck, February 16, 2001

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

The prayer was offered by Dr. Howard J. Jording, Lutheran Church, Missouri Synod, Hankinson.

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

A quorum was declared by the President Pro Tem.

MOTION

SEN. G. NELSON MOVED that the Senate be on the Ninth order of business for the first reading of SCR 4039, which motion prevailed.

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. G. Nelson, Krauter and Reps. Belter, Boucher introduced:

SCR 4039: A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.
Was read the first time.

MOTION

SEN. G. NELSON MOVED that the rules be suspended, that SCR 4039 not be printed, not be referred to committee, but be read in its entirety, be printed in the Journal, and placed on the calendar for immediate second reading and final passage, which motion prevailed.

Sens. G. Nelson, Krauter and Reps. Belter, Boucher introduced:

SENATE CONCURRENT RESOLUTION NO. 4039

A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.

WHEREAS, acts of violence by youth have prompted discussions regarding the role of teachers in developing students' core ethics and values; and

WHEREAS, teachers, more than any other adults besides parents, directly influence the character attributes students develop; and

WHEREAS, a renewed emphasis on character education is urgently needed to support the ethical, social, and academic development of students; and

WHEREAS, in addition to focusing attention on the provision of character education, increased value must be placed on teachers; and

WHEREAS, despite the challenges, teachers need support in their efforts to provide positive character development; and

WHEREAS, Angela Perez Baraquio, Miss America 2001, is a professional educator who has dedicated her year as Miss America to communicating the importance of teaching values while valuing teachers;

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF NORTH DAKOTA, THE HOUSE OF REPRESENTATIVES CONCURRING THEREIN:

That the Fifty-seventh Legislative Assembly welcomes Miss America 2001 Angela Perez Baraquio to North Dakota and supports her efforts to promote character education in schools; and

BE IT FURTHER RESOLVED, that the Secretary of State forward copies of this resolution to Ms. Angela Perez Baraquio and to the Miss America organization.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4039: A concurrent resolution welcoming Miss America 2001 Angela Perez Baraquio to North Dakota and supporting her efforts to promote character education in schools.

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

SCR 4039 was declared adopted on a voice vote.

MOTION

SEN. G. NELSON MOVED that SCR 4039 be messaged to the House immediately, which motion prevailed.

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

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SCR 4039.

MOTION

SEN. KLEIN MOVED that a committee of two be appointed to escort Miss America, Angela Perez Baraquio, to the rostrum, which motion prevailed.

PRESIDENT PRO TEM KREBSBACH APPOINTED Sens. G. Nelson and Krauter to the escort committee.

MOTION

SEN. KLEIN MOVED that the remarks of Miss America be printed in the Journal, which motion prevailed.

REMARKS OF MISS AMERICA, ANGELA PEREZ BARAQUIO
Character in the Classroom: Teaching Values, Valuing Teachers

Incidents like the Columbine school massacre and other acts of violence by youth have led to increased discussion about the role teachers play in developing their students' core ethics and values. It is widely agreed that teachers, more than any other adults besides parents, directly influence the character attributes youngsters develop. Through formal instruction, coaching and everyday behavior, teachers communicate and pass on their own traits and ethics to children.

From parents to teachers to school administrators to elected officials, everyone agrees that a renewed emphasis on character education is urgently needed to support the ethical, social and academic development of our youth. Children are dying every day from drug overdoses, violence and suicides because they have fewer and fewer decent role models to influence them. Schools can help by paying greater attention to establishing the caring environment that our children need.

In addition to improving our focus on providing students with character education, we must also increase the value we place on teachers who are at the forefront of helping our children succeed. Communities need to place greater emphasis on the workplace conditions teachers face. Many of our schools are in need of basic building repairs or renovations. At the same time, 22 percent of all new teachers leave the profession within three years not only because they can't **afford** to teach anymore, but because the rewards don't outweigh the challenges they face. If predictions hold true, by 2010 our nation's classrooms will suffer from a shortage of up to one million teachers.

As an educator myself, I'm well aware of the challenges my colleagues face. They are all too often undervalued, unappreciated and inadequately compensated. Many times they are forced to reach into their own pockets for much-needed supplies and teaching tools. Despite their sacrifices, when the character of one of their students comes into question, teachers may shoulder unnecessary blame. **If America's teachers are to be responsible for teaching our children to become honorable people, then America's teachers need to be treated like honorable people.**

Despite the severity of these problems, they can be overcome. We must correct the errors of our past and actively support teachers in providing character education. We must make our communities places where teachers are valued first, not last. We must correct the inequity in pay scales where, according to American Federation of Teachers' figures, new teachers earn approximately 40 percent less than the entry-level salaries for engineers and computer scientists. And we must provide teachers with adequate resources - in the classroom, the lab and the gymnasium. Correcting these problems rests not only with administrators and

legislators. Every American is responsible for demonstrating value for the role teachers play in shaping our country's future generations.

As Miss America 2001, I will dedicate my efforts to communicating the importance of teaching values **while** valuing teachers.

Throughout the coming months, I will champion three core principles. First, I will work to see that every educational institution adopts or creates a formal, quality initiative that infuses character development into its daily school culture and curriculum. Second, I will encourage schools to consider the various character education options that exist so each can customize its efforts to meet the unique needs of its own students. Third, I will serve as a prominent voice for **all** teachers in their fight to achieve quality compensation for quality education. Beyond the financial aspects of teachers' compensation, they must also receive other support such as appropriate resources for their classrooms, professional development opportunities and respect.

Specifically, I will speak both as Miss America and as a professional educator, shining our Organization's spotlight on these important messages:

I will represent the interests of the character development movement in America, while standing on behalf of my fellow teachers to draw attention to the critical role they play in the lives of our nation's youth;

I will reach out to students, encouraging them to open their minds and hearts to the messages of good character;

I will encourage parents to value their children by valuing their children's teachers. I will especially ask those parents who can effect change in their communities to do so; and

I will challenge education administrators, government officials, civic leaders, business people and other concerned individuals to transform rhetoric into action by joining together in support of character education - and the teachers who are responsible for it - within local schools and throughout their communities.

All of these promises are based on a single goal: When I complete my year as Miss America and resume my career as a professional educator, teaching values and valuing teachers will have greater significance for hundreds of thousands of deserving men and women who comprise the ranks of America's teachers. In my dual roles as Miss America and a teacher, I will help young people develop a greater understanding of and access to positive character development. My ultimate hope is that our children will someday **feel** the impact of our collective efforts today.

MOTION

SEN. KLEIN MOVED that the rules be suspended, and that 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.

CONSIDERATION OF AMENDMENTS

SB 2286: SEN. NICHOLS (Finance and Taxation Committee) MOVED that the amendments on SJ page 477 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2286: A BILL for an Act to create and enact a new section to chapter 57-28 of the North Dakota Century Code, relating to liens against other property for costs incurred by a county in tax foreclosures; to amend and reenact section 57-28-09 of the North Dakota Century Code, relating to issuance of tax deeds to political subdivisions on property forfeited in tax foreclosures; and to provide an effective 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 44 YEAS, 3 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Kroeplin; Stenehjem; Trenbeath

ABSENT AND NOT VOTING: Christmann; Traynor

Engrossed SB 2286 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2365: SEN. C. NELSON (Judiciary Committee) MOVED that the amendments on SJ pages 477-478 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2365: 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, 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; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; 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: Christmann; Traynor

Engrossed SB 2365 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2408: SEN. STENEHJEM (Finance and Taxation Committee) MOVED that the amendments on SJ pages 478-479 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2408: A BILL for an Act to amend and reenact sections 57-36-01, 57-36-09, 57-36-25, 57-36-26, 57-36-28, 57-36-29, and 57-36-33 of the North Dakota Century Code, relating to the tobacco products tax.

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

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

NAYS: Krauter; O'Connell

ABSENT AND NOT VOTING: Christmann; Traynor

Engrossed SB 2408 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2409: SEN. KILZER (Human Services Committee) MOVED that the amendments on SJ pages 479-480 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2409: A BILL for an Act to provide for licensure of individuals who administer human radiologic procedures; to provide a penalty; and to provide an effective 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 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christenson; Cook; Dever; Fischer; Flakoll; Holmberg; Kilzer; Lee; Mathern, T.; Nelson, C.; Nelson, G.; Stenehjem; Tollefson; Tomac; Wardner

NAYS: Andrist; Bercier; Bowman; Erbele; Espgaard; Every; Freborg; Grindberg; Heitkamp; Kelsh; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lindaas; Lyson; Mathern, D.; Mutch; Nething; Nichols; O'Connell; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Trenbeath; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

Engrossed SB 2409 lost.

CONSIDERATION OF AMENDMENTS

SB 2441: SEN. WATNE (Judiciary Committee) MOVED that the amendments on SJ pages 480-481 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act to amend and reenact sections 5-01-08 and 5-02-06 of the North Dakota Century Code, relating to the performance of official duties in licensed alcoholic beverage premises.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Cook; Dever; Erbele; Espgaard; Every; Fischer; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Polovitz; Robinson; Schobinger; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Christenson; Flakoll; Heitkamp; Kelsh; Krauter; O'Connell; Solberg; Stenehjem; Tomac

ABSENT AND NOT VOTING: Christmann; Traynor

Engrossed SB 2441 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that SB 2444, which is on the Sixth order, be laid over one legislative day, and SB 2053, SB 2364 and SCR 4053, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2445: SEN. LYSON (Judiciary Committee) MOVED that the amendments on SJ page 481 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2445: A BILL for an Act to create and enact a new section to chapter 19-03.1 of the North Dakota Century Code, relating to a comprehensive status and trends report regarding unlawful controlled substance use and abuse treatment and enforcement efforts.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; 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: Christmann; Traynor

Engrossed SB 2445 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SCR 4027: SEN. T. MATHERN (Human Services Committee) MOVED that the amendments on SJ page 482 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4027: A concurrent resolution directing the Legislative Council to study the prices for prescription drugs and possible mechanisms to lower those costs to consumers and the state, and whether the state should establish a program to assist in the purchase of prescription drugs based upon income.

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

Engrossed SCR 4027 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILL

SB 2160: A BILL for an Act to create and enact a new section to chapter 14-09 and a new section to chapter 50-09 of the North Dakota Century Code, relating to exempting child support payments from legal process and exempting child support agencies from certain statutory fees; to amend and reenact sections 14-08.1-05 and 14-09-08.16, subsections 1 and 5 of section 14-09-09.3, subsection 2 of section 28-21-05.2, subsection 3 of section 35-34-04, subsections 3 and 5 of section 50-09-08.2, and subsection 2 of section 50-09-14 of the North Dakota Century Code, relating to technical and conforming amendments to child support laws, removal of time limitations on the duration of liens and the issuance of executions, requests for information from an income payor, time for commencement of a contempt proceeding against an income payor, clarifying the contents of an administrative writ of execution, removal of the requirement that the secretary of state charge vessel lien fees in past-due child support matters, and providing for review of child support liens; and to repeal section 35-34-11 of the North Dakota Century Code, relating to review of child support liens.

ROLL CALL

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

YEAS: Andrist; Bercier; Bowman; Christenson; 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: Christmann; Traynor

Engrossed SB 2160 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2081: A BILL for an Act to amend and reenact subdivision a of subsection 3 of section 12.1-32-08 and section 29-07-01.1 of the North Dakota Century Code, relating to application fees for indigent defense services, reimbursement of indigent defense costs and expenses, and creation of an indigent defense administration fund; and to provide for a continuing appropriation.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 35 YEAS, 12 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dever; Espegard; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nething; Polovitz; Robinson; Schobinger; Solberg; Tallackson; Thane; Tollefson; Tomac; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier; Christenson; Cook; Erbele; Every; Kelsh; Krauter; Mathern, D.; Nichols; O'Connell; Stenehjem; Trenbeath

ABSENT AND NOT VOTING: Christmann; Traynor

Engrossed SB 2081 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2113: A BILL for an Act to amend and reenact section 14-02.4-20 and section 14-02.4-21 of the North Dakota Century Code, relating to the timeframe and type of complaint filed for appropriate relief for backpay, the correct agency for filing a complaint of employment discrimination, and the disclosure of anything said or done as part of informal negotiation or conciliation efforts.

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; Bercier; Bowman; Christenson; 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: Christmann; Traynor

SB 2113 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2184: A BILL for an Act to amend and reenact section 52-04-08 of the North Dakota Century Code, relating to transfer of unemployment compensation experience record, reserve balance, and benefit experience.

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, 43 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Nelson, G.; Schobinger; Solberg

NAYS: Andrist; Bercier; Bowman; Christenson; 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.; Nething; Nichols; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Stenehjem; Traynor

SB 2184 lost.

SECOND READING OF SENATE BILL

SB 2272: A BILL for an Act to create and enact a new subsection to section 40-63-04 of the North Dakota Century Code, relating to renaissance zone income tax exemptions for certain purchases or leases of business property in small cities; and to provide an effective date.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bercier; Bowman; Christenson; 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; Tallackson; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Cook; Dever; Stenehjerm; Tomac

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2272 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2385: A BILL for an Act to amend and reenact sections 6-09.13-05 and 6-09.14-03 of the North Dakota Century Code, relating to agriculture partnership in assisting community expansion loans and partnership in assisting community expansion loans.

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 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2385 lost.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new subsection to section 57-02-08 of the North Dakota Century Code, relating to a property tax exemption for certain assisted living facilities; 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 13 YEAS, 34 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Christenson; Every; Heitkamp; Krauter; Lindaas; Mathern, D.; Mathern, T.; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tomac

NAYS: Andrist; Bercier; Bowman; Cook; Dever; Erbele; Espegard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kelsh; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjerm; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2425 lost.

SECOND READING OF SENATE BILL

SB 2416: A BILL for an Act to amend and reenact sections 65-04-26 and 65-04-26.1 of the North Dakota Century Code, relating to discharge in bankruptcy of workers' compensation premiums and penalties.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 6 YEAS, 41 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Heitkamp; Kelsh; Krauter; O'Connell; Polovitz

NAYS: Andrist; Bowman; Christenson; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Kroeplin; Lee; Lindaas; Lyson; Mathern, D.; Mathern, T.; Mutch; Nelson, C.; Nelson, G.; Nothing; Nichols; Robinson; Schobinger; Solberg; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2416 lost.

SECOND READING OF SENATE BILL

SB 2429: A BILL for an Act relating to voidable provisions in computer information agreements.

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; Bercier; Bowman; Christenson; 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: Christmann; Traynor

SB 2429 lost.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to amend and reenact section 65-05-32 of the North Dakota Century Code, relating to privacy of workers' compensation records and hearings.

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 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Andrist; Bowman; Cook; Dever; Erbele; Espgaard; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nothing; Schobinger; Solberg; Stenehjem; Thane; Tollefson; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2432 lost.

SECOND READING OF SENATE BILL

SB 2433: A BILL for an Act to amend and reenact section 65-05-09 of the North Dakota Century Code, relating to workers' compensation temporary total and permanent total disability.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 17 YEAS, 30 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

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

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2433 lost.

SECOND READING OF SENATE BILL

SB 2436: A BILL for an Act to amend and reenact section 39-06-01.1 of the North Dakota Century Code, relating to operators' licenses for minors.

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; Bercier; Bowman; Christenson; 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: Christmann; Traynor

SB 2436 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2438: A BILL for an Act to provide that it is a qualification for election to a political subdivision office that the officeholder not be delinquent in property taxes in the county; 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 0 YEAS, 47 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

NAYS: Andrist; Bercier; Bowman; Christenson; 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: Christmann; Traynor

SB 2438 lost.

SECOND READING OF SENATE BILL

SB 2442: A BILL for an Act to create and enact a new section to chapter 30.1-30 of the North Dakota Century Code, relating to the durable powers of attorney; and to provide a penalty.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 2 YEAS, 44 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Kelsh; O'Connell

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

ABSENT AND NOT VOTING: Christmann; Stenehjerm; Traynor

SB 2442 lost.

SECOND READING OF SENATE BILL

SB 2453: A BILL for an Act to amend and reenact sections 57-55-01.1, 57-55-03, 57-55-04, 57-55-06, 57-55-07, 57-55-10, and 57-55-11 of the North Dakota Century Code, relating to imposition of mobile home taxes in the same manner as property taxes on real property; 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 16 YEAS, 31 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Espegard; Every; Heitkamp; Kelsh; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Schobinger; Thane

NAYS: Andrist; Bowman; Cook; Dever; Erbele; Fischer; Flakoll; Freborg; Grindberg; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nelson, G.; Nething; Nichols; Robinson; Solberg; Stenehjerm; Tallackson; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2453 lost.

MOTION

SEN. G. NELSON MOVED that the Senate stand in recess until 3:07 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2450: A BILL for an Act to amend and reenact sections 54-03-02, 54-03-02.1, and 54-35-16 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes.

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 10 YEAS, 37 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Kelsh; Lindaas; Mathern, T.; Nelson, C.; O'Connell; Polovitz; Robinson; Tallackson

NAYS: Andrist; Bowman; Cook; Dever; Erbele; Espegard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krauter; Krebsbach; Kringstad; Kroeplin; Lee; Lyson; Mathern, D.; Mutch; Nelson, G.; Nething; Nichols; Schobinger; Solberg; Stenehjerm; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2450 lost.

SECOND READING OF SENATE BILL

SB 2454: A BILL for an Act to create and enact a new subsection to section 57-43.2-01 of the North Dakota Century Code, relating to the definition of biodiesel fuel; to amend and reenact section 24-02-01.5, subsection 1 of section 57-43.2-02, and subsection 1 of section 57-43.2-03 of the North Dakota Century Code, relating to a special fuels tax reduction for sales of diesel fuel blended with biodiesel fuel; 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 27 YEAS, 20 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christenson; Erbele; Espegard; Every; Freborg; Heitkamp; Holmberg; Kelsh; Klein; Krauter; Kroeplin; Lindaas; Mathern, D.; Mathern, T.; Nelson, C.; Nelson, G.; O'Connell; Polovitz; Robinson; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Wanzek

NAYS: Andrist; Cook; Dever; Fischer; Flakoll; Grindberg; Kilzer; Krebsbach; Kringstad; Lee; Lyson; Mutch; Nething; Nichols; Schobinger; Solberg; Stenehjerm; Urlacher; Wardner; Watne

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2454 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4024: A concurrent resolution urging Congress to eliminate the Social Security disability insurance offset and supplemental security insurance offset for recipients of workers' compensation benefits.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4024 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4028: A concurrent resolution rescinding all applications made by the Legislative Assembly to the Congress of the United States to call a convention pursuant to the terms of Article V of the United States Constitution for proposing amendments to that Constitution and urging the legislative bodies in other states to take similar action.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4028 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4031: A concurrent resolution directing the Legislative Council to study the state corporate income tax laws.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4031 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE BILL

SB 2176: A BILL for an Act to amend and reenact subsection 1 of section 54-35-10 of the North Dakota Century Code, relating to compensation paid to members of the legislative assembly for attending sessions of the legislative council and its committees.

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, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christenson; 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; Stenehjerm; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Bercier

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2176 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2244: A BILL for an Act to amend and reenact section 11-10-04 of the North Dakota Century Code, relating to the residence of candidates for election to a county office.

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, 5 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

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

NAYS: Erbele; Mutch; Nelson, G.; Solberg; Trenbeath

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2244 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2311: A BILL for an Act to amend and reenact section 20.1-01-21 of the North Dakota Century Code, relating to hunting near occupied buildings.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 15 YEAS, 32 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Christenson; Kelsh; Krauter; Kroeplin; Lindaas; Lyson; Mathern, D.; Mathern, T.; O'Connell; Polovitz; Tallackson; Thane; Urlacher; Watne

NAYS: Andrist; Bowman; Cook; Dever; Erbele; Espgaard; Every; Fischer; Flakoll; Freborg; Grindberg; Heitkamp; Holmberg; Kilzer; Klein; Krebsbach; Kringstad; Lee; Mutch; Nelson, C.; Nelson, G.; Nething; Nichols; Robinson; Schobinger; Solberg; Stenehjerm; Tollefson; Tomac; Trenbeath; Wanzek; Wardner

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2311 lost.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to amend and reenact section 54-12-05 of the North Dakota Century Code, relating to biennial reports.

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; Bercier; Bowman; Christenson; 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: Christmann; Traynor

Engrossed SB 2431 passed.

SECOND READING OF SENATE BILL

SB 2447: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 6-09-15 of the North Dakota Century Code, relating to the power of the Bank of North Dakota to make, purchase, or hold loans with respect to meatpacking businesses.

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; Bercier; Bowman; Christenson; 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: Christmann; Traynor

SB 2447 lost.

SECOND READING OF SENATE BILL

SB 2377: A BILL for an Act to amend and reenact section 20.1-02-01 of the North Dakota Century Code, relating to the appointment and confirmation of the director of the game and fish department.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 43 YEAS, 4 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Bercier; Bowman; Christenson; 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; Schobinger; Stenehjem; Tallackson; Thane; Tollefson; Tomac; Trenbeath; Urlacher; Wanzek; Wardner; Watne

NAYS: Andrist; Krebsbach; Robinson; Solberg

ABSENT AND NOT VOTING: Christmann; Traynor

SB 2377 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4015: A concurrent resolution urging the President and the Congress of the United States to develop a national energy policy for our nation that allows responsible access to public land and to implement laws and regulations that promote the multiple use concept on public lands across our state and nation allowing all users to benefit from the public lands.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4015 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4018: A concurrent resolution directing the Legislative Council to study the commitment procedures contained in North Dakota Century Code Chapter 25-03.1 and the commitment laws from other states to determine if North Dakota law sufficiently addresses the treatment needs of controlled substance abusers in this state, to study the mandatory minimum sentence requirements of North Dakota Century Code Chapter 19-03.1 and the mandatory minimum sentencing laws from other states and the federal government relating to drug offenders, and to study the need for legislation to assist in the cooperative efforts of state, local, and federal agencies to combat unlawful drug use and abuse in this state.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4018 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4019: A concurrent resolution directing the Legislative Council to study medical and financial privacy laws in this state, the effectiveness of medical and financial privacy laws in other states, the interaction of federal and state medical and financial privacy laws, and whether current medical and financial privacy protections meet the reasonable expectations of the citizens of North Dakota.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4019 was declared adopted, and the title was agreed to on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4025: A concurrent resolution urging Congress to pass legislation that will lift the embargo on trade with Cuba.

The question being on the final adoption of the resolution, which has been read, and has committee recommendation of DO PASS.

SCR 4025 was declared adopted, and the title was agreed to on a voice vote.

MOTION

SEN. G. NELSON MOVED that SCR 4037 be returned to the Senate floor from the **Judiciary Committee** for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. G. NELSON REQUESTED the unanimous consent of the Senate to withdraw SCR 4037. There being no objection, it was so ordered by the President.

MOTION

SEN. G. NELSON MOVED that Senate Rule 329(4) be amended to read "thirtieth legislative day", thereby changing the day Senate bills are required to be rereferred to the Appropriations Committee, which motion prevailed.

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

MR. SPEAKER: The Senate has passed, the emergency clause carried, and your favorable consideration is requested on: SB 2200.

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 2021, SB 2121, SB 2181, SB 2229, SB 2299, SB 2327, SB 2372, SB 2374, SB 2415, SB 2428, SCR 4014, SCR 4022.

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 1044.

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 1066, HB 1203, HB 1225, HB 1260, HB 1277, HB 1342, HB 1363, HB 1379, HB 1401, HB 1462, HCR 3024, HCR 3030, HCR 3034, HCR 3047.

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

MR. PRESIDENT: The House has passed unchanged: SCR 4002, SCR 4039.

MOTION

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

MOTION

SEN. KILZER 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., Monday, February 19, 2001, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2001: 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 2001 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "to amend and reenact section 54-03-20 of the North Dakota Century Code, relating to legislative compensation;"

Page 2, after line 10, insert:

"SECTION 3. AMENDMENT. Section 54-03-20 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

54-03-20. Compensation and expense reimbursement of members of the legislative assembly. Each member of the legislative assembly of the state of North Dakota is entitled to receive as compensation for services the sum of one hundred eleven dollars for each calendar day during any organizational, special, or regular legislative session. Each member of the legislative assembly is entitled to receive reimbursement for lodging, which may not exceed a maximum of six hundred fifty dollars per calendar month for lodging in state, at the rates and in the manner provided in section 44-08-04 for each calendar day during the period of any organizational, special, or regular session. Members of the legislative assembly who receive reimbursement for lodging are also entitled to reimbursement for travel for not to exceed one round trip taken during any calendar week, or portion of a week, the legislative assembly is in session, between their residences and the place of meeting of the legislative assembly, at the rate provided for state employees with the additional limitation that reimbursement for travel by common carrier may be only at the cost of coach fare and may not exceed one and one-half times the amount the member would be entitled to receive as mileage reimbursement for travel by motor vehicle. A member of the legislative assembly who does not receive reimbursement for lodging and whose place of residence in the legislative district that the member represents is not within the city of Bismarck is entitled to reimbursement at the rate provided for state employees for necessary travel for not to exceed one round trip taken per day between the residence and the place of meeting of the legislative assembly when it is in session and may receive reimbursement for lodging at the place of meeting of the legislative assembly as

provided in section 44-08-04 for each calendar day for which round trip travel reimbursement is not claimed, provided that the total reimbursement may not exceed six hundred fifty dollars per month. The amount to which each legislator is entitled must be paid following the organizational session in December and following each month during a regular or special session.

A day, or portion of a day, spent in traveling to or returning from an organizational, special, or regular session must be included as a calendar day during a legislative session for the purposes of this section.

In addition, each member is entitled to receive during the term for which the member was elected, as compensation for the execution of public duties during the biennium, the sum of two hundred fifty dollars a month, which is payable every six months or monthly, at the member's option. If a member dies or resigns from office during the member's term, the member may be paid only the allowances provided for in this section for the period for which the member was actually a member. The majority and minority leaders of the house and senate and the chairman of the legislative council, if the chairman is not a majority or minority leader, are each entitled to receive as compensation, in addition to any other compensation or expense reimbursement provided by law, the sum of two hundred fifty dollars per month during the biennium for their execution of public duties.

Attendance at any organizational, special, or regular session of the legislative assembly by any member is a conclusive presumption of entitlement as set out in this section and compensation and expense allowances must be excluded from gross income for income tax purposes to the extent permitted for federal income tax purposes under section 127 of the Economic Recovery Tax Act of 1981 [Pub. L. 97-34; 95 Stat. 202; 26 U.S.C. 162(i)]."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2002: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2002 was placed on the Sixth order on the calendar.

Page 1, line 2, remove the first "and"

Page 1, line 3, after "judges" insert "; to provide an exemption from the provisions of section 54-44.1-11 of the North Dakota Century Code; and to provide for a legislative council study"

Page 1, line 13, replace "5,659,939" with "5,637,102"

Page 1, line 17, replace "7,667,669" with "7,644,832"

Page 1, line 20, replace "25,143,950" with "24,953,025"

Page 2, line 2, replace "37,234,414" with "37,043,489"

Page 2, line 4, replace "36,040,343" with "35,849,418"

Page 2, line 15, replace "382,650" with "382,650"

Page 2, remove line 16

Page 2, line 17, replace "11,493,326" with "10,854,353"

Page 2, line 19, replace "10,743,326" with "10,104,353"

Page 2, line 20, replace "54,705,850" with "53,853,115"

Page 2, line 22, replace "56,923,671" with "56,070,936"

Page 3, after line 2, insert:

"SECTION 4. EXEMPTION. The district courts' appropriation contained in subdivision 2 of section 1 of chapter 2 of the 1999 Session Laws is not subject to the provisions of section 54-44.1-11 for up to an amount of \$350,000 and any unexpended

funds from this appropriation are available to be used to consolidate and integrate the east central judicial district's case management system with the unified court information system used by the other six judicial districts during the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. JUDICIAL BRANCH - RECORDS MANAGEMENT. The judicial branch is encouraged to explore the opportunities of using the electronic document management system services provided by the information technology department for enhanced records management and data storage.

SECTION 6. LEGISLATIVE COUNCIL STUDY - CLERK OF COURT. The legislative council shall consider studying, during the 2001-02 interim, the implementation of the clerk of court unification including a review of the delivery of services by clerks of court and the responsibility for restitution collection and enforcement activities."

Page 3, line 6, replace "ninety-four" with "ninety-one", remove "seven", and overstrike "hundred"

Page 3, line 7, replace "twenty-seven" with "thirty-nine"

Page 3, line 9, replace "eight" with "five" and replace "forty-three" with "sixty-nine"

Page 3, line 15, replace "eighty-seven" with "eighty-four", remove "four", overstrike "hundred", and replace "twenty-two" with "fifteen"

Page 3, line 21, remove the overstrike over "one", remove "two", replace "six" with "nine", and replace "twenty-one" with "eighty-nine"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2002 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Supreme Court			
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
District Courts			
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071		1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
Judicial Conduct Commission			
Total all funds	\$528,262		\$528,262
Less estimated income	273,750		273,750
General fund	\$254,512	\$0	\$254,512
Clerk of District Court			
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000		750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
Bill Total			
Total all funds	\$56,923,671	(\$852,735)	\$56,070,936
Less estimated income	2,217,821		2,217,821
General fund	\$54,705,850	(\$852,735)	\$53,853,115

Senate Bill No. 2002 - Supreme Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$5,659,939	(\$22,837)	\$5,637,102
Operating expenses	1,645,411		1,645,411
Equipment	153,250		153,250
Judges retirement	209,069		209,069
Total all funds	\$7,667,669	(\$22,837)	\$7,644,832
Less estimated income			
General fund	\$7,667,669	(\$22,837)	\$7,644,832
FTE	44.50	0.00	44.50

Dept. 181 - Supreme Court - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$22,837)	(\$22,837)
Operating expenses		
Equipment		
Judges' retirement		
Total all funds	(\$22,837)	(\$22,837)
Less estimated income		
General fund	(\$22,837)	(\$22,837)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for Supreme Court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - District Courts - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$25,143,950	(\$190,925)	\$24,953,025
Operating expenses	10,216,933		10,216,933
Equipment	875,150		875,150
Judges' retirement	878,381		878,381
UND - Central legal research	80,000		80,000
Alternative dispute resolution	40,000		40,000
Total all funds	\$37,234,414	(\$190,925)	\$37,043,489
Less estimated income	1,194,071		1,194,071
General fund	\$36,040,343	(\$190,925)	\$35,849,418
FTE	191.50	0.00	191.50

Dept. 182 - District Courts - Detail of Senate Changes

	ADJUST FUNDING FOR JUDGES' SALARY INCREASES ¹	TOTAL SENATE CHANGES
Salaries and wages	(\$190,925)	(\$190,925)
Operating expenses		
Equipment		
Judges' retirement		
UND - Central legal research		
Alternative dispute resolution		
Total all funds	(\$190,928)	(\$190,925)
Less estimated income		
General fund	(\$190,925)	(\$190,925)
FTE	0.00	0.00

¹ This amendment adjusts the salary increases for district court judges from an 11 percent increase for the first year and a two percent increase for the second year to approximately a 6.5 percent increase each year of the biennium which results in judges' salaries for the second year of the biennium being the same as the salaries requested in the executive budget.

Senate Bill No. 2002 - Clerk of District Court - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$7,132,966		\$7,132,966
Operating expenses	3,338,737		3,338,737
Equipment	382,650		382,650
Collection of restitution	638,973	(\$638,973)	
Total all funds	\$11,493,326	(\$638,973)	\$10,854,353
Less estimated income	750,000		750,000
General fund	\$10,743,326	(\$638,973)	\$10,104,353
FTE	103.00	(7.00)	96.00

Dept. 184 - Clerk of District Court - Detail of Senate Changes

	REMOVE FUNDING FOR COLLECTION OF RESTITUTION	TOTAL SENATE CHANGES
Salaries and wages		
Operating expenses		

Equipment		
Collection of restitution	(\$638,973)	(\$638,973)
Total all funds	(\$638,973)	(\$638,973)
Less estimated income		
General fund	(\$638,973)	(\$638,973)
FTE	(7.00)	(7.00)

Senate Bill No. 2002 - Other Changes - Senate Action

This amendment also:

- Adds a section allowing the judicial branch to carry over up to \$350,000 of general fund appropriation authority from the 1999-2001 biennium to the 2001-03 biennium to consolidate and integrate the east central judicial district's case management system with the unified court information system (UCIS) used by the other six judicial districts.
- Adds a section that encourages the judicial branch to explore the possibility of using the electronic document management system services provided by the Information Technology Department for enhanced records management and data storage.
- Provides for a Legislative Council study of the implementation of the clerk of court unification including the responsibility for restitution collection and enforcement activities.

The following schedule provides information regarding Supreme Court and district court judges' salaries including current salaries, salaries proposed in the judicial branch budget request, and salaries proposed in the amendment:

	STATUTORY ANNUAL SALARY AUTHORIZED BY 1999 LEGISLATIVE ASSEMBLY	PROPOSED ANNUAL SALARY INCLUDED IN THE 2001-03 JUDICIAL BRANCH BUDGET REQUEST		PROPOSED ANNUAL SALARY INCLUDED IN PROPOSED AMENDMENT	
	JULY 1, 2000	JULY 1, 2001	JULY 1, 2002	JULY 1, 2001	JULY 1, 2002
Supreme Court	\$87,895	\$97,570	\$99,521	\$93,608	\$99,521
Chief Justice					
Other Supreme	\$85,483	\$94,727	\$96,622	\$91,039	\$96,622
Court justices					
District court	\$80,755	\$90,043	\$91,843	\$86,004	\$91,843
presiding judges					
Other district court	\$78,887	\$87,422	\$89,171	\$84,015	\$89,171
judges					

REPORT OF STANDING COMMITTEE

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

Page 1, line 2, after the second "provide" insert "for" and remove "statement of"

Page 1, line 3, replace "intent" with "council study"

Page 1, line 13, replace "1,281,245" with "1,281,357"

Page 1, line 16, replace "1,533,542" with "1,533,654"

Page 1, line 18, replace "1,522,382" with "1,522,494"

Page 1, line 22, replace "4,930,382" with "5,031,382"

Page 2, line 2, replace "21,088,929" with "21,189,929"

Page 2, line 3, replace "7,762,275" with "7,863,275"

Page 2, replace lines 7 through 10 with:

"Victims services	\$3,423,566
Institutional offender services	4,460,612
Community offender services	11,755,705"

Page 2, line 18, replace "84,467,999" with "84,468,111"

Page 2, line 19, replace "26,422,619" with "26,523,619"

Page 2, line 20, replace "110,890,618" with "110,890,730"

Page 2, replace lines 28 through 31 with:

"SECTION 4. AUTHORITY TO LEASE LAND UNDER THE JURISDICTION OF THE DEPARTMENT. The department of corrections and rehabilitation may lease land under the jurisdiction of the department for the purpose of the construction and operation of a prerelease center. Subsection 12 of section 54-23.3-04 does not apply to the lease authorized by this section. The lease expires when the leased property is no longer used for a prerelease center, when the lease operator breaches any material part of the lease, or twenty years after the date of the lease, whichever occurs first, and all rights, title, and interest in any buildings, fixtures, and improvements vest and remain with the state.

SECTION 5. CORRECTIONAL SYSTEM - LEGISLATIVE COUNCIL STUDY.

During the 2001-02 interim, the legislative council shall consider studying the correctional system in North Dakota, including its functions, responsibilities, and funding; causes for increases in the state's inmate population; types of offenders and offender programs; cost-effectiveness of programs; operation, efficiency, and effectiveness of prison industries programs; rates of recidivism; possible alternatives to incarceration which may reduce the number of inmates and reduce recidivism; and the effectiveness of sentencing laws, incarceration, and treatment. The legislative council shall report its findings and recommendations, together with any legislation required to implement the recommendations, to the fifty-eighth legislative assembly."

Page 3, remove lines 1 through 5

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2016 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
DOCR - Adult Services			
Total all funds	\$88,268,147	\$0	\$88,268,147
Less estimated income	<u>18,649,184</u>		<u>18,649,184</u>
General fund	\$69,618,963	\$0	\$69,618,963
DOCR - Central Office			
Total all funds	\$1,533,542	\$112	\$1,533,654
Less estimated income	<u>11,160</u>		<u>11,160</u>
General fund	\$1,522,382	\$112	\$1,522,494
DOCR - Juvenile Services			
Total all funds	\$21,088,929	\$101,000	\$21,189,929
Less estimated income	<u>7,762,275</u>	<u>101,000</u>	<u>7,863,275</u>
General fund	\$13,326,654	\$0	\$13,326,654
Bill Total			
Total all funds	\$110,890,618	\$101,112	\$110,991,730
Less estimated income	<u>26,422,619</u>	<u>101,000</u>	<u>26,523,619</u>
General fund	\$84,467,999	\$112	\$84,468,111

Senate Bill No. 2016 - DOCR - Adult Services - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$7,073,227	(\$7,073,227)	
Operating expenses	9,222,935	(9,222,935)	
Equipment	63,102	(63,102)	
Grants	3,280,619	(3,280,619)	
Victims services		3,423,566	\$3,423,566
Institutional offender services		4,460,612	4,460,612
Community offender services		11,755,705	11,755,705
Support services	28,600,319		28,600,319
Program services	4,086,082		4,086,082
Security and safety	25,092,023		25,092,023
Roughrider Industries	<u>10,849,840</u>		<u>10,849,840</u>
Total all funds	\$88,268,147	\$0	\$88,268,147
Less estimated income	<u>18,649,184</u>		<u>18,649,184</u>
General fund	\$69,618,963	\$0	\$69,618,963
FTE	508.25	0.00	508.25

Dept. 519 - DOCR - Adult Services - Detail of Senate Changes

	REPLACE OBJECT CODE LINE ITEMS WITH PROGRAM LINE ITEMS	TOTAL SENATE CHANGES
Salaries and wages	(\$7,073,227)	(\$7,073,227)
Operating expenses	(9,222,935)	(9,222,935)

Equipment	(63,102)	(63,102)
Grants	(3,280,619)	(3,280,619)
Victims services	3,423,566	3,423,566
Institutional offender services	4,460,612	4,460,612
Community offender services	11,755,705	11,755,705
Support services		
Program services		
Security and safety		
Roughrider Industries		
Total all funds	\$0	\$0
Less estimated income		
General fund	\$0	\$0
FTE	0.00	0.00

This amendment replaces Section 4 of the bill with two new sections, as follows:

- Section 4, which authorizes the department to lease Penitentiary land to a private entity for the purpose of constructing a building to be used by the private entity for the operation of a "prerelease" center. The department will contract with the private entity to house and provide treatment services for up to 50 inmates who are within six months of release.
- Section 5, which directs the Legislative Council to consider a comprehensive study of the state's correctional system during the 2001-02 interim.

Senate Bill No. 2016 - DOCR - Central Office - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$1,281,245	\$112	\$1,281,357
Operating expenses	171,447		171,447
Equipment	<u>80,850</u>		<u>80,850</u>
Total all funds	\$1,533,542	\$112	\$1,533,654
Less estimated income	<u>11,160</u>		<u>11,160</u>
General fund	\$1,522,382	\$112	\$1,522,494
FTE	10.00	0.00	10.00

Dept. 530 - DOCR - Central Office - Detail of Senate Changes

	ADJUST MARKET EQUITY SALARY INCREASE ¹	TOTAL SENATE CHANGES
Salaries and wages	\$112	\$112
Operating expenses		
Equipment		
Total all funds	\$112	\$112
Less estimated income		
General fund	\$112	\$112
FTE	0.00	0.00

¹ The amount provided for a market equity salary increase for the director is increased by \$112 from \$3,719 to \$3,831. The amount included in the bill will provide for a monthly increase of \$182 per month for the last 18 months of the biennium.

Senate Bill No. 2016 - DOCR - Juvenile Services - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Salaries and wages	\$10,819,873		\$10,819,873
Operating expenses	4,930,382	\$101,000	5,031,382
Equipment	217,050		217,050
Capital improvements	707,747		707,747
Grants	<u>4,413,877</u>		<u>4,413,877</u>
Total all funds	\$21,088,929	\$101,000	\$21,189,929
Less estimated income	<u>7,762,275</u>	<u>101,000</u>	<u>7,863,275</u>
General fund	\$13,326,654	\$0	\$13,326,654
FTE	120.43	0.00	120.43

Dept. 532 - DOCR - Juvenile Services - Detail of Senate Changes

	ADD FUNDING FOR FUNDING SOURCE CHANGE FOR	TRANSPORTING JUVENILE	TOTAL SENATE
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	CAPITAL PROJECT ¹	OFFENDERS ²	CHANGES
Salaries and wages			
Operating expenses		\$101,000	\$101,000
Equipment			
Capital improvements			
Grants			
Total all funds	\$0	\$101,000	\$101,000
Less estimated income	<u>101,000</u>		<u>101,000</u>
General fund	(\$101,000)	\$101,000	\$0
FTE	0.00	0.00	0.00

¹ The Schafer and Hoeven budget recommendations include \$101,000 from the general fund for the installation of fire suppression systems in Brown and Maple Cottages at the Youth Correctional Center. This amendment changes the funding source to \$101,000 from the Penitentiary land fund.

² Operating expenses is increased to partially reflect anticipated additional costs relating to county reimbursements for transporting juvenile offenders, as provided in 2001 Senate Bill No. 2220.

REPORT OF STANDING COMMITTEE

SB 2023: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2023 was placed on the Sixth order on the calendar.

Page 1, line 3, after "commission" insert "and the state board of higher education"

Page 1, line 15, replace "5,076,000" with "7,850,000"

Page 1, line 22, replace "10,078,000" with "12,852,000"

Page 2, line 1, replace "\$4,057,000" with "\$6,656,000"

Page 2, after line 5, insert:
"Minot state university

2,599,000"

Page 2, after line 23, insert:

"SECTION 4. LOCAL RESPONSIBILITY - APPROPRIATION. There is appropriated from local or other funds, the sum of \$1,300,000 to the state college of science for the purpose of providing the required local match for the student union renovation project, for the biennium beginning July 1, 2001, and ending June 30, 2003.

SECTION 5. BOND ISSUANCE - PURPOSES - APPROPRIATION. The state board of higher education, in accordance with chapter 15-55, may issue and sell self-liquidating, tax-exempt bonds in an amount not exceeding \$17,500,000. Bonds issued pursuant to this section are not a general obligation of the state of North Dakota. The bonds may be issued, and the proceeds are appropriated, for the biennium beginning July 1, 2001, and ending June 30, 2003, for the purpose of financing the following capital projects:

University of North Dakota - Memorial student union renovation	\$3,500,000
North Dakota state university - Residence hall construction	8,000,000
North Dakota state university - Minard hall renovation	3,000,000
North Dakota state college of science - Student union renovation	2,000,000
North Dakota state college of science - Parking lot improvements	1,000,000

Any unexpended balance resulting from the proceeds of the bonds must be placed in a sinking fund to be used for the retirement of the bonds."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

Senate Bill No. 2023 - Summary of Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
University of North Dakota			
Total all funds	\$3,990,785	\$3,500,000	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>3,500,000</u>	<u>7,490,785</u>
General fund	\$0	\$0	\$0
North Dakota State University			
Total all funds	\$296,348	\$11,000,000	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,000,000</u>	<u>11,296,348</u>

General fund	\$0	\$0	\$0
State College of Science			
Total all funds	\$0	\$4,300,000	\$4,300,000
Less estimated income		<u>4,300,000</u>	<u>4,300,000</u>
General fund	\$0	\$0	\$0
Minot State University			
Total all funds	\$5,076,000	\$2,774,000	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>2,774,000</u>	<u>7,850,000</u>
General fund	\$0	\$0	\$0
State Department of Health			
Total all funds	\$2,700,000	\$0	\$2,700,000
Less estimated income	<u>2,700,000</u>		<u>2,700,000</u>
General fund	\$0	\$0	\$0
Job Service			
Total all funds	\$2,302,000	\$0	\$2,302,000
Less estimated income	<u>2,302,000</u>		<u>2,302,000</u>
General fund	\$0	\$0	\$0
Department of Transportation			
Total all funds	\$352,600	\$0	\$352,600
Less estimated income	<u>352,600</u>		<u>352,600</u>
General fund	\$0	\$0	\$0
Bill Total			
Total all funds	\$14,717,733	\$21,574,000	\$36,291,733
Less estimated income	<u>14,717,733</u>	<u>21,574,000</u>	<u>36,291,733</u>
General fund	\$0	\$0	\$0

Senate Bill No. 2023 - University of North Dakota - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Capital improvements	<u>\$3,990,785</u>	<u>\$3,500,000</u>	<u>\$7,490,785</u>
Total all funds	\$3,990,785	\$3,500,000	\$7,490,785
Less estimated income	<u>3,990,785</u>	<u>3,500,000</u>	<u>7,490,785</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Dept. 230 - University of North Dakota - Detail of Senate Changes

	ADD BONDING AUTHORITY FOR STUDENT UNION RENOVATION ¹	TOTAL SENATE CHANGES
Capital improvements	<u>\$3,500,000</u>	<u>\$3,500,000</u>
Total all funds	\$3,500,000	\$3,500,000
Less estimated income	<u>3,500,000</u>	<u>3,500,000</u>
General fund	\$0	\$0
FTE	0.00	0.00

¹ The board is authorized to issue revenue bonds in the amount of \$3.5 million for renovations to the Memorial Student Union. This project is included in the Hoeven budget recommendation but was not included in the Schafer executive budget.

Senate Bill No. 2023 - North Dakota State University - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Capital improvements	<u>\$296,348</u>	<u>\$11,000,000</u>	<u>\$11,296,348</u>
Total all funds	\$296,348	\$11,000,000	\$11,296,348
Less estimated income	<u>296,348</u>	<u>11,000,000</u>	<u>11,296,348</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Dept. 235 - North Dakota State University - Detail of Senate Changes

	ADD BONDING AUTHORITY FOR RESIDENCE HALL CONSTRUCTION ¹	ADD BONDING AUTHORITY FOR MINARD HALL RENOVATION ²	TOTAL SENATE CHANGES
Capital improvements	<u>\$8,000,000</u>	<u>\$3,000,000</u>	<u>\$11,000,000</u>
Total all funds	\$8,000,000	\$3,000,000	\$11,000,000
Less estimated income	<u>8,000,000</u>	<u>3,000,000</u>	<u>11,000,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹ The board is authorized to issue revenue bonds in the amount of \$8 million for construction of a residence hall. This project is included in the Hoeven budget recommendation (in the amount of \$11 million) but was not included in the Schafer executive budget.

² The board is authorized to issue revenue bonds in the amount of \$3 million for renovation of Minard Hall. The bonds will be repaid from other funds, excluding student fees. This project was not included in the Schafer or Hoeven budget recommendations.

Senate Bill No. 2023 - State College of Science - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Capital improvements		<u>\$4,300,000</u>	<u>\$4,300,000</u>
Total all funds	\$0	\$4,300,000	\$4,300,000
Less estimated income		<u>4,300,000</u>	<u>4,300,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Dept. 238 - State College of Science - Detail of Senate Changes

	ADD BONDING AUTHORITY FOR PARKING LOT ¹	ADD AUTHORITY FOR STUDENT UNION RENOVATION ²	TOTAL SENATE CHANGES
Capital improvements	<u>\$1,000,000</u>	<u>\$3,300,000</u>	<u>\$4,300,000</u>
Total all funds	\$1,000,000	\$3,300,000	\$4,300,000
Less estimated income	<u>1,000,000</u>	<u>3,300,000</u>	<u>4,300,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

¹ The board is authorized to issue revenue bonds in the amount of \$1 million for parking lot improvements at the State College of Science. This project is included in the Schafer and Hoeven budget recommendations and was included in Senate Bill No. 2003 as introduced.

² The board is authorized to issue revenue bonds in the amount of \$2 million for the Student Union renovation project. Local funds in the amount of \$1.3 million are also appropriated as the required local match for the project. This project is included in the Hoeven budget recommendation but was not included in the Schafer executive budget.

Senate Bill No. 2023 - Minot State University - Senate Action

	EXECUTIVE BUDGET	SENATE CHANGES	SENATE VERSION
Capital improvements	<u>\$5,076,000</u>	<u>\$2,774,000</u>	<u>\$7,850,000</u>
Total all funds	\$5,076,000	\$2,774,000	\$7,850,000
Less estimated income	<u>5,076,000</u>	<u>2,774,000</u>	<u>7,850,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

Dept. 241 - Minot State University - Detail of Senate Changes

	ADD BONDING AUTHORITY TO REDUCE LOCAL MATCH REQUIREMENT	ADD BONDING AUTHORITY FOR LOCAL MATCH REQUIREMENT	TOTAL SENATE CHANGES
Capital improvements	<u>\$175,000</u>	<u>\$2,599,000</u>	<u>\$2,774,000</u>
Total all funds	\$175,000	\$2,599,000	\$2,774,000
Less estimated income	<u>175,000</u>	<u>2,599,000</u>	<u>2,774,000</u>
General fund	\$0	\$0	\$0
FTE	0.00	0.00	0.00

The bonding authority provided to the Industrial Commission for the Minot State University Old Main renovation project is increased by \$2,774,000, from \$5,076,000 to \$7,850,000 for the following:

- Bonding authority is increased by \$175,000 to reduce the local match requirement from \$2,774,000 (the amount included in the Schafer executive budget) to \$2,599,000. The Hoeven budget recommendation includes \$175,000 from the general fund to reduce the local match requirement proposed in the Schafer budget.

- Bonding authority is increased by \$2,599,000 to allow the portion of the project to be paid from local sources to be initially paid for with bonding proceeds, then repaid with local funds. The Schafer recommendation provides bonding authority for only that portion of the project not paid from local funds. This change is included in the Hoeven budget recommendation.
- Senate Bill No. 2003 as introduced included an appropriation of \$2,774,000 of other funds for this project.

REPORT OF STANDING COMMITTEE

SB 2032, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). Engrossed SB 2032 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2042: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2042 was placed on the Sixth order on the calendar.

Page 1, line 18, after "~~appoint~~" insert "Appoint" and remove the overstrike over "~~and remove the president or other faculty head, and the professors,~~"

Page 1, remove the overstrike over lines 19 through 22

Page 1, line 23, remove the overstrike over "~~be~~", remove "Meet", remove the overstrike over "~~if the board chooses~~", and remove "to consider the appointment or"

Page 1, line 24, remove "removal of a university system employee,"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2145: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO NOT PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2145 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2159: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2159 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 39-04 and a new section to chapter 57-40.3 of the North Dakota Century Code, relating to fees on issuance of motor vehicle number plates and a separate and additional motor vehicle excise tax; to amend and reenact section 57-40.3-10 of the North Dakota Century Code, relating to allocation of motor vehicle excise tax revenues; and to provide an effective date.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 39-04 of the North Dakota Century Code is created and enacted as follows:

Additional fee with general issuance of number plates. The director shall collect an additional fee of three dollars with each set of number plates issued in the first general issuance of number plates occurring after June 30, 2001. Notwithstanding any other provision of law, the entire revenue from fees under this section must be deposited in the state highway fund.

SECTION 2. A new section to chapter 57-40.3 of the North Dakota Century Code is created and enacted as follows:

Separate and additional motor vehicle excise tax. In addition to the tax otherwise imposed under this chapter, there is imposed an excise tax at the rate of one-half of one percent on the purchase of any motor vehicle purchased or acquired in or outside this state for use on the streets and highways of this state and required to be registered under the laws of this state. The entire revenue from the tax imposed under this section

must be transmitted monthly by the director of the department of transportation to the state treasurer and deposited in the state highway fund.

SECTION 3. AMENDMENT. Section 57-40.3-10 of the North Dakota Century Code is amended and reenacted as follows:

57-40.3-10. Transfer of revenue. ~~Except as otherwise provided in section 2~~ of this Act, all moneys collected and received under this chapter must be transmitted monthly by the director of the department of transportation to the state treasurer to be transferred and credited to the general fund.

SECTION 4. EFFECTIVE DATE. This Act is effective for number plates issued and taxable events occurring after June 30, 2001."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2163: 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 2163 was placed on the Sixth order on the calendar.

Page 1, line 1, after "reenact" insert "section 23-34-04,"

Page 1, line 2, replace the first "and" with a comma, remove the second "and", and after "43-17.1-02" insert ", subsection 1 of section 43-17.1-05, and subsection 3 of section 43-17.1-06"

Page 1, after line 6, insert:

"SECTION 1. AMENDMENT. Section 23-34-04 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

23-34-04. Peer review committee - Mandatory reports. A peer review committee shall report to ~~the commission or an~~ investigative panel of the board of medical competency examiners any information that indicates a probable violation of subsection 4, 5, 16, or 17 of section 43-17-31. A health care organization is guilty of a class B misdemeanor if its peer review committee fails to make any report required by this section."

Page 1, line 17, after "including" insert "reasonable"

Page 1, line 20, after the period insert "A physician may challenge the reasonableness of any cost item in a hearing under chapter 28-32 before an administrative law judge. The administrative law judge may approve, deny, or modify any cost item, and the determination of the judge is final. The hearing must occur before the physician's license may be suspended for nonpayment."

Page 2, replace lines 1 through 4 with:

"1. When, based on verified evidence, the board ~~has probable cause to believe that the suspension of a physician's license is required to reasonably protect the public from imminent or critical harm~~ determines by a clear and convincing standard that the evidence presented to the board indicates that the continued practice by the physician would create a significant risk of serious and ongoing harm to the public while a disciplinary proceeding is pending, and that immediate suspension of the physician's license is required to reasonably protect the public from that risk of harm, the board may order a temporary suspension ~~ex parte~~. For purposes of this section, "verified evidence" means testimony taken under oath and based on personal knowledge. The board shall give prompt written notice of the suspension to the physician, which must include a copy of the order and complaint, the date set for a full hearing, and a specific description of the nature of the evidence, including a list of all known witnesses and a description of any documents relied upon by the board in ordering the temporary suspension which, upon request, must be made available to the physician."

Page 2, line 5, overstrike "for not more than sixty days,"

Page 2, line 6, overstrike "unless" and insert immediately thereafter "until a final order is issued after a full hearing or appeal under this section or until the suspension is" and remove "or extended by agreement of the parties"

Page 2, line 11, replace "fifty" with "thirty"

Page 2, line 12, remove "unless an extension of time has been agreed to by the parties to the action" and overstrike "Within"

Page 2, overstrike lines 13 and 14

Page 2, line 15, overstrike "notice of the date set for the full hearing" and insert immediately thereafter "The physician is entitled to a continuance of the thirty-day period upon request for a period determined by the hearing officer"

Page 2, after line 28, insert:

"SECTION 6. AMENDMENT. Subsection 1 of section 43-17.1-05 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

1. Any person may make or refer written complaints to the investigative panels with reference to the acts, activities, or qualifications of any physician, physician assistant, or fluoroscopy technologist licensed to practice in this state, or to request that an investigative panel review the qualifications of any physician, physician assistant, or fluoroscopy technologist to continue to practice in this state. Any person who, in good faith, makes a report to the investigative panels under this section is not subject to civil liability for making the report. For purposes of any civil proceeding, the good faith of any person who makes a report pursuant to this section is presumed. Upon receipt of any complaint or request, the investigative panel shall conduct the investigation as it deems necessary to resolve the matter as it deems appropriate. ~~The investigative panel shall determine whether a formal hearing should be held to determine whether~~ any physician, physician assistant, or fluoroscopy technologist has committed any of the grounds for disciplinary action provided for by law. Upon completion of its investigation, the investigative panel shall make a finding that the investigation discloses that:

- a. There is insufficient evidence to warrant further action;
- b. The conduct of the physician, physician assistant, or fluoroscopy technologist does not warrant further proceedings, but the investigative panel determines that possible errant conduct occurred that could lead to significant consequences if not corrected. In such a case, a confidential letter of concern may be sent to the physician, physician assistant, or fluoroscopy technologist; or
- c. The conduct of the physician, physician assistant, or fluoroscopy technologist indicates that the physician, physician assistant, or fluoroscopy technologist may have committed any of the grounds for disciplinary action provided for by law and which warrants further proceedings.

SECTION 7. AMENDMENT. Subsection 3 of section 43-17.1-06 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. ~~Require~~ Upon probable cause, require any physician, physician assistant, or fluoroscopy technologist under investigation to submit to a physical, psychiatric, or competency examination, or chemical dependency evaluation."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2175: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (13 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2175 was placed on the Sixth order on the calendar.

Page 1, line 3, after "session" insert "; to provide for retroactive application; and to declare an emergency"

Page 2, after line 24, insert:

"SECTION 2. RETROACTIVE APPLICATION. This Act is retroactive in application to January 1, 2001.

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

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2216, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2216 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2232: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (12 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2232 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2239, as engrossed: 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). Engrossed SB 2239 was placed on the Sixth order on the calendar.

Page 3, line 10, after the underscored period insert "If treatment services under this subsection are provided to an individual by the department, the department may seek reimbursement from any government program that provides coverage to that individual for the treatment services provided by the department."

Page 3, line 15, replace "subsection" with "subsections 3 and"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2256: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2256 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2264: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2268: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (11 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2268 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2270: Education Committee (Sen. Freborg, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2270 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 relating to the provision of all grade levels by school districts; and to create and enact a new section to chapter 15-40.2 of the North Dakota Century Code or in the alternative to create and enact a new section to chapter 15.1-29 of the North Dakota Century Code, relating to the education of students in bordering states.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. School districts - Provision of all grade levels.

1.
 - a. On or before June 30, 2004, each school district in this state shall offer within its boundaries all educational grade levels from one through twelve.
 - b. Any district that fails to comply with subdivision a for a period of one year must become, through a process of reorganization or dissolution, attached to a district that is in compliance with subdivision a.
 - c. This section does not apply to:
 - (1) School districts established under chapter 15.1-08.
 - (2) School districts cooperating in the joint provision of education services under a plan approved by the superintendent of public instruction for the period beginning on the effective date of this Act, and ending on June 30, 2006.
2. Before the board of a school district may close a school located within the boundary of a district that was required to undergo reorganization and dissolution under subsection 1, the board shall place the question of closing the school on the ballot. The question may be voted upon only by those qualified electors who reside within the boundary of the district that was required to undergo reorganization or dissolution under subsection 1. The board may not close the school unless a majority of the qualified electors voting on the question approve the closure.

SECTION 2. If House Bill No. 1045 does not become effective, a new section to chapter 15-40.2 of the North Dakota Century Code is created and enacted as follows:

Students residing in school districts not offering all grade levels - Education in bordering states.

1. Notwithstanding any other provision of law, a student may attend school in a bordering state and the student's school district of residence shall pay the tuition in accordance with section 15-40.2-10 if:
 - a. The student resides in a school district that on July 1, 2001, did not offer within its boundaries all educational grade levels from one through twelve;
 - b. The student resides within forty miles of a bordering state, as measured from the student's home using the most common route of travel; and
 - c. The student notifies the student's school district of residence of the student's intent to attend school in a bordering state.
2.
 - a. The superintendent of public instruction shall forward all state aid payments for any student attending a public school in a bordering state under this section to the student's school district of residence.
 - b. The board of the student's school district of residence may reduce any tuition payment it must make under this section by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the bordering state enrolled in its school.
 - c. Transportation payments for a student attending school in a bordering state must be determined as provided in section 15-40.1-16.
3. This section does not require a school district of residence to provide transportation or payments in lieu of transportation for a student attending school in a bordering state under this section.

SECTION 3. A new section to chapter 15.1-29 of the North Dakota Century Code is created and enacted as follows:

Students residing in school districts not offering all grade levels - Education in bordering states.

1. Notwithstanding any other provision of law, a student may attend school in a bordering state and the student's school district of residence shall pay the tuition in accordance with section 15.1-29-02 if:
 - a. The student resides in a school district that on July 1, 2001, did not offer within its boundaries all educational grade levels from one through twelve;
 - b. The student resides within forty miles of a bordering state, as measured from the student's home using the most common route of travel; and
 - c. The student notifies the student's school district of residence of the student's intent to attend school in a bordering state.
2.
 - a. The superintendent of public instruction shall forward all state aid payments for any student attending a public school in a bordering state under this section to the student's school district of residence.
 - b. The board of the student's school district of residence may reduce any tuition payment it must make under this section by an amount commensurate with the tuition costs the district would be entitled to receive as compensation for a student from the bordering state enrolled in its school.
 - c. Transportation payments for a student attending school in a bordering state must be determined as provided in section 15.1-27-27.
3. This section does not require a school district of residence to provide transportation or payments in lieu of transportation for a student attending school in a bordering state under this section."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2273: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2273 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2278: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2278 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "a new subsection to section 57-35.3-05,"

Page 1, line 2, remove the first comma

Page 1, line 3, remove "financial institutions taxes and"

Page 1, remove lines 7 through 11

Page 1, line 15, remove "57-35.3-03," and after "57-38-30.3" insert "for each recent graduate employed by the taxpayer in a targeted job"

Page 1, line 16, after "year" insert ". The credit is available"

Page 1, line 17, replace "employing a" with "the" and replace "graduate" with "graduate's employment"

Page 1, line 20, replace "person who is a" with "resident or"

Page 1, line 21, remove "graduation"

Page 2, line 6, replace "Credits" with "Upon application by an employer, job service North Dakota shall provide the employer with a certificate of the number of targeted jobs of the employer under this section for the taxable year. To claim a credit under this

section, a taxpayer shall attach to the taxpayer's return the certificate provided by job service North Dakota under this section. Credits" and remove "chapter"

Page 2, line 7, remove "57-35.3 or"

Page 2, line 11, replace "2" with "1"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2290: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2290 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2295, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2297: 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 2297 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "forty-seven" with "forty-five"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 11, after "standards" insert "for contract carriers" and replace "a minimum combined single limit" with "uninsured and underinsured motorist"

Page 1, line 12, replace "four" with "not less than one" and replace "bodily injury liability, property" with "the benefit of the passengers being transported"

Page 1, line 13, remove "damage liability, and uninsured and underinsured motorist coverage"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2313: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 1 NAY, 1 ABSENT AND NOT VOTING). SB 2313 was placed on the Sixth order on the calendar.

Page 1, line 14, remove "commercial" and after "vehicle" insert "that exceeds a registered gross weight of sixteen thousand pounds [7257.48 kilograms]"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2316: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2316 was placed on the Sixth order on the calendar.

Page 1, line 2, after the first comma insert "and" and remove ", and subsection 3 of section"

Page 1, line 3, remove "16.1-08.1-03.3"

Page 2, remove lines 7 through 21

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2317: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2317 was placed on the Sixth order on the calendar.

Page 1, line 11, remove "The board may require an"

Page 1, remove line 12

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2329: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2329 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2332: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to amend and reenact sections 16.1-08.1-02 and 16.1-08.1-03 of the North Dakota Century Code, relating to the reporting of expenditures made for political purposes by candidates and political parties.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

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

16.1-08.1-02. Contributions and expenditures statement required of candidates.

1. Any candidate who is soliciting or accepting contributionsor making expenditures for any political purpose shall make and file a statement in accordance with this section.
2. The candidate shall include in the statement the name and mailing address of all contributors who contributed in excess of two hundred dollars in the aggregate during the reporting period to the candidate, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must also include a listing of the total amount of expenditures made for political purposes during the reporting period and identify to whom any expenditure in excess of two hundred dollars was made for political purposes during the reporting period.
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.
4. Even if the candidate has not received any contributionsor made any expenditures for political purposes in excess of two hundred dollars during the reporting period, the candidate shall file a statement as required by this chapter.

SECTION 2. AMENDMENT. Section 16.1-08.1-03 of the 1999 Supplement to the North Dakota Century Code is amended and reenacted as follows:

16.1-08.1-03. Contributions and expenditures statement required of political parties.

1. Any political party that receives contributions or makes expenditures for political purposes in excess of two hundred dollars in the aggregate during the reporting period shall make and file a statement containing in accordance with this section. The statement must include a detailed list of all contributions received from a person or political committee which exceed two hundred dollars in amount. The statement must include the name and mailing address of all contributors listed, the amount of each reportable contribution, and the date each reportable contribution was received. The statement must also include a listing of the total amount of expenditures made for political purposes during the reporting period and identify to whom any expenditure in excess of two hundred dollars was made for political purposes during the reporting period.
2. A yearend statement covering the entire calendar year must be filed with the secretary of state no later than the thirty-first day of January of the following year. A preelection statement must be filed no later than the twelfth day before any election at which the party has endorsed or will nominate a candidate and must be complete from the beginning of that calendar year through the twentieth day before the election.
3. Even if the political party has not received any contributions or made any expenditures for political purposes in excess of two hundred dollars during the reporting period, the political party shall file a statement as required by this chapter."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2336: 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 2336 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "an approved" with "a certified"

Page 1, line 8, remove "twenty percent of"

Page 1, line 9, replace "This" with "Twenty percent of this"

Page 1, line 13, replace "an approved" with "a certified"

Page 1, line 14, replace "the" with "a" and after "product" insert "that has been approved by the department of economic development and finance as a product that has potential to have a net long-term positive fiscal effect for state general fund revenues and as a product that incorporates innovative technology"

Page 1, line 15, remove "nonprofit"

Page 1, line 16, after "facility" insert "located in this state" and replace "approved" with "certified"

Page 1, line 18, after "products" insert "incorporating innovative technology"

Page 1, after line 18, insert:

- "(3) Any expenditure for which a deduction is claimed under this subdivision is not eligible for the tax credit under section 57-38-30.5."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2342: Appropriations Committee (Sen. Nething, Chairman) recommends **DO PASS** (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2342 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

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

Page 1, line 14, remove the overstrike over "~~overtime~~" and insert immediately thereafter "other than payments for overtime earned by employees of the North Dakota mill and elevator association" and remove the overstrike over the overstruck comma

Page 1, line 19, after "Overtime" insert "earned by employees of the North Dakota mill and elevator association"

Page 2, line 7, remove the overstrike over "~~overtime~~" and insert immediately thereafter "other than payments for overtime earned by employees of the North Dakota mill and elevator association" and remove the overstrike over the overstruck comma

Page 2, line 11, after "Overtime" insert "earned by employees of the North Dakota mill and elevator association"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2376: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2376 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "create and enact a new subsection to section 20.1-03-11 of the North"

Page 1, line 2, remove "Dakota Century Code, relating to deer hunting; and to"

Page 1, remove lines 5 through 8

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2378: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2378 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new paragraph to subdivision a of subsection 3 of section 39-06.1-10 and"

Page 1, line 2, replace "39-06.1-08" with "39-06.1-09"

Page 1, line 3, replace "nonmoving" with "moving"

Page 1, replace lines 5 through 16 with:

"SECTION 1. AMENDMENT. Section 39-06.1-09 of the North Dakota Century Code is amended and reenacted as follows:

39-06.1-09. Moving violation defined. For the purposes of sections 39-06.1-06 and 39-06.1-13, a "moving violation" means a violation of section 39-04-22; subsection 1 of section 39-04-37; section 39-04-55; 39-06-01; 39-06-14; 39-06-16; 39-09-04.1; 39-09-09; 39-12-04; 39-12-05; 39-12-06; 39-12-09; 39-24-02; or 39-24-09, except subdivisions b and c of subsection 5, or equivalent ordinances; or a violation of the provisions of chapter 39-10, 39-10.2, or 39-21, or equivalent ordinances, except sections 39-10-73, 39-21-44, 39-21-45.1, 39-21-46, and those sections within those chapters which are specifically listed in subsection 1 of section 39-06.1-08.

SECTION 2. A new paragraph to subdivision a of subsection 3 of section 39-06.1-10 of the 1999 Supplement to the North Dakota Century Code is created and enacted as follows:

Riding in prohibited area of vehicle

1 point"

under section 39-10-73

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2388: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO NOT PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2388 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2390: Transportation Committee (Sen. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2390 was placed on the Sixth order on the calendar.

Page 1, line 19, after "an" insert "authorized"

Page 1, line 20, after "highway" insert "outside the limits of a city unless the highway is part of the interstate system,", after "and" insert "the authorized emergency vehicle", and after "rotating" insert "amber."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2393: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2393 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2395: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2395 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2411: Transportation Committee (Sen. Stenehjem, Chairman) recommends **DO PASS** and **BE REREFERRED** to the **Appropriations Committee** (3 YEAS, 2 NAYS, 1 ABSENT AND NOT VOTING). SB 2411 was rereferred to the **Appropriations Committee**.

REPORT OF STANDING COMMITTEE

SB 2413: Agriculture Committee (Sen. Wanzek, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2413 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "and" with "or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2414: Appropriations Committee (Sen. Nething, Chairman) recommends **DO NOT PASS** (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). SB 2414 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2420: 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 2420 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 authorize the state historical society of North Dakota to reimburse Pembina County for certain land in Pembina County; to repeal chapter 15 of the 1893 Session Laws, relating to authorizing the state to acquire a parcel of land in Pembina County; and to provide an appropriation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. REIMBURSEMENT FOR LAND AUTHORIZED. The state of

North Dakota, in accordance with chapter 15 of the 1893 Session Laws, shall reimburse Pembina County for its cost, not to exceed the sum of \$15,000, in acquiring the property described in this section and known variously as the Selkirk cemetery, the Metis cemetery, or the Demaulin Mission cemetery, upon condition that Pembina County either keeps and preserves the property in accordance with North Dakota Century Code section 23-06-30 or in the alternative transfers the property to a suitable organization that represents, to the satisfaction of Pembina County, that it will preserve and maintain the property as a cemetery in perpetuity. The property is described as follows:

All that part of the northwest quarter (NW1/4) of section thirty-three (33), township one hundred sixty-four (164), range fifty-one (51), further described as follows: commencing at the northwest corner of said section thirty-three (33); thence S00°24'33"W along the west line of said quarter 994.07 feet; thence S89°35'30"E, 998.15 feet to the east right-of-way line of interstate highway no. I-29, the point of beginning; thence S59°52'00"E, 620.00 feet; thence S30°08'00"W, 703.00 feet; thence N59°52'00"W, 620.00 feet to said east right-of-way line; thence N30°08'00"E along said east line, 703.00 feet to the point of beginning, containing 10.01 acres and being graphically described on the plat of survey which is annexed hereto and incorporated herein by reference; the basis of all bearings being the east right-of-way line of interstate highway no. I-29, at the location of this parcel, as an assigned bearing of N30°08'00"E.

SECTION 2. REPEAL. Chapter 15 of the 1893 Session Laws is repealed.

SECTION 3. APPROPRIATION. There is appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, the sum of \$15,000, or so much of the sum as may be necessary, to the state historical society of North Dakota for the purpose of reimbursing Pembina County pursuant to section 1 of this Act, for the biennium beginning July 1, 2001, and ending June 30, 2003."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2424: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2424 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "three" with "two"

Page 1, line 2, remove "and the state historical society advisory"

Page 1, line 3, remove "council"

Page 1, line 7, replace "subdivisions v and" with "subdivision"

Page 8, line 15, replace "Subdivision v and" with "Subdivision"

Page 8, line 16, replace "are" with "is"

Page 8, remove line 18

Page 10, remove line 13

Page 10, line 14, replace "5" with "4"

Page 10, line 16, replace "6" with "5"

Page 10, line 20, after "of" insert "twelve members,"

Page 10, line 21, remove the overstrike over "~~seven~~", after "~~who~~" insert "of whom", remove the overstrike over "~~are appointed by~~", and remove ", the secretary of state, the chairman of the"

Page 10, remove line 22

Page 10, line 23, remove "legislative assembly appointed by the chairman of the legislative council" and remove the overstrike over "~~Each member~~"

Page 10, line 24, remove the overstrike over "~~appointed to the board must be a citizen and resident of the state~~" and remove the overstrike over the period

Page 10, remove the overstrike over line 25

Page 10, line 26, remove the overstrike over "~~of the third year or until a successor has been appointed and qualified.~~"

Page 10, line 28, remove the overstrike over "~~Vacancies occurring other than by~~"

Page 10, remove the overstrike over line 29

Page 10, line 30, remove the overstrike over "~~only in the same manner as regular appointments.~~" and insert immediately thereafter "The remaining five members of the board are the secretary of state, director of the parks and recreation department, director of the department of transportation, director of the tourism department, and state treasurer, each of whom may appoint a designee to attend meetings with full voting privileges.", remove the overstrike over "~~The board~~", and remove the overstrike over "~~shall select from its~~"

Page 10, line 31, remove the overstrike over "~~membership a president, vice president, and secretary to serve as officers of the board.~~"

Page 11, line 4, remove "The governor"

Page 11, remove lines 5 through 8

Page 11, remove lines 13 through 31

Page 12, remove lines 1 through 3

Page 13, line 30, remove the overstrike over "~~president~~" and remove "chairman"

Page 13, line 31, remove the overstrike over "~~seven~~" and remove "three"

Page 14, line 1, remove "legislative", replace "and the council chairman are entitled to" with "not appointed by the governor may", and remove the overstrike over "~~no~~"

Page 14, line 2, remove the overstrike over "~~additional~~", remove the overstrike over "~~but must be paid their~~", and remove "in the amount"

Page 14, remove line 3

Page 14, line 4, remove "reimbursement for"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2427: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2427 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2449: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2449 was placed on the Sixth order on the calendar.

Page 1, line 23, after "department" insert "for the purpose of upland game hunting"

Page 2, line 3, remove "and waterfowl"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4009: Natural Resources Committee (Sen. Fischer, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4009 was placed on the Sixth order on the calendar.

Page 1, line 1, after "urging" insert "the President and"

Page 1, after line 10, insert:

"WHEREAS, some leading environmental and animal rights organizations have blatantly misled many American people about the effects of travel and other activities on national grasslands; and"

Page 1, line 16, after "urges" insert "the President and"

Page 1, line 20, after the first "the" insert "President of the United States, the"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4020: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SCR 4020 was placed on the Sixth order on the calendar.

Page 1, line 8, remove ", and there appears to"

Page 1, remove line 9

Page 1, line 10, remove "Governor's budget"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4029: Finance and Taxation Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (4 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SCR 4029 was placed on the Sixth order on the calendar.

Page 1, after line 10, insert:

"WHEREAS, President Bill Clinton vetoed the Marriage Tax Relief Reconciliation Act of 2000 which sought to address the marriage tax penalty; and

WHEREAS, Congressman Earl Pomeroy voted to sustain President Clinton's veto of the Marriage Tax Relief Reconciliation Act of 2000; and"

Page 1, line 17, remove "Congressman Pomeroy's proposed"

Renumber accordingly

REPORT OF STANDING COMMITTEE

HB 1060, as engrossed: Natural Resources Committee (Sen. Fischer, Chairman) recommends **DO PASS** (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). Engrossed HB 1060 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1095: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1095 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1209, as engrossed: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed HB 1209 was placed on the Fourteenth order on the calendar.

REPORT OF STANDING COMMITTEE

HB 1250: Agriculture Committee (Sen. Wanzek, Chairman) recommends **DO PASS** (6 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). HB 1250 was placed on the Fourteenth order on the calendar.

The Senate stood adjourned pursuant to Senator G. Nelson's motion.

WILLIAM R. HORTON, Secretary

