

JOURNAL OF THE SENATE

Fifty-third Legislative Assembly

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Bismarck, February 15, 1993

The Senate convened at 9:00 p.m., with President Myrdal presiding.

The prayer was offered by Rev. Stanley Malmgren, Menoken Community Church, Menoken.

The roll was called and all members were present except Senators Holmberg and Tallackson.

A quorum was declared by the President.

POINT OF PERSONAL PRIVILEGE

SEN. WOGSLAND: Madam President: I rise on a point of personal privilege.

I request that the Senate Journal reflect that Senators absent for votes today and tomorrow are absent because of scheduling conflicts between the House and Senate. These Senators are absent because they are testifying on bills they have sponsored which are now being heard in the House.

MOTION

SEN. MATHERN MOVED that SB 2432 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2110: A BILL for an Act to authorize the state of North Dakota acting through job service North Dakota to sell certain property; to amend and reenact section 52-04-22 of the North Dakota Century Code, relating to use of the job service North Dakota federal advance interest repayment fund; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Dotzenrod; Holmberg; Marks; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2110 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2308 be moved to the head of the calendar, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2337, which is on the Eleventh order, be laid over two legislative days, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2357: A BILL for an Act to create and enact a new subsection to section 54-35.2-02.1 of the North Dakota Century Code, relating to redeposit of returned funds from local government efficiency planning grants in the state aid distribution fund; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2357 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2379: A BILL for an Act to amend and reenact section 15-10-13.1 of the North Dakota Century Code, relating to English proficiency of graduate assistants at state institutions of higher education.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2379 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2401: A BILL for an Act to create and enact a new section to chapter 26.1-40 of the North Dakota Century Code, relating to payment of automobile insurance benefits to a policyholder's family member.

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 39 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald;

Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Lips

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2401 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2402, SB 2434, SB 2443, and SB 2457 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2415: A BILL for an Act to amend and reenact subsection 4 of section 43-01-10 of the North Dakota Century Code, relating to continuing education requirements for abstracters.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2415 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2458: A BILL for an Act to amend and reenact subsection 10 of section 32-15-02, subsection 1 of section 49-19-01, sections 49-19-11, 49-19-19, and subsection 11 of section 49-22-03 of the North Dakota Century Code, relating to pipelines for the transportation of carbon dioxide.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2458 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2470 and SB 2491 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2496: A BILL for an Act to amend and reenact subsection 2 of section 15-27.3-13 of the North Dakota Century Code, relating to the hiring of teachers by reorganized school districts.

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

YEAS: DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Bowman; Nelson

ABSENT AND NOT VOTING: Andrist; Dotzenrod; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2496 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2497: A BILL for an Act to amend and reenact section 15-27.4-01 of the North Dakota Century Code, relating to the dissolution of public school districts.

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 39 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Dotzenrod; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2497 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2499: A BILL for an Act to amend and reenact sections 43-23-07 and 51-05.1-01 of the North Dakota Century Code, relating to sales of real estate by auctioneers.

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, 36 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Lindaas; Naaden; Tomac

NAYS: Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Dotzenrod; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2499 lost.

MOTION

SEN. MATHERN MOVED that SB 2511, SB 2518, SB 2537, and SCR 4033 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2514: A BILL for an Act to amend and reenact section 15-10-02 of the North Dakota Century Code, relating to student membership on the state board of higher education.

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 30 YEAS, 9 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Mathern; Mushik; Nalewaja; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Urlacher; Wogsland; Yockim

NAYS: Langley; Mutch; Naaden; Nelson; Nething; Stenehjem, B.; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Andrist; Dotzenrod; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2514 passed and the title was agreed to.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4031: A concurrent resolution directing the Legislative Council to study problems relating to the use of contracts for the sale of agricultural commodities.

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 on a voice vote.

SECOND READING OF SENATE CONCURRENT RESOLUTION

SCR 4034: A concurrent resolution urging Congress to provide funds to the appropriate agency for construction of a scenic road connecting the three units of the Theodore Roosevelt National Park in the North Dakota Badlands.

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

SCR 4034 was declared adopted on a voice vote.

MOTION

SEN. MATHERN MOVED that SB 2052, SB 2223, and SB 2230 be moved to the bottom of the calendar, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to limitation of actions for certain asbestos claims by building owners.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 22 YEAS, 18 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: DeMers; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Lindgren; Mathern; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Tomac; Wogsland; Yockim

NAYS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Grindberg; Krebsbach; Lips; Mutch; Naaden; Nalewaja; Nelson; Nething; Stenehjem, B.; Streibel; Tennefos; Thane; Urlacher

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2301 lost.

SECOND READING OF SENATE BILL

SB 2339: A BILL for an Act to establish a state-community matching loan repayment program for nurse practitioners, physician assistants, and certified nurse midwives; and to provide an appropriation.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2339 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2360: A BILL for an Act to amend and reenact section 57-02-08.1 of the North Dakota Century Code, relating to property tax credits for persons with limited income who are sixty-five years of age or over or permanently and totally disabled; 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 39 YEAS, 1 NAY, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Kinnoin

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2360 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2365: A BILL for an Act to amend and reenact sections 25-03.1-02, 25-03.1-18.1, 25-03.1-33, 25-03.1-40, and 25-03.1-41 of the North Dakota Century Code, relating to treatment of mentally ill persons.

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, 40 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

NAYS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2365 lost.

SECOND READING OF SENATE BILL

SB 2445: A BILL for an Act to amend and reenact section 43-17-04 of the North Dakota Century Code, relating to the term of office of members of the board of medical examiners.

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 39 YEAS, 0 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Kelsh; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2445 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to amend and reenact subdivision a of subsection 1 of section 26.1-08-05, subsection 2 of section 26.1-08-05, subdivision a of subsection 1 of section 26.1-08-06, and subsection 2 of section 26.1-08-06 of the North Dakota Century Code, relating to minimum benefits of a qualified health coverage plan.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2527 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2012 and SB 2056 be moved to the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2029: SEN. EVANSON (Appropriations Committee) MOVED that the amendments on SJ page 548 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2029: A BILL for an Act to require the superintendent of public instruction, the department of human services, and the department of transportation to assist school districts in offering before and after school child care services.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 34 YEAS, 6 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Urlacher; Wogsland; Yockim

NAYS: Kinnoin; Mutch; Stenehjem, B.; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2029 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2222 and SB 2378 be moved to the bottom of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2011: SEN. REDLIN (Appropriations Committee) MOVED that the amendments on SJ page 515 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2011: A BILL for an Act to provide an appropriation for defraying the expenses of the state fair association.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 36 YEAS, 4 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Thane; Tomac; Urlacher; Wogsland; Yockim

NAYS: Nelson; Stenehjem, B.; Streibel; Tennefos

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2011 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2165: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 516 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2165: A BILL for an Act to amend and reenact subsection 6 of section 15-51-11 and section 57-15-14 of the North Dakota Century Code, relating to the levying authority of public school districts.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 11 YEAS, 29 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Graba; Heinrich; Lindgren; Lips; Mathern; O'Connell; Redlin; Scherber; Schoenwald

NAYS: Bowman; Dotzenrod; Freborg; Goetz; Grindberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2165 lost.

CONSIDERATION OF AMENDMENTS

SB 2213: SEN. KRAUTER (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 517 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2213: A BILL for an Act to create and enact five new subsections to section 43-15-01, and a new subsection to section 43-15-10 of the North Dakota Century Code, relating to definitions, confidentiality, and a patient bill of rights under pharmacist laws; and to amend and reenact subsections 14 and 16 of section 43-15-01, sections 43-15-03, 43-15-06, 43-15-09, subsections 1, 2, and 3 of section 43-15-10, subsections 1 and 2 of section 43-15-13.2, sections 43-15-13.3, 43-15-13.4, subsection 1 of section 43-15-14, sections 43-15-15, 43-15-16, 43-15-18, 43-15-18.1, 43-15-19, 43-15-20, 43-15-21, 43-15-22, 43-15-25, subsections 1 and 2 of section 43-15-25.1, sections 43-15-26, 43-15-27, subsections 1 and 3 of section 43-15-28.1, sections 43-15-29, 43-15-30, 43-15-31, 43-15-31.2, 43-15-31.3, 43-15-33, subsections 4 and 5 of section 43-15-35, and subsections 1 and 2 of section 43-15-42.1 of the North Dakota Century Code, relating to the practice of pharmacy, the board of pharmacy, and licensing of pharmacists.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2213 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 10:45 a.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

CONSIDERATION OF AMENDMENTS

SB 2279: SEN. KINNOIN (Finance and Taxation Committee) MOVED that the amendments on SJ page 517 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2279: A BILL for an Act to amend and reenact section 57-51.1-02 and subsection 4 of section 57-51.1-03 of the North Dakota Century Code, relating to application of the oil extraction tax to oil produced from a well that was worked over; 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 40 YEAS, 0 NAYS, 0 EXCUSED, 9 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor

SB 2279 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2309: SEN. KINNOIN (Agriculture Committee) MOVED that the amendments on SJ pages 518-519 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2309: A BILL for an Act to amend and reenact section 35-31-02 of the North Dakota Century Code, relating to agricultural supplier's liens.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 16 NAYS, 0 EXCUSED, 10 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Evanson; Graba; Heinrich; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Mathern; Mushik; Nalewaja; Robinson; Scherber; Schoenwald; Tomac; Wogsland; Yockim

NAYS: Bowman; Freborg; Goetz; Grindberg; Lindgren; Lips; Mutch; Naaden; Nelson; Nething; O'Connell; Redlin; Stenehjem, B.; Streibel; Tennefos; Thane

ABSENT AND NOT VOTING: Andrist; Holmberg; Marks; Maxson; Sand; Solberg; Stenehjem, W.; Tallackson; Traynor; Urlacher

SB 2309 lost.

MOTION

SEN. MATHERN MOVED that SB 2333, SB 2388, and SB 2488 be moved to the bottom of the calendar, which motion prevailed.

MOTION

SEN. MATHERN MOVED that SB 2466, which is on the Sixth order, be laid over two legislative days, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2315: SEN. JEROME (Human Services Committee) MOVED that the amendments on SJ page 519 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2315: A BILL for an Act to amend and reenact section 23-12-13 and subsection 2 of section 30.1-28-12 of the North Dakota Century Code, relating to persons authorized to provide informed consent to health care for incapacitated persons and the general powers of a guardian.

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, 0 NAYS, 0 EXCUSED, 4 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson;

Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

ABSENT AND NOT VOTING: Mathern; Naaden; Tallackson; Urlacher

SB 2315 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2362: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 520 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2362: A BILL for an Act relating to consumer credit counseling services; and providing 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 40 YEAS, 7 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Freborg; Mutch; Naaden; Nething; Stenehjem, B.; Streibel; Tennefos

ABSENT AND NOT VOTING: Mathern; Tallackson

SB 2362 passed and the title was agreed to.

MOTION

SEN. WOGSLAND MOVED that SB 2388 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2388: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 520 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to amend and reenact section 15-62.2-03.2 of the North Dakota Century Code, relating to eligibility to reapply for scholarships under the student financial assistance and scholars program.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 0 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Yockim

ABSENT AND NOT VOTING: Mathern; Tallackson; Wogsland

SB 2388 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2394: SEN. JEROME (Human Services Committee) MOVED that the amendments on SJ pages 520-524 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2394: A BILL for an Act to create and enact a new section to chapter 23-06.4 of the North Dakota Century Code, relating to conditions for withdrawing, withholding, or administering nutrition or hydration; and to amend and reenact subsections 1 and 3 of section 23-06.4-03, subsection 2 of section 23-06.4-05, section 23-06.4-07, subsection 1 of section 23-06.4-11, and section 23-06.4-14 of the North Dakota Century Code, relating to declarations concerning life-prolonging treatment and management of qualified patients.

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; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, W.; Tennefos; Thane; Tomac; Traynor; Wogsland; Yockim

NAYS: Stenehjem, B.; Streibel; Urlacher

ABSENT AND NOT VOTING: Mathern; Tallackson

SB 2394 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2417: SEN. JEROME (Human Services Committee) MOVED that the amendments on SJ page 525 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2417: A BILL for an Act to amend and reenact subsection 8 of section 23-06.5-02, subsection 5 of section 23-06.5-03, sections 23-06.5-07, 23-06.5-10, and 23-06.5-17 of the North Dakota Century Code, relating to durable powers of attorney for health care.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Mushik; Tallackson

SB 2417 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2423: SEN. EVANSON (Education Committee) MOVED that the amendments on SJ pages 492-493 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact a new section to chapter 21-06 of the North Dakota Century Code, relating to the use of property for nonprofit education foundations.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 46 YEAS, 1 NAY, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Kelsh

ABSENT AND NOT VOTING: Mushik; Tallackson

SB 2423 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2425: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 493 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2425: A BILL for an Act to create and enact a new subsection to section 41-09-42 of the North Dakota Century Code, relating to including the social security number or the internal revenue service taxpayer identification number of the debtor in a continuation or amendment of a financing statement under the Uniform Commercial Code central filing system.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2425 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2449: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ pages 526-529 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2449: A BILL for an Act to create and enact a new subsection to section 6-03-47.2 of the North Dakota Century Code, relating to investments by banks; to amend and reenact sections 6-03-38, 10-30.2-11, 10-30.2-12, 10-30.2-13, 10-30.2-13.1, 10-30.2-13.2, subsection 4.2 of section 57-38-01, subdivision s of subsection 1 of section 57-38-01.2, and subsection 4 of section 57-38-30.3 of the North Dakota Century Code, relating to investments by banks, tax credits for investments in small business investment companies, the definition of a qualified investment fund, an exemption from income tax liability for distribution of a qualified investment fund, an exclusion from computation of income tax liability of distributions from a qualified investment fund; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2449 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2456: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments on SJ pages 530-531 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2456: A BILL for an Act to amend and reenact section 26.1-02-20, subsection 5 of section 26.1-17-05, and subsection 1 of section 26.1-31.2-01 of the North Dakota Century Code, relating to reinsurance, the authority of nonprofit health service corporations, and credit allowed a domestic ceding insurer; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Mathern; O'Connell; Schoenwald

ABSENT AND NOT VOTING: Tallackson

SB 2456 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. MATHERN MOVED that SB 2488 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2488: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ page 532 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2488: A BILL for an Act to create and enact a new subdivision to subsection 1 of section 14-09-06.2 and a new section to chapter 14-09 of the North Dakota Century Code, relating to effect of allegations of child abuse or sexual abuse in child custody determinations.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennesfos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2488 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2490: SEN. EVANSON (Education Committee) MOVED that the amendments on SJ page 532 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2490: A BILL for an Act to amend and reenact section 15-40.2-09 of the North Dakota Century Code, relating to the attendance of students in public schools or institutions of bordering states.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.;

Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2490 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 1:15 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

MESSAGE TO THE HOUSE FROM THE SENATE (ØAROL SIEGERT, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2001, SB 2013, SB 2015, SB 2018, SB 2080, SB 2206, SB 2217, SB 2313, SB 2361, SB 2390, SB 2421.

SIGNING OF BILLS AND RESOLUTIONS

The President signed the following enrolled bill and resolution: SB 2136, SCR 4026.

MESSAGE TO THE HOUSE FROM THE SENATE (ØAROL SIEGERT, SECRETARY)

MR. SPEAKER: The President has signed and your signature is respectfully requested on: SB 2136, SCR 4026.

MESSAGE TO THE SENATE FROM THE HOUSE (ROY GILBREATH, CHIEF CLERK)

MADAM PRESIDENT: The House has passed and your favorable consideration is requested on: HB 1028, HB 1120, HB 1198, HB 1212, HB 1227, HB 1234, HB 1240.

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Mark Adams

MOTION

SEN. MARKS MOVED that the Senate reconsider its action whereby SB 2301 failed to pass, which motion prevailed.

CONFLICT OF INTEREST

SEN. MAXSON STATED that he had a conflict of interest on SB 2301 and requested permission to vote.

The question being on whether Sen. Maxson could vote on SB 2301, which request was granted.

SECOND READING OF SENATE BILL

SB 2301: A BILL for an Act to create and enact a new section to chapter 28-01 of the North Dakota Century Code, relating to limitation of actions for certain asbestos claims by building owners.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Dotzenrod; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krauter; Marks; Mathern; Maxson; Mushik; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, W.; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Mutch; Naaden; Nalewaja;

Nelson; Nething; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Tallackson

SB 2301 lost.

MOTION

SEN. MATHERN MOVED that SB 2506 be placed at the top of the calendar, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2506: SEN. NALEWAJA (Natural Resources Committee) MOVED that the amendments on SJ page 556 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2506: A BILL for an Act to amend and reenact section 20.1-01-25 of the North Dakota Century Code, relating to depositing refuse on recreation lands; to provide a penalty; and to declare an emergency.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2506 passed, the title was agreed to, and the emergency clause was declared carried.

CONSIDERATION OF AMENDMENTS

SB 2494: SEN. MUTCH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 533 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2494: A BILL for an Act to create and enact three new sections to chapter 26.1-05 of the North Dakota Century Code, relating to redomestication of insurance companies.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2494 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2500: SEN. KELSH (Education Committee) MOVED that the amendments on SJ page 533 be adopted and then be placed on the Eleventh order with **DO NOT PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2500: A BILL for an Act to amend and reenact section 15-34.1-03 of the North Dakota Century Code, relating to approval of parochial or private schools.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 16 YEAS, 32 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Freborg; Goetz; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Solberg; Stenehjem, B.; Streibel; Tennefos; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Evanson; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Redlin; Robinson; Sand; Scherber; Schoenwald; Stenehjem, W.; Thane; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2500 lost.

CONSIDERATION OF AMENDMENTS

SB 2509: SEN. DOTZENROD (Finance and Taxation Committee) MOVED that the amendments on SJ page 494 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2509: A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04.3 of the North Dakota Century Code, relating to the sales and use tax exemption for new manufacturing machinery and equipment.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

SB 2509 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2513: SEN. KELLER (Industry, Business and Labor Committee) MOVED that the amendments on SJ pages 494-495 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2513: A BILL for an Act to amend and reenact section 49-06-02 of the North Dakota Century Code, relating to valuation of public utility property for ratemaking purposes.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 41 YEAS, 7 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: DeMers; Heinrich; Kelly; Mathern; Mushik; Redlin; Scherber

ABSENT AND NOT VOTING: Tallackson

SB 2513 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2517: SEN. TENNEFOS (Finance and Taxation Committee) MOVED that the amendments on SJ page 495 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2517: A BILL for an Act to amend and reenact subsection 4 of section 57-39.2-04 of the North Dakota Century Code, relating to application of sales taxes to admissions to activities held in publicly owned facilities.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2517 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2524: SEN. W. STENEHJEM (Judiciary Committee) MOVED that the amendments

on SJ page 496 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to create and enact a new subsection to section 11-17-04 of the North Dakota Century Code, relating to fees charged by clerks of district and county courts; and to amend and reenact subsection 1 of section 11-17-04 of the North Dakota Century Code, relating to court filing fees.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2524 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2533: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ pages 533-534 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2533: A BILL for an Act to amend and reenact sections 11-13-12 and 11-18-02 of the North Dakota Century Code, relating to prohibiting the recording of deeds transferring property on which taxes are unpaid but not delinquent.

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Maxson

ABSENT AND NOT VOTING: Tallackson

SB 2533 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2535: SEN. GRABA (Human Services Committee) MOVED that the amendments on SJ page 500 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2535: A BILL for an Act to amend and reenact section 14-09-08.2 of the North Dakota Century Code, relating to child support after a child attains majority.

ROLL CALL

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

YEAS: Bowman; Dotzenrod; Kinnoin; Krauter; Naaden; O'Connell; Schoenwald; Solberg

NAYS: Andrist; DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Nalewaja; Nelson; Nething; Redlin; Robinson; Sand; Scherber; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2535 lost.

CONSIDERATION OF AMENDMENTS

SB 2004: SEN. NAA DEN (Appropriations Committee) MOVED that the amendments on SJ page 544 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2004: A BILL for an Act making an appropriation for defraying the expenses of the upper great plains transportation institute.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2004 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2017: SEN. YOCKIM (Appropriations Committee) MOVED that the amendments on SJ pages 545-548 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2017: A BILL for an Act to provide an appropriation for defraying the expenses of the state industrial commission and the agencies under the management of the industrial commission.

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

YEAS: Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Mutch; Streibel; Tennefos

ABSENT AND NOT VOTING: Tallackson

SB 2017 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that the Senate stand in recess until 2:45 p.m., which motion prevailed.

THE SENATE RECONVENED pursuant to recess taken, with President Myrdal presiding.

CONSIDERATION OF AMENDMENTS

SB 2319: SEN. LINDGREN (Political Subdivisions Committee) MOVED that the amendments on SJ page 549 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2319: A BILL for an Act to create and enact two new sections to chapter 24-05 of the North Dakota Century Code, relating to bidding for construction contracts for county roads; and to provide an expiration date.

REQUEST

SEN. DOTZENROD REQUESTED leave of the Senate to speak, which request was granted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Evanson; Goetz; Holmberg; Kelly; Kinnoin; Krebsbach; Lindgren; Lips; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; Redlin; Sand; Solberg; Stenehjem, B.; Streibel; Tennefos

NAYS: Bowman; Dotzenrod; Freborg; Graba; Grindberg; Heinrich; Jerome; Keller; Kelsh; Krauter; Langley; Lindaas; Marks; Mathern; O'Connell; Robinson; Scherber; Schoenwald; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2319 lost.

CONSIDERATION OF AMENDMENTS

SB 2324: SEN. DOTZENROD (Political Subdivisions Committee) MOVED that the

amendments on SJ page 549 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2324: A BILL for an Act to create and enact a new subsection to section 58-03-07 of the North Dakota Century Code, relating to powers of township electors to transfer funds to rural fire protection districts; and to amend and reenact section 58-04-02 of the North Dakota Century Code, relating to calling of a special township meeting.

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

NAYS: Redlin

ABSENT AND NOT VOTING: Tallackson

SB 2324 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2364: SEN. SOLBERG (Agriculture Committee) MOVED that the amendments on SJ pages 549-550 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2364: A BILL for an Act to create and enact a new section to chapter 47-26 of the North Dakota Century Code, relating to the cultivation of land adjoining a boundary line; to amend and reenact section 47-26-05 of the North Dakota Century Code, relating to the erection and maintenance of partition fences; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2364 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2370: SEN. NALEWAJA (Human Services Committee) MOVED that the amendments

on SJ pages 550-554 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2370: A BILL for an Act to amend and reenact sections 25-03.1-02, 25-03.1-04, 25-03.1-08, 25-03.1-09, 25-03.1-10, 25-03.1-11, 25-03.1-13, 25-03.1-16, 25-03.1-17, 25-03.1-18.1, 25-03.1-22, 25-03.1-23, 25-03.1-25, 25-03.1-26, 25-03.1-27, 25-03.1-30, 25-03.1-31, 25-03.1-33, 25-03.1-34, 25-03.1-35, 25-03.1-40, 25-03.1-41, 25-03.1-42, and 25-03.1-43 of the North Dakota Century Code, relating to civil commitment and treatment of mentally ill or chemically dependent persons.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjtem, B.; Stenehjtem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2370 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2431: SEN. MAXSON (Political Subdivisions Committee) MOVED that the amendments on SJ page 555 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2431: A BILL for an Act to provide political subdivision mill levy authority for costs of improvements to public buildings or facilities required by the Americans with Disabilities Act; to create and enact a new subsection to section 57-15-28.1 of the North Dakota Century Code, relating to exceptions to mill levy limitations of political subdivisions; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjtem, B.; Stenehjtem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2431 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2472: SEN. GRABA (Political Subdivisions Committee) MOVED that the amendments on SJ page 555 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2472: A BILL for an Act to amend and reenact section 40-40-21 of the North Dakota Century Code, relating to unencumbered cash balances in city funds at the end of a fiscal year.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2472 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2501: SEN. KELSH (Agriculture Committee) MOVED that the amendments on SJ page 555 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2501: A BILL for an Act to amend and reenact subsection 11 of section 53-06.2-01, subsection 1 of section 53-06.2-08, and section 53-06.2-10 of the North Dakota Century Code, relating to parimutuel racing; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 23 YEAS, 25 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; DeMers; Dotzenrod; Grindberg; Heinrich; Keller; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindgren; Lips; Maxson; Mushik; Robinson; Scherber; Schoenwald; Thane; Traynor; Urlacher; Wogsland; Yockim

NAYS: Andrist; Evanson; Freborg; Goetz; Graba; Holmberg; Jerome; Kelly; Lindaas; Marks; Mathern; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Tomac

ABSENT AND NOT VOTING: Tallackson

SB 2501 lost.

CONSIDERATION OF AMENDMENTS

SB 2503: SEN. GRABA (Political Subdivisions Committee) MOVED that the amendments on SJ pages 555-556 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2503: A BILL for an Act to provide for zoning accommodations for congregate housing or dwelling units for senior citizen occupancy.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, the roll was called and there were 13 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Heinrich; Keller; Kelly; Mathern; Maxson; Mushik; Nalewaja; O'Connell; Scherber; Schoenwald; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Goetz; Graba; Grindberg; Holmberg; Jerome; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mutch; Naaden; Nelson; Nething; Redlin; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2503 lost.

CONSIDERATION OF AMENDMENTS

SB 2534: SEN. TENNEFOS (Transportation Committee) MOVED that the amendments on SJ pages 556-557 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2534: A BILL for an Act to amend and reenact subsection 3 of section 39-21-32 and section 39-21-44.2 of the North Dakota Century Code, relating to vehicle brake equipment and safety chain connections between vehicles.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2534 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2307: SEN. MAXSON (Judiciary Committee) MOVED that the amendments on SJ pages 518-519 be adopted and then be placed on the Eleventh order with DO NOT PASS, which motion prevailed on a verification vote.

MOTION

SEN. MATHERN MOVED that SB 2307 be laid over one legislative day, which motion failed on a verification vote.

SECOND READING OF SENATE BILL

SB 2307: A BILL for an Act to create and enact two new sections to chapter

16.1-08 of the North Dakota Century Code, relating to campaign contributions; to amend and reenact subsection 2 of section 16.1-08-02 and subsection 2 of section 16.1-08.1-01 of the North Dakota Century Code, relating to campaign contributions; 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 7 YEAS, 41 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Kelly; Kelsh; Krauter; Mushik; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kinnoin; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

ABSENT AND NOT VOTING: Tallackson

SB 2307 lost.

CONSIDERATION OF AMENDMENTS

SB 2441: SEN. KREBSBACH (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 525 be adopted and then be placed on the Eleventh order WITHOUT RECOMMENDATION, which motion failed on a verification vote.

SECOND READING OF SENATE BILL

SB 2441: A BILL for an Act to amend and reenact section 26.1-30-18 of the North Dakota Century Code, relating to the inception and expiration of insurance policies.

ROLL CALL

The question being on the final passage of the bill, which has been read, the roll was called and there were 28 YEAS, 20 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Evanson; Freborg; Goetz; Grindberg; Holmberg; Kelsh; Krauter; Krebsbach; Lindgren; Lips; Marks; Mutch; Naaden; Nalewaja; Nelson; Nething; Robinson; Sand; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher

NAYS: DeMers; Dotzenrod; Graba; Heinrich; Jerome; Keller; Kelly; Kinnoin; Langley; Lindaas; Mathern; Maxson; Mushik; O'Connell; Redlin; Scherber; Schoenwald; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2441 passed and the title was agreed to.

MOTION

SEN. MATHERN MOVED that SB 2432, SB 2308, SB 2402, SB 2434, SB 2443, SB 2457, SB 2470, SB 2491, SB 2511, SB 2518, SB 2537, SCR 4033, SB 2052, SB 2230, and SB 2223 be moved to the head of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to additional support payments for isolated schools; to amend and reenact sections

15-40.1-06, 15-40.1-07, 15-40.1-09, 15-40.1-16, 15-40.1-16.1, and 15-40.1-17 of the North Dakota Century Code, relating to the educational support for students and aid for transportation; and to repeal chapter 15-27.6 and sections 15-40.1-07.2, 15-40.1-07.3, and 15-40.1-08 of the North Dakota Century Code, relating to school district boundary restructuring, payments for alternative programs, payments for dissolved or annexed school districts, and elementary per-pupil payments.

MOTION

SEN. LIPS MOVED that Engrossed SB 2432 be amended as follows:

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 15-40.1 of the North Dakota Century Code, relating to additional support payments for isolated schools; and to amend and reenact sections 15-40.1-06, 15-40.1-07, 15-40.1-08, 15-40.1-16, 15-40.1-16.1, 15-40.1-17, 15-40.2-03, and 57-15-14 of the North Dakota Century Code, relating to the educational support for students and aid for transportation.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 15-40.1-06 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-06. ~~Declaration of legislative intent~~ Educational support per pupil ~~School district equalization factor~~ student - Limitations.

1. ~~It is the intent of the legislative assembly, not considering any separate and supplemental payments as may be provided by law, to support elementary and secondary education in this state from state funds based on the educational cost per pupil. In determining the educational cost per pupil, the following criteria may not be used:~~
 - a. ~~Expenditures for capital outlay for buildings and sites, or debt service.~~
 - b. ~~Expenditures from school activities and school lunch programs.~~
 - c. ~~Expenditures for the cost of transportation, including the cost of school buses.~~
2. a. ~~The educational support per pupil during the first year of the 1991-93 biennium must be one thousand five hundred fifty two dollars and for the second year of the biennium the educational support per pupil must be one thousand six hundred eight dollars and is the basis for calculating grants in aid on a per-pupil basis as provided in sections 15 40.1 07 and 15 40.1 08.~~
 - b. ~~School districts operating high schools not meeting the minimum curriculum as provided in section 15 41 24 or the teacher qualifications in section 15 41 25 must be supported in the amount of two hundred twenty dollars, which is the basis for calculating grants in aid on a per-pupil basis as provided in section 15 40.1 07.~~
 - c. ~~School districts operating high schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1991, or that become unaccredited in any succeeding school year must be supported for the 1991-92~~

~~school year or for the first year that they become unaccredited in the amount of the educational support per pupil established in subdivision a, which is the basis for calculating grants in aid on a per pupil basis as provided in section 15 40.1 07, but those school districts are not entitled to the amounts resulting from applying the factors in that section. The amount of aid a school district is entitled to under this subsection for each high school that is not accredited must be reduced by two hundred dollars times the number of pupils in the school for the second school year that the high school is unaccredited, and an additional two hundred dollars per pupil in the unaccredited school for each additional year the school remains unaccredited. Any high school that becomes accredited is entitled to the per pupil payments provided for in section 15 40.1 07 for the entire school year in which the school becomes accredited.~~

- ~~d. School districts operating elementary schools that are not accredited pursuant to the accreditation standards adopted by the superintendent of public instruction on July 1, 1992, or that become unaccredited in any succeeding school year must be supported for the 1992-93 school year or for the first year that they become unaccredited in the amount of the educational support per pupil established in subdivision a, which is the basis for calculating grants in aid on a per pupil basis as provided in section 15 40.1 08, except that the amount of aid that a school district is entitled to under this subsection for each elementary school that is unaccredited must be reduced by two hundred dollars times the number of pupils in the school each year that the elementary school is unaccredited. Any elementary school that becomes accredited is entitled to the per pupil payments provided for in section 15 40.1 08 for the entire school year in which the school becomes accredited.~~
3. In determining the amount of payment due school districts for per-pupil aid under this section, the following amounts must be subtracted from the amount of such aid:
- a. The product of twenty one mills for the 1989-90 school year and twenty two mills for each year thereafter times the latest available net assessed and equalized valuation of property of the school district.
 - b. The amount that the unobligated balance of a school district's interim fund on the preceding June thirtieth is in excess of the amount authorized by section 57-15-27.

In order to participate in a program that provides each elementary and high school student attending school full time in the district with educational support at the level of two thousand eight hundred sixty dollars, as adjusted by the weighting factors in sections 15-40.1-07 and 15-40.1-08, a school district shall combine its efforts with those of the state as follows:

- a. Notwithstanding any other mill levy limitations, the school district shall levy one hundred sixty-five mills on the taxable valuation of property in the district, the proceeds of which must be reserved for the educational

support of elementary and high school students in the district;

b. The school district shall reserve all funds received each year from mineral resources, distributions of tax revenues from mineral production, severance, extraction, and facilities, Public Law 81-874 impact aid, Public Law 81-874 low income housing aid, and all other state or federal revenue in lieu of taxes for the educational support of elementary and high school students in the district; and

c. The superintendent of public instruction shall multiply two thousand eight hundred sixty dollars, as adjusted by the weighting factors set forth in sections 15-40.1-07 and 15-40.1-08, by the number of full-time equivalent students in kindergarten through grade twelve, registered in each participating district, and subtract from that total the amount of money to which the school district is entitled from the sources listed in subdivisions a and b, in order to obtain the district's share of educational support from the state.

2. Any school district levying 29.46 mills on the taxable valuation of all real property in the district, in addition to the amount required by subdivision a of subsection 1, is entitled to receive from the state the difference between the amount raised by the levy of 29.46 mills and the amount raised by multiplying five hundred dollars by the number of full-time equivalent students residing in the school district and attending kindergarten through grade twelve in district schools. If a school district levies fewer than 29.46 mills on the taxable valuation of all real property in the district, in addition to the amount required by subdivision a of subsection 1, the school district is entitled to the amount raised by multiplying the number of dollars having the same relationship to five hundred as the number of additional mills levied by that district has to 29.46 mills by the number of full-time equivalent students residing in the school district and attending kindergarten through grade twelve in district schools.

3. The educational cost per student may not include expenditures for capital outlay for buildings and sites or debt service, expenditures from school activities and school lunch programs, and expenditures for the cost of transportation, including the cost of schoolbuses.

4. No school district may receive foundation payments beyond the October payment unless the following reports have been filed with the superintendent of public instruction:

a. Annual average daily membership report.

b. Annual school district financial report.

c. The September tenth fall enrollment report.

d. The personnel report forms for certified and noncertified employees.

5. No school district may receive the January foundation payment unless the taxable valuation and mill levy certifications are on file with the department of public instruction by December fifteenth.

SECTION 2. AMENDMENT. Section 15-40.1-07 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-07. High school ~~per-pupil~~ per student payments - Amount - Proportionate payments. Payments must be made each year from state funds to each school district operating a high school and to each school district contracting to educate high school ~~pupils~~ students in a federal school, subject to adjustment as provided in section 15-40.1-09, as follows:

1. For each high school district having under seventy-five ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the ~~factor 1.635 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.625~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of high school ~~pupils~~ students in grades nine through twelve registered in that school district, times the educational support per ~~pupil~~ student as provided in section 15-40.1-06.
2. For each high school district having seventy-five or more, but less than one hundred fifty ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the ~~factor 1.35 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.335~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of high school ~~pupils~~ students in grades nine through twelve registered in that school district times the educational support per ~~pupil~~ student as provided in section 15-40.1-06.
3. For each high school district having one hundred fifty or more, but less than five hundred fifty ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the ~~factor 1.28 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.24~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of high school ~~pupils~~ students in grades nine through twelve registered in that school district times the educational support per ~~pupil~~ student as provided in section 15-40.1-06.
4. For each high school district having a total high school enrollment of five hundred fifty or more ~~pupils~~ students in average daily membership in grades nine through twelve, the amount of money resulting from multiplying the ~~factor 1.17 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.14~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of high school ~~pupils~~ students in grades nine through twelve registered in that school district times the educational support per ~~pupil~~ student as provided in section 15-40.1-06.
5. For high schools having an approved alternative education program, the amount of money resulting from multiplying the factor in:
 - a. Subsection 1 times the number of ~~pupils~~ students registered in the alternative education program times the

educational support per ~~pupil~~ student as provided in section 15-40.1-06 if the alternative education program has less than seventy-five ~~pupils~~ students in average daily membership.

- b. Subsection 2 times the number of ~~pupils~~ students registered in the alternative education program times the educational support per ~~pupil~~ student as provided in section 15-40.1-06 if the alternative education program has seventy-five or more, but less than one hundred fifty ~~pupils~~ students in average daily membership.
- c. Subsection 3 times the number of ~~pupils~~ students registered in the alternative education program times the educational support per ~~pupil~~ student as provided in section 15-40.1-06 if the alternative education program has one hundred fifty or more, but less than five hundred fifty ~~pupils~~ students in average daily membership.
- d. Subsection 4 times the number of ~~pupils~~ students registered in the alternative education program times the educational support per ~~pupil~~ student as provided in section 15-40.1-06 if the alternative education program has five hundred fifty or more ~~pupils~~ students in average daily membership.

Every high school district must receive at least as much in total payments as it would have received if it had the highest number of ~~pupils~~ students in the next lower category. Such payments may not be made unless four or more units of standard high school work approved by the superintendent of public instruction are offered during the current year, only certificated teachers have been employed, and the other standards prescribed by this chapter have been met. Payments must be made to the high school district in which the student is enrolled for graduation and units of approved vocational education in accordance with the provisions of chapter 15-20.1, and other courses approved by the superintendent of public instruction, earned in another high school district must be included to meet the minimum four required units. In the case of students enrolled in nonpublic schools for graduation or students enrolled in less than four units of standard high school work who are in their fourth year of high school coursework and who are enrolled in approved alternative high school curriculum programs, proportionate payments must be made to the public school district in which such student is enrolled for specific courses. School districts offering high school summer school programs are eligible for proportionate payments provided each course offered in such programs satisfies requirements for graduation, comprises at least as many clock hours as courses offered during the regular school term, and complies with rules adopted by the superintendent of public instruction. The superintendent may adopt rules regarding eligibility for school districts to receive proportionate payments for such summer education programs.

Districts that did not maintain high schools during the year of 1964-1965 are not eligible for payments unless they have a minimum enrollment of twenty-five ~~pupils~~ students if four years of high school work are offered, a minimum enrollment of twenty ~~pupils~~ students if three years of high school work are offered, a minimum enrollment of fifteen ~~pupils~~ students if two years of high school work are offered, and a minimum enrollment of ten ~~pupils~~ students if one year of high school work is offered. Payments pursuant to this chapter to school districts in bordering states must be made after subtracting the amounts provided for in ~~subsection 3~~ of section 15-40.1-06 in the sending school district divided by the total number of resident ~~pupils~~

students enrolled in the school district plus the number of resident pupils students from the district attending school in another state.

SECTION 3. AMENDMENT. Section 15-40.1-08 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-08. Elementary ~~per-pupil~~ per student payments - Amount. Payments must be made from state funds to each school district operating an elementary school and to each school district contracting to educate elementary pupils students in a federal school, employing teachers holding valid certificates or permits in accordance with section 15-47-46 and chapter 15-36, adjusted as provided in section 15-40.1-09, as follows:

1. For each one-room rural school, the amount of money resulting from multiplying the ~~factor 1.29 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.28~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of pupils students in that school in grades one through eight in average daily membership, up to a maximum of sixteen pupils students, times the educational support per pupil student as provided in section 15-40.1-06. There must be paid .9 times each additional pupil student in its school in grades one through eight in average daily membership times the educational support per pupil student as provided in section 15-40.1-06, except that no payment may be made for more than twenty pupils students in average daily membership. If the one-room rural school is located in a school district with another elementary school, the weighting factor for the pupils students in grades one through six must be based on the average daily membership in the district in grades one through six as provided in subsections 2 through 4. If the one-room rural school is located in a school district with another school that has pupils students in grade seven or eight, the weighting factor for the pupils students in grades seven and eight must be the same as that provided for in subsection 5.
2. For each elementary school in school districts having under one hundred pupils students in average daily membership in grades one through six, the amount of money resulting from multiplying the ~~factor 1.045 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.09~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of pupils students in that school in grades one through six in average daily membership in each classroom or for each teacher, up to a maximum of twenty pupils students per classroom or per teacher, times the educational support per pupil student as provided in section 15-40.1-06. There must be paid .9 times each additional pupil student in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per pupil student as provided in section 15-40.1-06, except that no payment may be made for more than twenty-five pupils students in average daily membership in each classroom or for each teacher.
3. For each elementary school in school districts having one hundred or more pupils students in average daily membership in grades one through six, and provided the districts in which such schools are located have an average daily

membership of less than one thousand elementary ~~pupils~~ students in grades one through six, the amount of money resulting from multiplying the ~~factor .9025 for the 1989-90 school year and, beginning July 1, 1990, the factor .905~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of ~~pupils~~ students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per ~~pupil~~ student as provided in section 15-40.1-06, except that no payment may be made for more than thirty ~~pupils~~ students in average daily membership in each classroom or for each teacher.

4. For each elementary school in school districts having an average daily membership of one thousand or more elementary ~~pupils~~ students in grades one through six, the amount of money resulting from multiplying the ~~factor .95 ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student~~ times the number of ~~pupils~~ students in that school in grades one through six in average daily membership in each classroom or for each teacher times the educational support per ~~pupil~~ student as provided in section 15-40.1-06, except that no payment may be made for more than thirty ~~pupils~~ students in average daily membership in each classroom or for each teacher.
5. For each of the above classes of elementary schools, except for one-room rural schools that are not located in a district with another school that has ~~pupils~~ students in grade seven or eight, there must be paid to each school the amount of money resulting from multiplying the ~~factor 1.005 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of ~~pupils~~ students in that school in grades seven and eight in average daily membership in each classroom or for each teacher times the educational support per ~~pupil~~ student as provided in section 15-40.1-06, except that no payment may be made for more than thirty ~~pupils~~ students in average daily membership in each classroom or for each teacher.
6. For each elementary school having ~~pupils~~ students under the compulsory age for school attendance, but not less than three years of age, in a special education program approved by the director of special education, the amount of money resulting from multiplying the ~~factor .75 for the 1989-90 school year and, beginning July 1, 1990, the factor 1.01~~ ratio of the five-year average cost of education per student in this enrollment category to the statewide average cost of education per student times the number of special education ~~pupils~~ students in that school under the compulsory age for school attendance in average daily membership in each classroom or for each teacher times the educational support per ~~pupil~~ student as provided in section 15-40.1-06.
7. For each elementary school providing a kindergarten that is established according to provisions of section 15-45-01, and for each out-of-state kindergarten program, approved by the state superintendent and utilized by North Dakota school districts bordering other states, the amount of money resulting from multiplying the ~~factor .50~~ ratio of the five-year average cost of education per student in this

enrollment category to the statewide average cost of education per student times the number of pupils students in that school in average daily membership in each classroom or for each teacher times the educational support per pupil per student payment for that elementary school as determined under this section, except that no payment may be made for more than twenty-five pupils students in average daily membership in each classroom or for each teacher. The full per-pupil per student payment shall be made only to those kindergarten programs providing the equivalent of ninety full days of classroom instruction during any twelve-month period. Programs providing shorter periods of instruction during the same time period shall receive a proportionately smaller per-pupil per student payment.

Every school district must receive at least as much in total payments for elementary pupils students as it would have received if it had the highest number of pupils students in the next lower category. Payments pursuant to this chapter to school districts in bordering states must be made after subtracting the amounts provided for in ~~subsection 3~~ of section 15-40.1-06 in the sending school district divided by the total number of resident pupils students enrolled in the school district plus the number of resident pupils students from the district attending school in another state.

SECTION 4. A new section to chapter 15-40.1 of the North Dakota Century Code is created and enacted as follows:

Isolated schools - Additional support. In addition to the support provided for in sections 15-40.1-06, 15-40.1-07, and 15-40.1-08, a school is entitled to receive two hundred dollars times the number of full-time equivalent students in average daily membership provided:

1. The school has fewer than three hundred students in full-time equivalent average daily membership;
2. The school, using the most convenient public course of travel, is located no less than fifteen miles from the nearest public school, within or outside the district; and
3. The school district in which the school is located levied during the prior year an amount equal to or greater than the statewide average total mill levy for the previous year.

SECTION 5. AMENDMENT. Section 15-40.1-16 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-16. Aid for transportation. There shall be paid from state funds to each school district providing schoolbus transportation in contract schoolbuses or in district-owned and operated schoolbuses, and to school districts with students riding commercial buses to and from school within the incorporated limits of a city, ~~the following amounts:~~

- ~~1. For schoolbuses and school vehicles transporting pupils who live outside the incorporated limits of the city in which school the pupil is enrolled is located, a sum equal to twenty-five thirty-five cents per mile [1.61 kilometers] during each year of the 1991-93 biennium for vehicles having a capacity of nine or fewer pupils and sixty-seven cents per mile [1.61 kilometers] for each year of the 1991-93 biennium for schoolbuses having a capacity of ten or more pupils. In addition, those school districts qualifying for payments for buses having a capacity of ten or more pupils are entitled to~~

~~an amount equal to twenty eight cents per day for each public school pupil living outside the city limits who is transported in such buses.~~

2. ~~For pupils who ride schoolbuses or commercial buses to or from school and who live within the incorporated limits of the city in which the school the pupil is enrolled is located, a sum equal to seventeen and one half cents per pupil per one way trip. However, no payment shall be made under this subsection for a student who rode on a vehicle for which payments are claimed under subsection 1 plus fifty percent of the difference between the mileage payment and the transportation operating expenditures reported by the school district to the superintendent of public instruction for the most recent year plus the five-year average cost of transportation equipment determined by the superintendent of public instruction. No payment may be made for mileage increases greater than five percent over the previous year unless approved by the superintendent of public instruction. Total payments for transportation aid may not exceed seventy percent of the district's actual cost of providing transportation.~~

The mileage payments provided for in this section shall be made to each school district for transporting pupils students to and from school. Such payments shall be made only to school districts operating schoolbuses in accordance with the laws of this state relating to standards for schoolbuses, and to the qualifications of schoolbus drivers. Certification as to the compliance with the laws of this state in regard to schoolbuses and their drivers shall be made in such manner and in such detail as the superintendent of public instruction may require at the time an application is made for payments provided under this section.

SECTION 6. AMENDMENT. Section 15-40.1-16.1 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.1-16.1. Transportation aid for certain vocational education and special education programs. There must be paid from state funds to each school district an amount for transporting pupils students to and from schools in other districts and to and from schools within school districts for vocational education courses offered through cooperative arrangements approved by the state board of vocational education. Such amount must be the same amount ~~for mileage and per day~~ as is provided in ~~subsection 1~~ of section 15-40.1-16. Payments must be made to school districts transporting pupils students for special education programs approved by the superintendent of public instruction ~~as follows:~~

1. ~~School districts transporting nine or fewer pupils per vehicle are entitled to the payment in the amount provided in section 15-40.1-16 for vehicles having a capacity of nine or fewer pupils.~~
2. ~~School districts transporting ten or more pupils per vehicle are entitled to the payment provided for in section 15-40.1-16 for schoolbuses having a capacity of ten or more pupils.~~

School districts entitled to transportation aid pursuant to this section shall receive such aid for all miles [kilometers] traveled and for all pupils students transported, regardless of whether or not such pupils students live within the incorporated limits of cities in which the schools in which they are enrolled are located. Provided, however,

that no school district may receive more than one ~~per pupil~~ per student payment for transportation regardless of the number of times any ~~pupil~~ student is transported in any one day. Notwithstanding any other provisions of this section, the superintendent of public instruction shall, upon request, make the payments under this section which are due to school districts participating in area vocational and technology centers or multidistrict special education programs, for the transportation of ~~pupils~~ students in those centers and programs, directly to the respective area vocational and technology centers or multidistrict special education programs.

SECTION 7. AMENDMENT. Section 15-40.1-17 of the North Dakota Century Code is amended and reenacted as follows:

15-40.1-17. Application for transportation payments. On or before July fifteenth of each year, the ~~clerk~~ business manager of each school district in this state providing schoolbus transportation shall certify to the county superintendent of schools ~~the following information:~~

- 1- ~~For schoolbuses transporting pupils who live outside the incorporated limits of the city in which the school is located, if applicable, the number of schoolbuses operated on a contract basis or owned and operated by the district, the manufacturer's rated pupil student capacity of each bus, and the daily mileage each bus traveled on a schoolbus route during the school year in transporting pupils students as provided for in section sections 15-40.1-16 and in section 15-40.1-16.1.~~
- 2- ~~For schoolbuses or commercial buses transporting pupils who live within the incorporated limits of the city in which the school is located, a city plat or plats indicating each school building location, the routes traveled by each bus, the manufacturer's rated capacity, and the number of one way trips either to or from school made by pupils from within the city limits on each bus during the school year.~~

Each school district ~~clerk~~ business manager shall also certify the amount of transportation payments claimed, and ~~such~~ other information as required by the superintendent of public instruction ~~may require.~~ On or before the first day of September in each year, the county superintendent of schools shall certify all claims for transportation payments submitted by school districts in the county to the state superintendent of public instruction. At the time the county superintendent of schools certifies ~~such~~ the claims to the superintendent of public instruction, ~~he~~ the county superintendent of schools shall also give notice to any district of any disallowance that may have been made ~~by him~~ in the claim for transportation payments. Any district may appeal the decision of the county superintendent of schools to the superintendent of public instruction on or before the fifteenth day of September of any year in which the determination is made. The superintendent of public instruction may change or modify the determination of the county superintendent if the evidence submitted by the district warrants a modification. The judgment of the superintendent of public instruction shall be final.

SECTION 8. AMENDMENT. Section 15-40.2-03 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

15-40.2-03. Tuition payments. Except as provided in section 15-40.2-04, school districts educating ~~pupils~~ students in other school districts shall pay the full cost of education. Such costs must be determined on the basis of average daily membership and must include annual expenditures from the general fund and annual educational

expenditures from all special funds; provided, that only those expenditures permitted in determining the educational cost per ~~per~~ student in section 15-40.1-06 may be included in determining average current operating expenses. To such average current operating expense in the county for kindergarten, elementary, or high school students, as the case may be, except special education students where a fair rental charge for each student for capital outlay must be determined by the department of public instruction, must be added the statewide total of all school districts' annual expenditures from sinking and interest funds, plus the statewide total of all school districts' annual tax receipts to the building funds, including any amounts expended from school districts' general funds for capital outlay, divided by the average daily membership of the state. From this amount, the following must be deducted for each individual ~~per~~ student:

1. Such payments as are received for that ~~per~~ student from state payments received by the admitting district, less the average amount per North Dakota resident ~~per~~ student enrolled in the school district realized from the amounts provided for in ~~subsection 3 of~~ section 15-40.1-06; and
2. A credit applied for any school taxes paid to the admitting district by the parent or guardian of the admitted ~~per~~ student.

The amount remaining is the tuition charge for the individual ~~per~~ student, and must be paid under this chapter.

The amount calculated for kindergarten students must be one-half of the amount calculated for elementary students.

If the district of residence and the parent or guardian are both paying tuition, the credit allowed under this section for taxes paid to the admitting district by the parent or guardian must be credited to the district of residence and the parent or guardian in proportion to the amount of tuition paid by each.

Nothing contained in this chapter affects the right of a school district to charge and collect such tuition as may be fixed by agreement from ~~per~~ students who are not residents of this state, in accordance with section 15-40.2-10.

SECTION 9. AMENDMENT. Section 57-15-14 of the 1991 Supplement to the North Dakota Century Code is amended and reenacted as follows:

57-15-14. Tax levy limitations in school districts. The aggregate amount levied each year for the purposes listed in section 57-15-14.2 by any school district, except the Fargo school district, may not exceed the amount in dollars which the school district levied for the prior school year plus eighteen percent up to a general fund levy of one hundred eighty mills on the dollar of the taxable valuation of the district, except that:

1. In any school district having a total population in excess of four thousand according to the last federal decennial census:
 - a. There may be levied any specific number of mills that upon resolution of the school board has been submitted to and approved by a majority of the qualified electors voting upon the question at any regular or special school district election.
 - b. There shall be no limitation upon the taxes which may be levied if upon resolution of the school board of any such district the removal of the mill levy limitation has been

submitted to and approved by a majority of the qualified electors voting at any regular or special election upon such question.

2. In any school district having a total population of less than four thousand, there may be levied any specific number of mills that upon resolution of the school board has been approved by fifty-five percent of the qualified electors voting upon the question at any regular or special school election.
3. In any school district in which the total assessed valuation of property has increased twenty percent or more over the prior year and in which as a result of that increase the school district is entitled to less in state foundation aid payments provided in sections 15-40.1-06 through 15-40.1-08 ~~because of the deduction required in subsection 3 of section 15-40.1-06~~, there may be levied any specific number of mills more in dollars than was levied in the prior year up to a general fund levy of one hundred eighty mills on the dollar of the taxable valuation of the school district. The additional levy authorized by this subsection may be levied for not more than two years because of any twenty percent or greater annual increase in assessed valuation. The total amount of revenue generated in excess of the eighteen percent increase which is otherwise permitted by this section may not exceed the amount of state aid payments lost as a result of applying the deduction provided in ~~subsection 3 of section 15-40.1-06~~ to the increased assessed valuation of the school district in a one-year period.

The question of authorizing or discontinuing such specific number of mills authority or unlimited taxing authority in any school district must be submitted to the qualified electors at the next regular election upon resolution of the school board or upon the filing with the school board of a petition containing the signatures of qualified electors of the district equal in number to twenty percent of the number of persons enumerated in the school census for that district for the most recent year such census was taken, unless such census is greater than four thousand in which case only fifteen percent of the number of persons enumerated in the school census shall be required. However, not fewer than twenty-five signatures shall be required unless the district has fewer than twenty-five qualified electors, in which case the petition shall be signed by not less than twenty-five percent of the qualified electors of the district. In those districts with fewer than twenty-five qualified electors, the number of qualified electors in the district must be determined by the county superintendent for such county in which such school is located. However, the approval of discontinuing either such authority shall not affect the tax levy in the calendar year in which the election is held. The election must be held in the same manner and subject to the same conditions as provided in this section for the first election upon the question of authorizing the mill levy."

Renumber accordingly

REQUEST

SEN. KRAUTER REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2432.

REQUEST

SEN. YOCKIM REQUESTED a division on the proposed amendments.

DIVISION A

Division A consists of subdivision b of subsection 1 of section 15-40.1-06 and the following portion of subdivision c of subsection 1 of section 15-40.1-06 and "and b"

ROLL CALL

The question being on the motion to adopt Division A, the roll was called and there were 13 YEAS, 35 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Graba; Grindberg; Kelly; Kelsh; Langley; Mushik; Mutch; Nelson; Nething; Scherber; Streibel

NAYS: Bowman; Dotzenrod; Evanson; Freborg; Goetz; Heinrich; Holmberg; Jerome; Keller; Kinnoin; Krauter; Krebsbach; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Naaden; Nalewaja; O'Connell; Redlin; Robinson; Sand; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

Division A lost.

DIVISION B

Division B consisted of the remainder of the amendment.

ROLL CALL

The question being on the motion to adopt Division B, the roll was called and there were 26 YEAS, 22 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Keller; Kelly; Krebsbach; Lindgren; Lips; Mushik; Naaden; Nalewaja; Redlin; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Traynor; Urlacher; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Jerome; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mutch; Nelson; Nething; O'Connell; Robinson; Sand; Solberg; Streibel; Tomac; Wogsland

ABSENT AND NOT VOTING: Tallackson

Division B adopted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Evanson; Goetz; Graba; Grindberg; Heinrich; Holmberg; Kelly; Krebsbach; Lindgren; Lips; Mushik; Nalewaja; Redlin; Scherber; Stenehjem, B.; Stenehjem, W.; Tennefos; Thane; Traynor; Yockim

NAYS: Andrist; Bowman; Dotzenrod; Freborg; Jerome; Keller; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Maxson; Mutch; Naaden; Nelson; Nething; O'Connell; Robinson; Sand; Schoenwald; Solberg; Streibel; Tomac; Urlacher; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2432 lost.

SECOND READING OF SENATE BILL

SB 2308: A BILL for an Act to amend and reenact section 50-25.1-05.4 of the North Dakota Century Code, relating to rules to resolve complaints of suspected child abuse or neglect.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Dotzenrod; Evanson; Freborg; Goetz; Graba; Grindberg; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Krebsbach; Langley; Lindaas; Lindgren; Lips; Marks; Mathern; Maxson; Mushik; Mutch; Naaden; Nalewaja; Nelson; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schoenwald; Solberg; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2308 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2402: A BILL for an Act to create and enact a new section to chapter 10-06 of the North Dakota Century Code, relating to corporations not subject to the corporate farming law.

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

YEAS: Andrist; Evanson; Goetz; Grindberg; Krebsbach; Lindgren; Lips; Maxson; Naaden; Nalewaja; Nelson; Sand; Solberg; Streibel; Tennefos; Traynor

NAYS: Bowman; DeMers; Dotzenrod; Freborg; Graba; Heinrich; Holmberg; Jerome; Keller; Kelly; Kelsh; Kinnoin; Krauter; Langley; Lindaas; Marks; Mathern; Mushik; Mutch; Nething; O'Connell; Redlin; Robinson; Scherber; Schoenwald; Stenehjem, B.; Stenehjem, W.; Thane; Tomac; Urlacher; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2402 lost.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2004, SB 2011, SB 2017, SB 2029, SB 2110, SB 2213, SB 2279, SB 2315, SB 2324, SB 2362, SB 2364, SB 2370, SB 2388, SB 2394, SB 2417, SB 2423, SB 2425, SB 2431, SB 2449, SB 2456, SB 2472, SB 2488, SB 2490, SB 2494, SB 2506, SB 2509, SB 2513, SB 2517, SB 2524, and SB 2533 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2308, SB 2339, SB 2357, SB 2360, SB 2379, SB 2401, SB 2415, SB 2445, SB 2458, SB 2496, SB 2497, SB 2514, SB 2527, SCR 4031, and SCR 4034 passed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

MOTION

SEN. MATHERN MOVED that the vote by which SB 2165, SB 2301, SB 2307, SB 2309,

SB 2319, SB 2365, SB 2402, SB 2432, SB 2499, SB 2500, SB 2501, SB 2503, and SB 2535 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

REPORT OF DELAYED BILLS COMMITTEE

MADAM PRESIDENT: Your **Delayed Bills Committee (Sen. Schoenwald, Chairman)** has examined and has cast a unanimous ballot in favor of a bill for an Act to authorize the state board of education to exchange certain state-owned land at Bismarck state college for certain property owned by the Theodore Roosevelt Medora foundation; and to declare an emergency.

The bill will be SB 2538.

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

MOTION

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

MOTION

SEN. MATHERN MOVED that the Senate be on the Fifth, Ninth, Thirteenth, and Sixteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 9:00 a.m., Tuesday, February 16, 1993, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2006: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING)**. SB 2006 was placed on the Sixth order on the calendar.

Page 1, line 2, replace the second "and" with "to provide a statement regarding the disbursement of domestic violence prevention grants;"

Page 1, line 5, after "fund" insert "; and to amend and reenact sections 23-09-11, 23-09-18, and 23-09-19 of the North Dakota Century Code, relating to inspections by the department of health and consolidated laboratories"

Page 1, line 14, replace "22,606,256" with "22,197,754"

Page 1, line 16, replace "25,477,503" with "25,467,503"

Page 1, line 17, replace "865,976" with "855,976"

Page 1, line 18, replace "11,576,168" with "11,956,168"

Page 1, line 22, replace "80,000" with "80,000"

Page 2, remove line 1

Page 2, line 2, replace "63,755,674" with "62,587,172"

Page 2, line 3, replace "47,084,424" with "47,610,217"

Page 2, line 4, replace "16,671,250" with "14,976,955"

Page 2, line 5, replace "**APPROPRIATION**" with "**ABANDONED MOTOR VEHICLE DISPOSAL FUND**" and remove "appropriated"

Page 2, line 6, replace "which is hereby appropriated" with ", or so much of the sum as may be necessary, to be made available"

Page 2, line 11, replace "\$220,000 which" with "\$700,000, or so much of the sum as may be necessary, to be made available to"

Page 2, line 12, remove "may spend"

Page 2, line 16, replace "which" with ", or so much of the sum as may be necessary, to be made available to"

Page 2, line 17, remove "may spend"

Page 2, line 20, after "VIOLENCE" insert "PREVENTION"

Page 2, line 21, replace "which" with ", or so much of the sum as may be necessary, to be made available to"

Page 2, line 22, remove "may spend"

Page 2, line 23, after "violence" insert "prevention"

Page 2, replace lines 25 through 28 with:

"SECTION 6. DOMESTIC VIOLENCE PREVENTION GRANT DISTRIBUTION.

The domestic violence grants funded from the domestic violence prevention fund and the general fund in section 1 of this Act must be disbursed quarterly as grants to local nonprofit agencies. The department of health and consolidated laboratories shall not disburse the funds on a cost reimbursement basis.

SECTION 7. AMENDMENT. Section 23-09-11 of the North Dakota Century Code is amended and reenacted as follows:

23-09-11. Inspection - ~~Records kept~~ Reports. Every hotel, restaurant, lodginghouse, and boardinghouse ~~must be inspected~~ shall contract with an environmental health practitioner licensed under chapter 43-43 for an inspection once in each year by ~~the state department of health and consolidated laboratories. The department and its inspectors are granted police power to enter any such establishment at reasonable hours to determine whether the provisions of this chapter are being complied with. The state department of health and consolidated laboratories shall keep a complete set of books for public use and inspection showing the condition of each establishment inspected, the name of the proprietor thereof, and its sanitary condition, the number and condition of its fire escapes, and any other information which may be required for the betterment of the public service. An environmental health practitioner shall report the results of an inspection performed at a hotel, restaurant, lodginghouse, or boardinghouse to the department. The inspection must be performed and reported in accordance with rules adopted by the department.~~

SECTION 8. AMENDMENT. Section 23-09-18 of the North Dakota Century Code is amended and reenacted as follows:

23-09-18. Failure to comply with provisions of chapter - Notice - How served. Whenever the proprietor of any hotel, restaurant, lodginghouse, or boardinghouse fails to comply with ~~any of the provisions of this chapter, he~~ the proprietor must be given notice of the time within which ~~he~~ the proprietor must meet the requirements. The notice must be in writing and ~~must be~~ delivered personally by ~~an inspector~~ a representative of the state department of health and consolidated laboratories or ~~must be~~ sent by registered or certified mail.

SECTION 9. AMENDMENT. Section 23-09-19 of the North Dakota Century Code is amended and reenacted as follows:

23-09-19. State's attorney to prosecute violation. The state's attorney of any county of this state, upon complaint on oath of an ~~inspector~~ a representative of the state department of health and ~~consolidated laboratories~~, shall prosecute in the name of the state of North Dakota a proper proceeding against any person violating any provision of this chapter."

Page 3, remove lines 1 and 2

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

SENATE - This amendment makes the following changes to Governor Sinner's executive budget recommendation:

- The salaries and wages line item is decreased as follows:

	GENERAL FUND	OTHER FUNDS	TOTAL
Health insurance adjustment	\$ (52,533)	\$ (64,207)	\$(116,740)
Remove state medical examiner	<u>(291,762)</u>	<u> </u>	<u>(291,762)</u>
Total	\$ (344,295)	\$ (64,207)	\$(408,502)

- The operating expenses line item is reduced by \$10,000 from the general fund and the equipment line item is reduced by \$10,000 from the general fund to reduce moving expenses and equipment for the State Toxicologist.
- The Belfield/Bowman project funding of \$1,120,000 from the general fund is removed as is Section 6 of the bill relating to this funding.
- This amendment increases the grants line item and the transfer from the solid waste management fund (in Section 3) by \$480,000 to provide \$480,000 in grants to the solid waste management districts for the district operation costs during the 1993-95 biennium. The 1993-95 executive budget recommended \$220,000 be spent in this appropriation for support of the solid waste management program, including \$100,000 for grants for waste reduction projects. The total amount to be transferred from the solid waste management fund in Senate Bill No. 2006 after this amendment is \$700,000.
- The grants line item is also decreased by \$100,000, consisting of an increase of other funds of \$110,000 and a decrease of \$210,000 from the general fund related to grants for domestic violence prevention programs summarized as follows:

	1993-95 SINNER EXECUTIVE BUDGET	SENATE PROPOSAL	1993-95 SCHAFFER EXECUTIVE BUDGET
Federal funds	\$ 400,000	\$395,247	\$400,000
Domestic violence prevention fund	300,000	414,753	300,000
General fund	<u>300,000</u>	<u>90,000</u>	<u>0</u>
Total	\$1,000,000	\$900,000	\$700,000

A new section is added regarding the use of the domestic violence prevention grant program to provide that the moneys be paid quarterly as grants rather than as reimbursement for costs incurred.

Statutory changes provide for the inspection of restaurants and other facilities by environmental health practitioners hired by the inspected facility rather than employees of the Department of Health and Consolidated Laboratories.

The total appropriation is reduced by a total of \$1,168,502, including a reduction of \$1,694,295 from the general fund and an increase of \$525,793 of other funds.

REPORT OF STANDING COMMITTEE

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

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

Page 1, line 3, after "funds" insert "; and to declare an emergency"

Page 1, line 12, replace "3,923,265" with "2,579,816"

Page 1, line 14, replace "1,225,937" with "1,522,752"

Page 1, line 15, replace "53,828" with "28,828"

Page 1, line 16, replace "350,000" with "1,096,000"

Page 1, remove line 18

Page 1, line 19, replace "6,630,000" with "5,005,000"

Page 1, line 20, replace "2,500,000" with "2,125,000"

Page 1, line 21, replace "5,000,000" with "2,700,000"

Page 1, line 22, replace "650,000" with "996,000"

Page 2, line 3, replace "21,852,994" with "17,546,629"

Page 2, line 5, replace "21,736,936" with "17,430,571"

Page 2, line 6, remove "is"

Page 2, line 7, remove "hereby" and replace "out of any moneys in the general fund in the state" with "in section 1 of this Act"

Page 2, line 8, remove "treasury, not otherwise appropriated, and"

Page 2, line 11, remove "is"

Page 2, line 12, remove "hereby" and replace "out of any moneys in the general fund in the state" with "in section 1 of this Act"

Page 2, line 13, remove "treasury, not otherwise appropriated, and"

Page 2, line 16, remove "is"

Page 2, line 17, remove "hereby" and replace "out of any moneys in the general fund in the state" with "in section 1 of this Act"

Page 2, line 18, remove "treasury, not otherwise appropriated, and"

Page 2, line 21, remove "is hereby"

Page 2, line 22, replace "out of any moneys in the general fund in the state treasury, not" with "in section 1 of this Act"

Page 2, line 23, remove "otherwise appropriated, and"

Page 2, line 26, remove "is"

Page 2, line 27, remove "hereby" and replace "out of any moneys in the general fund in the state" with "in section 1 of this Act"

Page 2, line 28, remove "treasury, not otherwise appropriated, and"

Page 3, after line 2, insert:

"SECTION 7. EMERGENCY. The future fund and Technology Transfer, Incorporated, line items in section 1 of this Act are declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment makes the following changes to Governor Sinner's executive budget recommendation:

- The salaries and wages line item is decreased by a total of \$1,343,449 consisting of:

	TOTAL GENERAL FUND
Health insurance adjustment	\$ (15,744)
Removes funds to reduce salary of director (\$58,905) and remove funds for deputy director (\$149,669) and economic development specialist (\$69,215) FTE remains	(277,789)
Removes funding for 16 industrial development specialists that were to be housed in the 8 regions	(1,384,604)
Adds funding for 4 industrial development specialists located in Bismarck	334,688
	\$ (1,343,449)

- The operating expenses line item is increased as follows:

Reduction related to 16 FTEs removed	\$ (77,297)
Addition for 4 FTEs added	29,874
Reduction for international travel	(120,000)
Reduction for outreach forum	(25,000)
Addition for miscellaneous expenses	8,554
Adds funds for professional services (\$176,304) and operating fees (\$304,380)	480,684
	\$ 296,815

- The equipment line item is reduced by \$25,000 from the general fund consisting of a decrease of \$37,130 for the 16 FTEs removed and an increase of \$12,130 for the four FTEs added.

- The grants line item is increased by \$746,000 from the general fund consisting of a decrease of \$50,000 for World Trade, and an increase of

\$796,000 for regional councils grants (\$580,000); targeted incentives (\$128,000); Trade Corridor (\$40,000); and Women's Leadership Council (\$48,000).

- The interagency line item of \$26,731 from the general fund is removed.
- The Future Fund line item is reduced by \$1,625,000 from the general fund to reflect moneys provided in Senate Bill No. 2053.
- The Technology Transfer, Inc., line item is reduced by \$375,000 from the general fund to reflect moneys provided in Senate Bill No. 2053.
- The PACE line item is reduced by \$2,300,000 from the general fund to provide a total of \$2,700,000.
- The Ag PACE line item is increased by \$346,000 from the general fund to provide a total of \$996,000.
- An emergency clause is added for the Future Fund and Technology Transfer, Inc. line items.

The following is a summary of the proposed general fund appropriations for the Economic Development and Finance Department:

	1993-95 SINNER EXECUTIVE BUDGET	INCREASES (DECREASES)	SENATE RECOMMENDATIONS	1993-95 SCHAFER EXECUTIVE BUDGET
Department operations	\$ 5,956,936	\$ (352,365)	\$ 5,604,571	\$ 5,508,802
Future Fund	\$ 6,630,000	\$(1,625,000) ¹	\$ 5,005,000	\$ 6,630,000
Technology Transfer, Inc	2,500,000	(375,000) ¹	2,125,000	2,500,000
PACE fund	5,000,000	(2,300,000)	2,700,000	2,700,000
Ag PACE fund	650,000	346,000	996,000	996,000
Beginning farmer revolving loan fund	1,000,000		1,000,000	1,000,000
Subtotal	\$15,780,000	\$(3,954,000)	\$11,826,000	\$13,826,000
Total Senate Bill No. 2021	\$21,736,936	\$(4,306,365)	\$17,430,571 ¹	\$19,334,802

¹ These amounts (\$2,000,000) are recommended in Senate Bill No. 2053, and when added to the total provided in Senate Bill No. 2021 a total of \$19,680,571 is recommended.

REPORT OF STANDING COMMITTEE

SB 2022: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2022 was placed on the Sixth order on the calendar.

Page 1, line 11, replace "2,291,316" with "2,280,946"

Page 1, line 15, replace "14,615,188" with "14,800,114"

Page 1, line 21, replace "250,000" with "500,000"

Page 1, line 22, replace "500,000" with "400,000"

Page 2, line 2, replace "24,932,953" with "25,257,509"

Page 2, line 3, replace "11,032,690" with "11,027,505"

Page 2, line 4, replace "13,900,263" with "14,230,004"

Page 2, after line 4, insert:

"SECTION 2. LEGISLATIVE INTENT - ADULT FARM MANAGEMENT PROGRAM.

It is the intent of the fifty-third legislative assembly that \$250,000 of the \$500,000 included in the adult farm management line item in section 1 of this Act be used for a farm management adult education program and that the board of vocational education, the farm credit review board, and other appropriate agencies or organizations cooperate to deliver the program for the biennium beginning July 1, 1993, and ending June 30, 1995."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:**DEPARTMENT 270 - BOARD OF VOCATIONAL EDUCATION**

SENATE - The salaries and wages line item is decreased by \$10,370, of which \$5,185 is from the general fund, for reduced employee health insurance premium costs.

The grants line item is increased by \$184,926 from the general fund for secondary education grants to ensure meeting the maintenance of effort requirement.

The postsecondary education vocational grants are decreased by \$100,000, from \$500,000 to \$400,000, from the general fund. The \$100,000 is added to secondary education grants as part of the \$184,926 increase.

The adult farm management program line item is increased by \$250,000 from the general fund and a section is added stating it is the intent of the Legislative Assembly that this \$250,000 be used for a farm management adult education program and that the Board of Vocational Education, Farm Credit Review Board, and other appropriate organizations cooperate to deliver the program.

In total, the amendments increase the general fund appropriation by \$329,741 and decrease other funds by \$5,185.

REPORT OF STANDING COMMITTEE

SB 2050: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2050 was placed on the Sixth order on the calendar.

Page 1, line 4, remove "to provide an appropriation;"

Page 1, line 8, remove "- Special"

Page 1, line 9, remove "account in state treasury"

Page 1, line 11, after "each" insert "commercial, for profit" and after "management" insert "disposal or incineration"

Page 1, line 12, after "accepts" insert "more than twenty-five thousand tons [22679.5 kilograms] per year of"

Page 1, line 15, after the period insert "The department may require inspectors for those facilities that accept less than twenty-five thousand tons [22679.5 kilograms] per year."

Page 2, line 6, replace "The department" with "Any fees collected must be deposited in the department's operating fund in the state treasury and any expenditures from the fund are subject to appropriation by the legislative assembly."

Page 2, remove line 7

Page 2, line 8, remove "treasury."

Page 2, line 10, remove "be"

Page 2, remove lines 13 through 18

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2053: Appropriations Committee (Sen. Tallackson, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (13 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2053 was placed on the Sixth order on the calendar.

Page 1, line 7, remove ", the sums as"

Page 1, remove lines 8 and 9

Page 1, line 10, remove "fifty-second legislative assembly"

Page 1, line 11, replace "thereof" with "of the following programs"

Page 1, line 13, replace "3,000,000" with "1,625,000"

Page 1, line 14, replace "1,000,000" with "375,000"

Page 1, line 15, replace "4,000,000" with "2,000,000"

Page 1, line 19, replace "by January 29, 1993" with "as required to meet the programs' expenditures but prior to June 30, 1993"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 601 - ECONOMIC DEVELOPMENT AND FINANCE

SENATE - This amendment reduces the emergency appropriation for the Future Fund and Technology Transfer, Inc. These amounts are advances on the amounts originally recommended by Governor Schafer to be provided during 1993-95. The appropriations provided are reduced as follows:

	ORIGINAL SENATE BILL NO. 2053	PROPOSED AMOUNTS	(DECREASE)
Future Fund	\$3,000,000	\$1,625,000	\$(1,375,000)
Technology Transfer, Inc	1,000,000	375,000	(625,000)
Total	\$4,000,000	\$2,000,000	\$(2,000,000)

REPORT OF STANDING COMMITTEE

SB 2078: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends DO NOT PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2078 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2081: Appropriations Committee (Sen. Mushik, Vice Chair) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2081 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2201: Government and Veterans Affairs Committee (Sen. Tomac, Chairman)

recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2201 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "by the water commission"

Page 1, line 19, overstrike "twenty-five" and insert immediately thereafter "fifty"

Page 1, remove lines 20 and 21

Page 1, line 22, remove "to any one project does not exceed the sum of fifty thousand dollars."

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2214: Appropriations Committee (Sen. Mushik, Vice Chair) recommends DO PASS (11 YEAS, 0 NAYS, 3 ABSENT AND NOT VOTING). SB 2214 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2216: Appropriations Committee (Sen. Mushik, Vice Chair) recommends DO PASS (12 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2216 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2243: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2243 was placed on the Sixth order on the calendar.

Page 2, line 7, replace "may be" with "is"

Page 2, after line 12, insert:

"c. The employee's use of shared leave does not exceed four months in any twelve-month period."

Page 2, line 16, replace the third "leave" with "time off"

Page 2, line 24, replace "chief administrative officer of the" with "donating" and replace "approves the" with "donates leave in full-hour increments and retains a leave balance of at least eighty hours."

Page 2, remove line 25

Page 3, line 4, replace "with the agreement of both chief administrative" with a period

Page 3, remove line 5

Page 3, line 6, replace "The value" with "One hour", replace "determined based on" with "regarded as one hour of shared leave for", and after "the" insert "recipient."

Page 3, remove lines 7 through 13

Page 3, line 20, replace "must" with "may", replace "returned to" with "retained by", replace the first "donor" with "recipient", and remove "If there is more than one donor,"

Page 3, remove lines 21 through 24

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2277: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2277 was placed on the Sixth order on the calendar.

Page 1, overstrike lines 7 through 10

Page 1, line 11, overstrike "vital records", overstrike "or to copy or issue a copy of", and overstrike "any"

Page 1, line 12, remove "vital", overstrike "record", remove the underscored comma, overstrike "except as authorized by", and remove "this section and by"

Page 1, line 13, overstrike "regulations." and remove "The state registrar and local registrars shall permit"

Page 1, remove lines 14 through 17

Page 1, overstrike lines 18 through 20

Page 2, line 1, overstrike "3." and after "indicating" insert "cause of death or"

Page 2, line 2, overstrike "as provided by"

Page 2, line 3, overstrike "regulation or"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2295: Appropriations Committee (Sen. Tallackson, Chairman) recommends DO PASS (9 YEAS, 3 NAYS, 2 ABSENT AND NOT VOTING). SB 2295 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2300: Natural Resources Committee (Sen. Keller, Chairman) recommends DO NOT PASS (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2300 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2327: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SB 2327 was placed on the Sixth order on the calendar.

Page 1, line 8, replace "reimburse" with "seek reimbursement for"

Page 1, line 9, after "election" insert "by requesting approval of the emergency commission for expenditure of contingency funds appropriated to the emergency commission in the state contingency fund established under section 54-16-08"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2347: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (3 YEAS, 2 NAYS, 2 ABSENT AND NOT VOTING). SB 2347 was placed on the Sixth order on the calendar.

Page 1, line 17, replace "risk" with "risks"

Page 1, line 20, remove "The insurer"

Page 1, remove line 21

Page 1, line 22, remove "by rules adopted by the commissioner of insurance."

Page 2, line 2, replace "On or before the" with:

- "2. Each insurer covered by this section shall report and pay the surcharge to the commissioner of insurance in accordance with section 26.1-03-17 and all applicable rules implementing that section.
3. The total surcharge is payable on or before March first following the year for which the surcharge is assessed and must be deposited in the law enforcement training trust and agency fund."

Page 2, remove lines 3 through 14

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2387: Appropriations Committee (Sen. Tallackson, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (10 YEAS, 0 NAYS, 4 ABSENT AND NOT VOTING). SB 2387 was placed on the Sixth order on the calendar.

Page 3, line 8, replace "\$600,000" with "\$112,000"

Page 3, line 11, after the period insert "Expenditure of funds appropriated by this section may not exceed the amount of funds remaining unspent pursuant to the appropriation contained in 1991 Senate Bill No. 2025."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE DEPARTMENT

SENATE - This amendment removes the \$600,000 appropriation for the pesticide and pesticide container disposal program because this funding is also included in the Agriculture Department's appropriation bill (House Bill No. 1001). This amendment does appropriate the estimated unspent funding provided for the program for the 1991-93 biennium from the environment and rangeland protection fund of \$112,000 for the 1993-95 biennium in addition to the funding provided in House Bill No. 1001.

REPORT OF STANDING COMMITTEE

SB 2392: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2392 was placed on the Sixth order on the calendar.

Page 1, line 4, after "system" insert "; and to provide an effective date"

Page 1, after line 15, insert:

"SECTION 2. EFFECTIVE DATE. This Act is effective for benefit payments on and after January 1, 1994. However, this Act does not become effective unless the public employees retirement board determines before January 1, 1994, with the advice of its actuary, that this Act can be implemented on an actuarially sound basis."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2409: Political Subdivisions Committee (Sen. Graba, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SB 2409 was placed on the Sixth order on the calendar.

Page 25, remove lines 9 and 10

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2418: Education Committee (Sen. Heinrich, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2418 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "and"

Page 1, line 7, after "appropriation" insert "; and to provide an effective date"

Page 2, line 1, replace "1993" with "1995"

Page 7, line 4, overstrike "July" and insert immediately thereafter "January"

Page 11, line 18, remove the overstrike over "~~except with respect to~~"

Page 11, line 19, remove the overstrike over "~~rules prescribed under section 15-21-07~~"

Page 12, line 13, overstrike "The" and remove "education"

Page 12, line 14, remove "standards and practices board" and overstrike the period

Page 12, line 15, overstrike "k."

Page 12, line 16, overstrike "l." and insert immediately thereafter "k."

Page 12, line 17, overstrike "m." and insert immediately thereafter "l."

Page 12, line 18, overstrike "n." and insert immediately thereafter "m."

Page 12, line 19, overstrike "o." and insert immediately thereafter "n."

Page 12, line 20, overstrike "p." and insert immediately thereafter "o."

Page 12, line 21, overstrike "q." and insert immediately thereafter "p."

Page 12, line 22, overstrike "r." and insert immediately thereafter "q."

Page 12, line 23, overstrike "s." and insert immediately thereafter "r."

Page 12, line 24, overstrike "t." and insert immediately thereafter "s."

Page 12, line 25, overstrike "u." and insert immediately thereafter "t."

Page 12, line 26, overstrike "v." and insert immediately thereafter "u."

Page 12, line 27, overstrike "w." and insert immediately thereafter "v."

Page 13, line 1, replace "\$75,000" with "\$4,500"

Page 13, line 4, replace "biennium" with "period", replace "July" with "January", and replace "1993" with "1995"

Page 13, after line 4, insert:

"SECTION 19. EFFECTIVE DATE. Sections 11, 12, and 18 of this Act become effective on January 1, 1995, and sections 1 through 10 and 13 through 17 become effective on July 1, 1995."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2433: Natural Resources Committee (Sen. Keller, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2433 was placed on the Sixth order on the calendar.

Page 2, line 13, replace "county agent" with "board of university and school lands"

Page 2, line 15, remove the underscored comma

Page 2, line 16, remove "corral, dugout, or well"

Page 2, line 18, replace "thirty" with "up to five" and after "years" insert ", but no longer than the duration of the lease"

Page 2, line 23, replace "county agent" with "board" and replace "the county in which all or most of the" with "university and school lands"

Page 2, line 24, remove "leased land lies" and replace "county agent" with "board of university and school lands"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2520: Government and Veterans Affairs Committee (Sen. Tomac, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2520 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 subsection 4 of section 37-19.1-02 of the North Dakota Century Code, relating to the veterans' employment preference; and to declare an emergency.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Subsection 4 of section 37-19.1-02 of the North Dakota Century Code is amended and reenacted as follows:

4. Notwithstanding the preference provisions in subsections 1, 2, and 3, public employment preference for veterans by agencies or governmental agencies, as defined herein, which now have, or which may hereafter have, an established personnel system ~~under which it maintains a register of persons eligible for employment and from which it certifies a prescribed number of names to that particular agency or governmental agency, must be~~ governed by the following:
 - a. No distinction or discrimination may be made in the administration of the examination because the applicant may be a veteran.

- b. Upon completion of the examination with a passing grade, the applicant must be informed of a veteran's rights to employment preference as hereinafter provided.
- c. The applicant must be required to furnish proof of ~~his~~ the applicant's status as a veteran and, if disabled, proof of ~~his~~ the applicant's disability, as defined herein.
- d. Upon receipt of proof required in subdivision c, the examiner shall add five points for a nondisabled veteran and ten points for a disabled veteran to the examination grade of the applicant, and the total is the veteran's examination grade.
- e. Upon request for the prescribed number of eligible persons from the eligibility registry, such number of eligible persons must be certified from the top number of eligible persons and with such certified list of eligible persons there must also be submitted a statement as to which of those so certified are veterans, disabled veterans, or nonveterans.
- f. In the event the certified list of eligible persons includes either veterans or disabled veterans, the appointing or employing authority of that particular agency or governmental agency shall make a selection for the available position as follows:
 - (1) A disabled veteran, without regard to ~~his~~ the disabled veteran's examination grade, is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making such selection, must be so appointed or employed. If such list includes two or more disabled veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, for not making such selection, must be so appointed or employed.
 - (2) When such certified list of eligible persons does not include one or more disabled veterans and consists only of veterans, then the one with the highest examination grade is first entitled to the position and, in the absence of justifiable cause, documented in writing, must be so appointed or employed.
 - (3) When such certified list of eligible persons includes nonveterans and veterans, but not disabled veterans, then the one with the highest examination grade, whether a nonveteran or a veteran, is first entitled to the position and, in the absence of justifiable cause, must be so appointed or employed; and if the one with the highest examination grade is a veteran and is not appointed or employed, there must be justifiable cause documented in writing for not making such appointment or employment.

SECTION 2. EMERGENCY. This Act is declared to be an emergency measure."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2536: Human Services Committee (Sen. Mathern, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SB 2536 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "eligibility for benefits covered" with "adoption of long-term care benefits comparison guides" and replace "a" with "the commissioner of insurance."

Page 1, remove line 3

Page 1, replace lines 7 through 22 with:

"Adoption of long-term care benefits comparison guides by commissioner. The commissioner of insurance shall adopt rules to create a long-term care benefits comparison guide to be presented at the point of sale between the client and agent. The guide must include information regarding nursing home coverage and alternatives to nursing home coverage."

Page 2, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

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

Page 1, line 17, after "Association" insert "; North Dakota Men's Golf Association; North Dakota Ladies Golf Association; Handball Association of North Dakota; Babe Ruth Baseball Association of North Dakota; North Dakota Recreation and Park Directors Association"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4036: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS (4 YEAS, 1 NAY, 2 ABSENT AND NOT VOTING). SCR 4036 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4038: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT AND NOT VOTING). SCR 4038 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4040: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4040 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4044: Natural Resources Committee (Sen. Keller, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (4 YEAS, 0 NAYS, 1 ABSENT AND NOT VOTING). SCR 4044 was placed on the Tenth order on the calendar.

REPORT OF STANDING COMMITTEE

SCR 4045: Political Subdivisions Committee (Sen. Graba, Chairman) recommends DO PASS and BE PLACED ON THE CONSENT CALENDAR (5 YEAS, 0 NAYS, 2 ABSENT

AND NOT VOTING). SCR 4045 was placed on the Tenth order on the calendar.

FIRST READING OF SENATE BILL

Sens. Lips, Mushik introduced:

(Approved by the Delayed Bills Committee)

SB 2538: A BILL for an Act to authorize the state board of education to exchange certain state-owned land at Bismarck state college for certain property owned by the Theodore Roosevelt Medora foundation; and to declare an emergency.

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

FIRST READING OF SENATE CONCURRENT RESOLUTIONS

Sen. Bowman introduced:

SCR 4047: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of requiring real estate licensing for auctioneers selling or offering to sell real property at public auction.

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

Sens. Tallackson, Robinson, Goetz and Reps. Coats, Kilichowski introduced:

SCR 4048: A concurrent resolution directing the Legislative Council to study the long-term care needs of veterans and the use of state facilities for long-term care for veterans in North Dakota.

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

Sens. Nething, Kelly, Mushik, Nelson introduced:

SCR 4049: A concurrent resolution directing the Legislative Council to study the need for optional Medicaid programs and the impact of discontinuing those programs.

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

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

CAROL SIEGERT, Secretary