

JOURNAL OF THE SENATE

Fifty-fourth Legislative Assembly

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Bismarck, February 15, 1995

The Senate convened at 8:00 a.m., with President Myrdal presiding.

The prayer was offered by Senator Kit Scherber.

The roll was called and all members were present.

A quorum was declared by the President.

MESSAGE TO THE HOUSE FROM THE SENATE (WILLIAM C. PARKER, SECRETARY)

MR. SPEAKER: The Senate has passed and your favorable consideration is requested on: SB 2004, SB 2008, SB 2011, SB 2016, SB 2061, SB 2090, SB 2104, SB 2111, SB 2113, SB 2121, SB 2154, SB 2265, SB 2352, SB 2415, SB 2430, SB 2444, SB 2452, SB 2475, SB 2491, SB 2495, SB 2533.

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 1089, HB 1178, HB 1249, HB 1260, HB 1362, HB 1373, HB 1385, HB 1423, HB 1459, HB 1478, HB 1493.

MOTION

SEN. GOETZ MOVED that SB 2524 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2042: A BILL for an Act to create and enact a new subsection to section 15-29-08, a new subsection to section 15-51-17, and four new sections to chapter 23-01 of the North Dakota Century Code, relating to duties of school boards, the board of education of the city of Fargo, and the department of health and consolidated laboratories with respect to services of a public or community health nurse for students enrolled in a public school and for newborn children; and to provide an appropriation.

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 20 YEAS, 29 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lee; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tallackson; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

Engrossed SB 2042 lost.

SECOND READING OF SENATE BILL

SB 2045: A BILL for an Act to create and enact sections 50-25.1-04.2, 50-25.1-04.3, 50-25.1-04.4, and 50-25.1-04.5 of the North Dakota Century Code, relating to the state child protection committee and

local child protection teams; and to amend and reenact subsection 3 of section 27-20-29, sections 50-25.1-02, 50-25.1-04.1, 50-25.1-05, 50-25.1-05.1, 50-25.1-05.2, 50-25.1-05.4, 50-25.1-05.5, 50-25.1-06.1, 50-25.1-09, and 54-12-04.2 of the North Dakota Century Code, relating to burden of proof necessary for a finding that a child is deprived, child abuse and neglect terminology, establishment of the state child protection committee, and assistance to local child protection teams.

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 NAVS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Thane

Engrossed SB 2045 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2524 be moved to the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2524: A BILL for an Act to amend and reenact section 57-02-27.2 of the North Dakota Century Code, relating to consideration of irrigation in the valuation of cropland; to provide an effective date; and to provide an expiration date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 28 YEAS, 21 NAVS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; St. Aubyn; Stenehjem, W.; Tallackson; Thane; Tomac; Traynor; Wanzek; Wogsland

NAVS: Andrist; Bowman; Christmann; Freborg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Schobinger; Solberg; Stenehjem, B.; Streibel; Tennefos; Urlacher; Watne; Yockim

Engrossed SB 2524 passed and the title was agreed to.

MOTION

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

SECOND READING OF SENATE BILL

SB 2242: A BILL for an Act to amend and reenact section 39-26-04 of the North Dakota Century Code, relating to the reimbursement of towing and storage costs of abandoned motor vehicles.

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 49 YEAS, 0 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2242 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2476: SEN. HEITKAMP (Natural Resources Committee) MOVED that the amendments on SJ pages 495-496 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that SB 2022, SB 2023, SB 2026, SB 2027, and SB 2028 be placed at the bottom of the Sixth order, which motion prevailed.

MOTION

SEN. TENNEFOS MOVED that SB 2081 be placed at the bottom of the Sixth order, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2192: SEN. DEMERS (Human Services Committee) MOVED that the amendments on SJ pages 531-533 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. DEMERS MOVED that Engrossed SB 2192 be amended as follows, which motion prevailed.

Page 4, line 23, remove "licensed"

Page 4, line 24, after "practitioner" insert "licensed under title 43"

ReNUMBER accordingly

CONSIDERATION OF AMENDMENTS

SB 2211: SEN. O'CONNELL (Education 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.

CONSIDERATION OF AMENDMENTS

SB 2251: SEN. LAFOUNTAIN (Judiciary 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.

CONSIDERATION OF AMENDMENTS

SB 2339: SEN. BOWMAN (Agriculture Committee) MOVED that the amendments on SJ pages 534-535 be adopted and then be placed on the Eleventh order with **DO PASS**.

REQUEST

SEN. TOMAC REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to SB 2339, which request was granted.

ROLL CALL

The question being on the motion to adopt the amendments to SB 2339, the roll was called and there were 32 YEAS, 16 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Tallackson; Tomac; Yockim

ABSENT AND NOT VOTING: Naaden

The motion to adopt the amendments to SB 2339 passed.

CONSIDERATION OF AMENDMENTS

SB 2350: SEN. LEE (Political Subdivisions Committee) MOVED that the amendments on SJ page 535 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2359: SEN. FREBORG (Natural Resources Committee) MOVED that the amendments on SJ pages 535-536 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. FREBORG MOVED that Engrossed SB 2359 be amended as follows, which motion prevailed.

Page 8, line 18, replace "underground" with "organized rural water system"

Page 8, line 19, remove "facility to convey water"

Renumber accordingly

CONSIDERATION OF AMENDMENTS

SB 2419: SEN. DEMERS (Political Subdivisions Committee) MOVED that the amendments on SJ page 537 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2434: SEN. ANDRIST (Industry, Business and Labor Committee) MOVED that the amendments on SJ page 537 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2513: SEN. GRINDBERG (Education Committee) MOVED that the amendments on SJ page 538 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2531: SEN. TOMAC (Agriculture Committee) MOVED that the amendments on SJ pages 538-539 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SCR 4024: SEN. MATHERN (Political Subdivisions Committee) MOVED that the amendments on SJ page 540 be adopted and then be placed on the **CONSENT CALENDAR** with **DO PASS**, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2022: SEN. REDLIN (Appropriations Committee) MOVED that the amendments on SJ pages 521-522 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2022 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2022: A BILL for an Act to provide an appropriation for defraying the expenses of the state historical society.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Malewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

Engrossed SB 2022 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2023: SEN. NALEWAJA (Appropriations Committee) MOVED that the amendments on SJ pages 523-525 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2023 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2023: A BILL for an Act to provide an appropriation for defraying the expenses of the parks and recreation department.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2023 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2026: SEN. SOLBERG (Appropriations 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.

MOTION

SEN. GOETZ MOVED that SB 2026 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2026: A BILL for an Act to provide an appropriation for defraying the expenses of the agricultural products utilization commission and for ethanol production incentives; and to provide a statement of legislative intent.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2026 passed and the title was agreed to.

MOTION

SEN. REDLIN MOVED that SB 2502 be returned to the Senate floor from the Government and Veterans Affairs Committee for the purpose of withdrawal, which motion prevailed.

REQUEST

SEN. REDLIN REQUESTED the unanimous consent of the Senate to withdraw SB 2502. There being no objection, it was so ordered by the President.

REQUEST

SEN. DEMERS REQUESTED the unanimous consent of the Senate to withdraw SB 2528, which is on the Eleventh order. There being no objection, it was so ordered by the President.

CONSIDERATION OF AMENDMENTS

SB 2027: SEN. GOETZ (Appropriations Committee) MOVED that the amendments on SJ pages 525-527 be adopted and then be placed on the Eleventh order with **DO PASS**, which motion prevailed.

MOTION

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

SECOND READING OF SENATE BILL

SB 2027: A BILL for an Act to provide an appropriation for defraying the expenses of the workers compensation bureau and its divisions; and to provide authorization to expend funds from the workers' compensation contingency line item.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland

NAYS: Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2027 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2028: SEN. LIPS (Appropriations Committee) MOVED that the amendments on SJ pages 528-529 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2028 be placed on the Eleventh order, as amended, for immediate second reading and final passage, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2028: A BILL for an Act to provide an appropriation for defraying the expenses of various state retirement and investment agencies.

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; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2028 passed and the title was agreed to.

CONSIDERATION OF AMENDMENTS

SB 2081: SEN. TOMAC (Finance and Taxation Committee) MOVED that the amendments on SJ page 530 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

CONSIDERATION OF AMENDMENTS

SB 2535: SEN. SCHOBINGER (Education Committee) MOVED that the amendments on SJ page 539 be adopted and then be placed on the Eleventh order with DO PASS, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2535: A BILL for an Act to amend and reenact section 15-10-14.2 of the North Dakota Century Code, relating to the higher education seven-year plan.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Sand; Tennefos

ABSENT AND NOT VOTING: Naaden

Engrossed SB 2535 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2202: A BILL for an Act to create and enact a new section to chapter 65-05 of the North Dakota Century Code, relating to workers' compensation permanent impairment; to repeal sections 65-05-12, 65-05-12.1, 65-05-13 and 65-05-14 of the North Dakota Century Code, relating to permanent impairment disputes and scheduled injuries; and to provide an effective date.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Scherber; Wogsland; Yockim

Engrossed SB 2202 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2306: A BILL for an Act to amend and reenact section 47-16-39.1 of the North Dakota Century Code, relating to the payment of oil and gas royalties.

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 34 YEAS, 15 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Langley; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne; Yockim

NAYS: Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Sand; Scherber; Tomac; Wogsland

Engrossed SB 2306 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2320: A BILL for an Act to require the department of human services to provide compulsive gambling treatment services; to amend and reenact section 53-06.1-12.1 of the North Dakota Century Code, relating to games of chance taxes; and to provide an appropriation.

MOTION

SEN. G. NELSON MOVED that the question be put at 12:00 noon, which motion prevailed.

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 23 YEAS, 26 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Tallackson; Tennefos; Thane; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Traynor; Uriacher; Wanzek; Watne

Engrossed SB 2320 lost.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 1:00 p.m., which motion prevailed.

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

THE SENATE RECOGNIZED THE PRESENCE OF:

Former Senator Mark Adams.

SECOND READING OF SENATE BILL

SB 2356: A BILL for an Act to amend and reenact sections 46-02-01, 46-02-09, and 46-02-14 of the North Dakota Century Code, relating to authorization for printing by state agencies.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Uriacher; Wanzek; Watne; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.; Wogsland

Engrossed SB 2356 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2358 and SB 2383 be moved to the bottom of the Eleventh order, which motion prevailed.

MOTION

SEN. GOETZ MOVED that SB 2365 and SB 2386, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2388: A BILL for an Act to provide guidelines for constitutional takings of property, for the preparation of an assessment by a state agency of the constitutional takings implications, for the source of compensation, and for the awarding of attorneys' fees and costs.

MOTION

SEN. TOMAC MOVED that Engrossed SB 2388 be amended as follows, which motion prevailed.

Page 2, after line 4, insert:

- "5. "Regulatory taking" is a taking of real property through the exercise of the police and regulatory powers of the state which reduces the value of the real property by more than fifty percent. However, a land use regulation does not effect a taking if it substantially advances legitimate state interests and does not deny an owner economically viable use of his land."

Page 2, line 19, after "a" insert "regulatory"

Page 2, line 24, after "a" insert "regulatory"

Page 2, line 29, after "a" insert "regulatory"

Page 4, line 17, replace "must" with "may"

Page 4, line 19, after "law" insert ", if the court determines it is appropriate"

Renumber accordingly

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

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lindaas; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Holmberg; Kelsh; LaFountain; Lee; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; St. Aubyn; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

Reengrossed SB 2388 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2392: A BILL for an Act to create and enact a new chapter to title 4 of the North Dakota Century Code, relating to aquaculture; to amend and reenact subsection 27 of section 20.1-01-02, subsection 3 of section 20.1-02-15, subsection 3 of section 20.1-03-04, section 20.1-03-08, subsection 27 of section 20.1-03-12, subsection 4 of section 20.1-06-10, and section 20.1-06-12 of the North Dakota Century Code, relating to private fish ponds; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

Engrossed SB 2392 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that SB 2395 be moved to the bottom of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2399: A BILL for an Act to amend and reenact sections 24-02-26, 24-02-27, and 24-02-28 of the North Dakota Century Code, relating to highway construction or repair contract arbitration.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nelson, C.; Stenehjem, W.

Engrossed SB 2399 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2406: A BILL for an Act to create and enact a new section to chapter 43-47 of the North Dakota Century Code, relating to authority of the board of counselor examiners to issue specialty licenses for counselors.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.

Engrossed SB 2406 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2460: A BILL for an Act to require a legislative council study of the state's elderly residents and a study of health care; to create and enact a new section to chapter 23-09.3 and a new section to chapter 23-16 of the North Dakota Century Code, relating to a moratorium on the expansion of long-term and basic care bed capacity; to amend and reenact sections 23-17.3-01 and 23-17.5-10 of the North Dakota Century Code, relating to references to certificates of need to expand hospital facilities; and to repeal chapter 23-17.2 and section 23-17.3-03 of the North Dakota Century Code, relating to certificates of need for expansion of hospital facilities.

MOTION

SEN. MATHERN MOVED that Engrossed SB 2460 be amended as follows:

Page 1, line 5, replace "sections 23-17.3-01 and" with "subsections 7, 10, and 16 of section 23-17.2-02, subdivision d of subsection 1 of section 23-17.2-03, and section 23-17.2-15"

Page 1, line 6, remove "23-17.5-10" and replace "references to" with "the scope of coverage of the certificate of need program and to injunctions."

Page 1, remove lines 7 through 9

Page 2, replace lines 18 through 29 with:

"SECTION 4. AMENDMENT. Subsections 7, 10, and 16 of section 23-17.2-02 of the 1993 Supplement to the North Dakota Century Code are amended and reenacted as follows:

7. "Health care facility" means ~~a health care facility licensed by the department or certified by the department under the federal Social Security Act as amended including, but not limited to, hospitals, skilled nursing facilities, kidney disease treatment centers (including freestanding hemodialysis units), intermediate care facilities, clinics and the offices of any person licensed or certified to provide health or medical care in this state, whether in group or in practice, basic care facilities, freestanding diagnostic facilities, freestanding emergency care centers, rehabilitation facilities, and ambulatory surgical facilities, but not including clinical laboratories that under title XVIII of the federal Social Security Act meet the requirements of paragraphs (10) and (11) of section 1861(s) of that Act. The term includes a long-term care facility.~~

10. "Health services" means ~~institutionally related (i.e. diagnostic, treatment, or rehabilitative)~~ rehabilitative services, and includes alcohol, drug abuse, and mental health services.
16. "Patient" means a person who is suffering from mental illness, acute or chronic illness or injury, or who is convalescent and in need of medical ~~and, nursing care on a continuing basis, or who is in need of,~~ obstetrical, or other medical or nursing health care.

SECTION 5. AMENDMENT. Subdivision d of subsection 1 of section 23-17.2-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

- d. The acquisition by any person of major medical equipment not owned by or located in a health care facility the capital expenditure for which is five hundred thousand dollars or more or the annual operating cost for which is three hundred thousand dollars or more, if the department finds that the equipment will be used ~~primarily~~ to provide services to persons who are ~~admitted patients in~~ of a health care facility. This does not include use of equipment on a temporary basis as in the case of a natural disaster, a major accident, or equipment failure.

SECTION 6. AMENDMENT. Section 23-17.2-15 of the North Dakota Century Code is amended and reenacted as follows:

23-17.2-15. Injunction. The department, in accordance with the laws of the state governing injunctions and other process, may maintain an action in the name of the state against any person for undertaking any activity subject to the provisions of this law, without first having a certificate of need therefor as herein provided. The court may not require the department to post a bond."

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 29

Page 5, remove lines 1 through 13

Renumber accordingly

REQUEST

SEN. DEMERS REQUESTED a recorded roll call vote on the motion to adopt the proposed amendments to Engrossed SB 2460, which request was granted.

ROLL CALL

The question being on the motion to adopt the proposed amendments to Engrossed SB 2460, the roll was called and there were 15 YEAS, 34 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; Redlin; Robinson; Scherber; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalawaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

The proposed amendments to Engrossed SB 2460 failed.

REQUEST

SEN. MATHERN REQUESTED that the Senate divide Engrossed SB 2460, which request was granted.

DIVISION A

Sections 1, 2, and 3

DIVISION B

Sections 4, 5, and 6

Renumber accordingly and correct the title

REQUEST

SEN. YOCKIM REQUESTED that the Senate vote on Division B of Engrossed SB 2460 first, and also requested a recorded roll call vote on Division B of Engrossed SB 2460, which request was granted.

ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2460, the roll was called and there were 11 YEAS, 38 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Heitkamp; Krebsbach; Kringstad; Lee; Nalewaja; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Tallackson; Tomac; Urlacher

MAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; Streibel; Tennefos; Thane; Traynor; Wanzenek; Watne; Wogsland; Yockim

Division B of Engrossed SB 2460 lost.

MOTION

SEN. G. NELSON MOVED that the Senate reconsider the action whereby Division B failed to pass, which motion prevailed on a verification vote.

ROLL CALL

The question being on the adoption of Division B of Engrossed SB 2460, the roll was called and there were 31 YEAS, 18 NAYS, 0 EXCUSED, 0 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Traynor; Urlacher; Wanzenek; Watne

MAYS: DeMers; Heinrich; Heitkamp; Kelsh; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

Division B of Engrossed SB 2460 was adopted.

REQUEST

SEN. YOCKIM REQUESTED a recorded roll call vote on Division A of Engrossed SB 2460, which request was granted.

ROLL CALL

The question being on the adoption of Division A of Engrossed SB 2460, the roll was called and there were 37 YEAS, 11 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Wanzek; Watne; Wogsland

NAYS: Heinrich; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Redlin; Robinson; Tallackson; Urlacher; Yockim

ABSENT AND NOT VOTING: Langley

Division A of Engrossed SB 2460 was adopted.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 33 YEAS, 15 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Kinnoin; Krauter; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Heinrich; Heitkamp; Kelsh; LaFountain; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley

Engrossed SB 2460 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2469: A BILL for an Act to amend and reenact sections 54-03-02 and 54-03-02.1 of the North Dakota Century Code, relating to reconvened regular sessions of the legislative assembly in even-numbered years for budget adjustment purposes; and to provide an effective date.

ROLL CALL

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

YEAS: DeMers; Heinrich; Kelsh; Kinnoin; Krauter; LaFountain; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, W.; Tallackson; Traynor; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Langley

Engrossed SB 2469 lost.

SECOND READING OF SENATE BILL

SB 2484: A BILL for an Act to amend and reenact subsection 3 of section 39-06-14 of the North Dakota Century Code, relating to custom harvester

operator's licenses for persons over sixteen years of age; and to declare an emergency.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 39 YEAS, 9 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Goetz; Grindberg; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lindaas; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Wogsland; Yockim

NAYS: DeMers; Freborg; Heinrich; Lee; Mathern; Mushik; Nelson, C.; Scherber; Schobinger

ABSENT AND NOT VOTING: Langley

Engrossed SB 2484 passed, the title was agreed to, and the emergency clause was declared carried.

SECOND READING OF SENATE BILL

SB 2514: A BILL for an Act to provide for accommodation of mailboxes next to a public road.

ROLL CALL

The question being on the final passage of the amended bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tallackson; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzenk; Watne; Wogsland; Yockim

NAYS: Christmann

ABSENT AND NOT VOTING: Langley

Engrossed SB 2514 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2526: A BILL for an Act to amend and reenact section 10-30.3-12 of the North Dakota Century Code, relating to the regional rural development fund.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn;

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

ABSENT AND NOT VOTING: Langley; Tallackson

Engrossed SB 2526 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2275: A BILL for an Act to amend and reenact subsection 2 of section 11-33.2-12 of the North Dakota Century Code, relating to notice to townships regarding subdivision plat approval.

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

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Goetz; Langley; Tallackson

SB 2275 lost.

MOTION

SEN. GOETZ MOVED that SB 2358, SB 2383, and SB 2395 be placed at the top of the Eleventh order, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2358: A BILL for an Act to provide for DNA analysis and a DNA data base; and to provide a penalty.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Tallackson

Engrossed SB 2358 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2383: A BILL for an Act to create and enact a new section to chapter 44-04 of the North Dakota Century Code, relating to conflicts of interest in matters before a governmental body.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Tallackson

Engrossed SB 2383 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2395: A BILL for an Act to create and enact a new section to chapter 54-35 of the North Dakota Century Code, relating to authority of the legislative council to appoint or retain legal counsel to protect the interests of the legislative branch in actions and proceedings.

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 39 YEAS, 8 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kinnoin; Krebsbach; Kringstad; LaFountain; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

NAYS: DeMers; Kelsh; Krauter; Mathern; O'Connell; Scherber; Wogsland; Yockim

ABSENT AND NOT VOTING: Langley; Tallackson

Engrossed SB 2395 passed and the title was agreed to.

MOTION

SEN. GOETZ MOVED that the Senate stand in recess until 3:15 p.m., which motion prevailed.

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

SECOND READING OF SENATE BILL

SB 2449: A BILL for an Act to amend and reenact subsections 1 and 2 of section 52-06-04 and section 52-06-05 of the North Dakota Century Code, relating to determining weekly unemployment compensation benefits and maximum potential unemployment compensation benefits.

CONFLICT OF INTEREST

SEN. CHRISTMANN STATED that he had a conflict of interest on SB 2449 and requested permission to be excused from voting on the bill.

MOTION

SEN. GOETZ MOVED that Sen. Christmann be granted permission to vote, which motion prevailed.

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 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Kringstad; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Tallackson

SB 2449 lost.

SECOND READING OF SENATE BILL

SB 2457: A BILL for an Act to amend and reenact section 1 of chapter 495 of the 1993 Session Laws, relating to the sale of property by job service North Dakota.

ROLL CALL

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

YEAS: Andrist; Bowman; DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Christmann; O'Connell; Stenehjem, B.; Tennefos

ABSENT AND NOT VOTING: Freborg; Tallackson

SB 2457 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2485: A BILL for an Act to amend and reenact section 24-07-03 of the North Dakota Century Code, relating to section lines as public roads.

MOTION

SEN. G. NELSON MOVED that the question be put at 3:50 p.m., which motion prevailed.

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 19 YEAS, 29 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; DeMers; Heinrich; Kelsh; Krebsbach; LaFountain; Lindaas; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Sand; Scherber; Traynor; Wanzek; Wogsland; Yockim

NAYS: Bowman; Christmann; Freborg; Goetz; Grindberg; Heitkamp; Holmberg; Kinnoin; Krauter; Kringstad; Langley; Lee; Lips; Mutch; Naaden;

Nelson, G.; Nething; Robinson; Schobinger; Solberg; St. Aubyn;
Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac;
Urlacher; Watne

ABSENT AND NOT VOTING: Tallackson

SB 2485 lost.

SECOND READING OF SENATE BILL

SB 2492: A BILL for an Act to provide for the expiration of terms of members of the North Dakota council on the arts; and to amend and reenact sections 54-54-02 and 54-54-03 of the North Dakota Century Code, relating to the members of the North Dakota council on the arts.

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 21 YEAS, 27 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Goetz; Grindberg; Holmberg; LaFountain; Langley; Lee; Mutch; Naaden; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, W.; Streibel; Tennefos; Thane; Wanzek

NAYS: Andrist; DeMers; Freborg; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Stenehjem, B.; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2492 lost.

REQUEST

SEN. LAFOUNTAIN REQUESTED that the Journal reflect that he intended to vote NAY on SB 2492, which request was granted.

SECOND READING OF SENATE BILL

SB 2511: A BILL for an Act to amend and reenact section 54-06-21 of the North Dakota Century Code, relating to notice of access to public employee personnel files.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Mutch; Tallackson

SB 2511 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2515: A BILL for an Act to amend and reenact section 15-47-38.2 of the North Dakota Century Code, relating to the evaluation of school district superintendents.

MOTION

SEN. G. NELSON MOVED that the question be put at 4:15 p.m., which motion prevailed.

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

YEAS: Bowman; Freborg; Goetz; Grindberg; Heinrich; Krauter; Krebsbach; Lee; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Robinson; Solberg; Stenehjem, B.; Tennefos; Tomac; Traynor; Urlacher; Watne; Yockim

NAYS: Andrist; Christmann; DeMers; Heitkamp; Holmberg; Kelsh; Kinnoin; Kringstad; LaFountain; Langley; Lindaas; Lips; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Streibel; Thane; Wanzek; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2515 lost.

SECOND READING OF SENATE BILL

SB 2520: A BILL for an Act to create and enact a new section to chapter 3-02 and three new sections to chapter 43-23 of the North Dakota Century Code, relating to duties required of a brokerage firm, common-law agency principles, misrepresentation of a real estate transaction, and appointed agents of a brokerage firm; and to amend and reenact section 43-23-06.1 of the North Dakota Century Code, relating to definitions for purposes of the state real estate commission.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2520 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2522: A BILL for an Act to amend and reenact subsection 13 of section 4-09-01, subdivision a of subsection 1 of section 4-09-10, and subsection 2 of section 4-09-14 of the North Dakota Century Code, relating to the definition of noxious weed seeds, to seed labeling requirements, and prohibited acts.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2522 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2525: A BILL for an Act to create and enact a new section to chapter 39-12 of the North Dakota Century Code, relating to the authority of townships to issue overweight vehicle permits.

ROLL CALL

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

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2525 lost.

SECOND READING OF SENATE BILL

SB 2187: A BILL for an Act to amend and reenact section 15-36-08 of the North Dakota Century Code, as amended by section 4 of chapter 171 of the 1993 Session Laws, and section 15-38-18 of the North Dakota Century Code, relating to fees and expenses of the education standards and practices board; to provide for temporary fiscal management of the education standards and practices board by the superintendent of public instruction; to provide an effective date; and to declare an emergency.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO PASS, the roll was called and there were 47 YEAS, 1 NAY, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: Sand

ABSENT AND NOT VOTING: Tallackson

SB 2187 passed, the title was agreed to, and the emergency clause was declared carried.

MOTION

SEN. GOETZ MOVED that SB 2233 and SB 2281, which are on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2296: A BILL for an Act to create and enact two new sections to chapter 18-11 and a new subsection to section 18-11-15 of the North Dakota Century Code, relating to commencement of benefit payments, vesting, and benefit limitations under the alternate firefighters relief association plan; and to amend and reenact sections 18-11-13 and 18-11-19 of the North Dakota Century Code, relating to the alternate firefighters relief association plan state fund and treatment of forfeitures under the alternate firefighters relief association 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2296 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2368: A BILL for an Act to amend and reenact subsection 2 of section 26.1-40-15.1 and section 26.1-40-15.6 of the North Dakota Century Code, relating to the definition of underinsured motor vehicle and requirements that must be met before uninsured and underinsured insurance coverage applies to damages.

ROLL CALL

The question being on the final passage of the bill, which has been read, and has committee recommendation of DO NOT PASS, the roll was called and there were 10 YEAS, 36 NAYS, 0 EXCUSED, 3 ABSENT AND NOT VOTING.

YEAS: DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Lindaas; Mathern; Scherber; Wogsland; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; LaFountain; Langley; Lee; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne

ABSENT AND NOT VOTING: Krauter; Kringstad; Tallackson

SB 2368 lost.

SECOND READING OF SENATE BILL

SB 2378: A BILL for an Act to amend and reenact subsection 6 of section 53-06.1-01 of the North Dakota Century Code, relating to uses of proceeds of games of chance.

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Grindberg; Heinrich; Kelsh; Kinnoin; Krauter; LaFountain; Langley; Lee; Lindaas; Mathern; Mushik; Naaden; Nelson, C.; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Wanzek; Wogsland

NAYS: Goetz; Heitkamp; Holmberg; Krebsbach; Kringstad; Lips; Mutch; Nalewaja; Nelson, G.; Nething; Stenehjem, W.; Traynor; Urlacher; Watne; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2378 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2380: A BILL for an Act to amend and reenact section 58-03-14 of the North Dakota Century Code, relating to civil penalties for violations of a township zoning ordinance.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Stenehjem, W.; Tallackson

SB 2380 passed and the title was agreed to.

MOTION

SEN. B. STENEHJEM MOVED that the Senate reconsider its action whereby SB 2492 failed to pass, which motion prevailed on a verification vote.

MOTION

SEN. G. NELSON MOVED that SB 2492 be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2403: A BILL for an Act to amend and reenact section 65-04-17 of the North Dakota Century Code, relating to the experience rating of

employers by the workers compensation bureau; to provide an effective date; and to declare an emergency.

MOTION

SEN. SOLBERG MOVED that SB 2403 be amended as follows, which motion prevailed on a verification vote.

Page 1, line 3, replace "to provide an effective date; and to declare an" with "and to provide for retroactive application"

Page 1, line 4, remove "emergency"

Page 2, replace lines 3 through 5 with:

"SECTION 2. RETROACTIVE APPLICATION OF ACT. This Act applies retroactively to July 1, 1994."

Renumber accordingly

SB 2403: A BILL for an Act to amend and reenact section 65-04-17 of the North Dakota Century Code, relating to the experience rating of employers by the workers compensation bureau; and to provide for retroactive application.

ROLL CALL

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

YEAS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Lee; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; O'Connell; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

NAYS: DeMers; Langley; Lindaas; Nelson, C.; Redlin; Robinson; Scherber

ABSENT AND NOT VOTING: Tallackson

Engrossed SB 2403 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2423: A BILL for an Act to create and enact a new section to chapter 6-03 of the North Dakota Century Code, relating to bank subsidiaries acting as agents; 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 48 YEAS, 0 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2423 passed and the title was agreed to.

SECOND READING OF SENATE BILL

SB 2432: A BILL for an Act to amend and reenact section 1-02-01 of the North Dakota Century Code, relating to construction of the North Dakota Century Code.

ROLL CALL

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

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2432 lost.

SECOND READING OF SENATE BILL

SB 2437: A BILL for an Act to amend and reenact section 50-24.5-06 of the North Dakota Century Code, relating to county reimbursement for aid to aged, blind, and disabled 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 10 YEAS, 38 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: DeMers; Heitkamp; Kelsh; Kinnoin; Krauter; Mathern; O'Connell; Thane; Tomac; Yockim

NAYS: Andrist; Bowman; Christmann; Freborg; Goetz; Grindberg; Heinrich; Holmberg; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Traynor; Urlacher; Wanzek; Watne; Wogsland

ABSENT AND NOT VOTING: Tallackson

SB 2437 lost.

SECOND READING OF SENATE BILL

SB 2446: A BILL for an Act to amend and reenact section 16.1-11-27 of the North Dakota Century Code, relating to name rotation on ballots.

ROLL CALL

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

YEAS: LaFountain; Lee

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; Langley; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2446 lost.

SECOND READING OF SENATE BILL

SB 2470: A BILL for an Act relating to civil actions by political subdivisions.

MOTION

SEN. CHRISTMANN MOVED that SB 2470 be amended as follows, which motion failed on a verification vote.

Page 1, line 4, after "action" insert "on its own behalf asserting any constitutional claim"

Page 1, line 6, replace ", to enforce any statute or recover" with a period

Page 1, remove lines 7 through 9

Renumber accordingly

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 12 YEAS, 35 NAYS, 0 EXCUSED, 2 ABSENT AND NOT VOTING.

YEAS: Andrist; Bowman; Christmann; Freborg; Mutch; Naaden; O'Connell; Solberg; Stenehjem, B.; Streibel; Tennefos; Wanzek

NAYS: DeMers; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Nalewaja; Nelson, C.; Nelson, G.; Redlin; Robinson; Sand; Scherber; Schobinger; St. Aubyn; Stenehjem, W.; Thane; Tomac; Traynor; Urlacher; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Nething; Tallackson

SB 2470 lost.

MOTION

SEN. GOETZ MOVED that SB 2471, which is on the Eleventh order, be laid over one legislative day, which motion prevailed.

SECOND READING OF SENATE BILL

SB 2512: A BILL for an Act to amend and reenact subsection 3 of section 50-24.1-02 of the North Dakota Century Code, relating to eligibility for medical assistance.

ROLL CALL

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

NAYS: Andrist; Bowman; Christmann; DeMers; Freborg; Goetz; Grindberg; Heinrich; Heitkamp; Holmberg; Kelsh; Kinnoin; Krauter; Krebsbach; Kringstad; LaFountain; Langley; Lee; Lindaas; Lips; Mathern; Mushik; Mutch; Naaden; Nalewaja; Nelson, C.; Nelson, G.; Nething; O'Connell; Redlin; Robinson; Sand; Scherber; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Tomac; Traynor; Urlacher; Wanzek; Watne; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2512 lost.

SECOND READING OF SENATE BILL

SB 2527: A BILL for an Act to amend and reenact subsection 6 of section 57-38-01 of the North Dakota Century Code, relating to voting and residency for income tax purposes of active duty members of the armed forces assigned to duty in this state; and to provide an effective date.

MOTION

SEN. G. NELSON MOVED that the question be put at 5:58 p.m., which motion prevailed on a verification vote.

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 27 YEAS, 21 NAYS, 0 EXCUSED, 1 ABSENT AND NOT VOTING.

YEAS: Bowman; Christmann; Freborg; Goetz; Grindberg; Holmberg; Krebsbach; Lee; Lips; Mutch; Naaden; Nalewaja; Nelson, G.; Nething; Sand; Schobinger; Solberg; St. Aubyn; Stenehjem, B.; Stenehjem, W.; Streibel; Tennefos; Thane; Traynor; Urlacher; Wanzek; Watne

NAYS: Andrist; DeMers; Heinrich; Heitkamp; Kelsh; Kinnoin; Krauter; Kringstad; LaFountain; Langley; Lindaas; Mathern; Mushik; Nelson, C.; O'Connell; Redlin; Robinson; Scherber; Tomac; Wogsland; Yockim

ABSENT AND NOT VOTING: Tallackson

SB 2527 passed and the title was agreed to.

MOTION

SEN. G. NELSON MOVED that the Senate suspend Senate Rule 507 and Joint Rule 203 in regard to SB 2067, which motion prevailed.

MOTION

SEN. G. NELSON MOVED that the vote by which SB 2042, SB 2275, SB 2320, SB 2368, SB 2432, SB 2437, SB 2446, SB 2449, SB 2469, SB 2470, SB 2485, SB 2512, and SB 2525 failed be reconsidered and the motion to reconsider be laid on the table, which motion prevailed.

POINT OF PERSONAL PRIVILEGE

SEN. W. STENEHJEM: Madam President: I rise on a point of personal privilege and request that my remarks be printed in the Journal.

REMARKS OF SENATOR W. STENEHJEM

I would like the Journal to reflect that the reason for my absence after the noon recess was that I was attending a meeting in the Governor's office in regard to SB 2067.

MOTION

SEN. GOETZ MOVED that the Senate be on the Fifth, Ninth, and Thirteenth orders of business and at the conclusion of those orders, the Senate stand adjourned until 8:00 a.m., Thursday, February 16, 1995, which motion prevailed.

REPORT OF STANDING COMMITTEE

SB 2003: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2003 was placed on the Sixth order on the calendar.

Page 1, line 2, after "54-12-11" insert "and subsection 3 of section 62.1-04-03"

Page 1, line 3, after "general" insert "and concealed weapons license fees"

Page 1, line 12, replace "12,152,975" with "12,530,694"

Page 1, line 13, replace "3,776,702" with "4,568,498"

Page 1, line 14, replace "479,197" with "482,697"

Page 2, line 1, replace "21,323,468" with "22,496,483"

Page 2, line 2, replace "9,894,297" with "10,509,462"

Page 2, line 3, replace "11,429,171" with "11,987,021"

Page 2, line 4, replace "There is hereby appropriated to the" with "The estimated income line item in section 1 of this Act includes"

Page 2, line 5, remove "attorney general,"

Page 3, after line 16, insert:

"SECTION 8. AMENDMENT. Subsection 3 of section 62.1-04-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

3. The license fee for a concealed weapons license is fifteen twenty-five dollars. Ten dollars of this fee must be credited to the state general fund and five fifteen dollars of this fee must be credited to the attorney general's operating fund. The license fee must be paid before the license is issued by the ~~chief~~ director of the bureau of criminal investigation."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	BCI SALARY RECLASSIFICATION	AUTOMATED FINGERPRINT SYSTEM	PROSECUTION WITNESS FEES	SEXUAL ABUSE PROSECUTOR ⁴	REMOVE VACANT POSITION	OTHER CHANGES	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$12,152,975	\$163,726 ¹			\$ 98,104	\$ (47,531) ⁵	\$163,420 ⁶	\$ 377,719	\$12,530,694
Operating expenses	3,776,702		\$548,000 ²	\$210,000 ³	33,796			791,796	4,568,498
Equipment	479,197				3,500			3,500	482,697
Grants	4,175,567								4,175,567
Arrest and return of fugitives	19,376								19,376
Controlled substance	4,000								4,000
ARC legal fees	91,027								91,027
Litigation fees	143,324								143,324
Gaming Commission	20,000								20,000
State employee defense	250,000								250,000
Racing Commission	<u>211,300</u>								<u>211,300</u>
Total	\$21,323,468	\$163,726	\$548,000	\$210,000	\$135,400	\$ (47,531)	\$163,420	\$1,173,015	\$22,496,483
General fund	\$11,429,171	\$130,704	\$ 48,000	\$210,000	\$135,400	\$ (47,531)	\$ 81,277	\$ 557,850	\$11,987,021
Special funds	<u>9,894,297</u>	<u>33,022</u>	<u>500,000</u>				<u>82,143</u>	<u>615,165</u>	<u>10,509,462</u>
Total	\$21,323,468	\$163,726	\$548,000	\$210,000	\$135,400	\$ (47,531)	\$163,420	\$1,173,015	\$22,496,483
FTE	152				1	(1)	2	2	154

¹ Provides funding to continue salary increases provided to the Bureau of Criminal Investigation agents in October 1994.

² Provides funding from the following sources for the automated fingerprint identification system authorized in Senate Bill No. 2263:

General fund	\$ 48,000
Federal funds	443,171
Other funds	56,829
Total	\$548,000

³ Provides funding for prosecution witness fees due to the defeat of House Bill No. 1132 \$(170,000), which would have made these costs the responsibility of the counties, and pursuant to provisions of Senate Bill No. 2229 \$(40,000), which provide that the Attorney General pay, in addition to travel expenses, witness fees and mileage in juvenile court cases.

⁴ Provides funding for a child sexual abuse prosecutor position authorized in Senate Bill No. 2045.

⁵ Removes one FTE vacant audit technician.

⁶ Adds one FTE consumer protection investigator at \$67,720, \$35,000 of which is from the general fund. Adds \$46,277 from the general fund for an information processing position for which funding was not provided in the executive budget. Adds one FTE concealed weapons permit position at \$49,423 of other funds. The other funds are provided from fees charged on concealed weapons permits. A section is added increasing the three-year fee for a concealed weapons permit from \$15 to \$25. Of the \$25 fee, \$10 is deposited in the general fund and \$15 is deposited in the Attorney General's operating fund.

REPORT OF STANDING COMMITTEE

SB 2009: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2009 was placed on the Sixth order on the calendar.

Page 1, line 2, after "agriculture" insert "and soil conservation committee"

Page 1, line 10, after "agriculture" insert "and soil conservation committee"

Page 1, after line 12, insert:

"Subdivision 1.
AGRICULTURE COMMISSIONER"

Page 1, line 13, replace "3,021,129" with "3,148,157"

Page 1, line 14, replace "1,494,831" with "1,373,652"

Page 1, line 15, replace "26,006" with "29,006"

Page 1, line 16, replace "1,061,720" with "811,720"

Page 1, line 17, replace "1,498,571" with "1,198,571"

Page 2, line 1, replace "9,055,195" with "8,514,044"

Page 2, line 2, replace "4,103,010" with "4,120,876"

Page 2, line 3, replace "4,952,185" with "4,393,168"

Page 2, after line 3, insert:

"Subdivision 2.
SOIL CONSERVATION COMMITTEE

Salaries and wages	\$ 456,782
Operating expenses	<u>58,533</u>
Total general fund appropriation	\$ 515,315
Total general fund appropriation S.B. 2009	\$4,908,483
Total special funds appropriation S.B. 2009	\$4,120,876
Total all funds appropriation S.B. 2009	\$9,029,359"

Page 2, line 6, replace "\$1,332,156" with "\$1,412,156"

Page 2, line 8, after "pesticide" insert ", registration,"

Page 2, line 9, after the first "program" insert ", \$90,000 is for the registration program,"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	ADD REGISTRATION PROGRAM ¹	REMOVES SOIL CONSERVATION COMMITTEE ACTIVITIES ²	REDUCE AGRICULTURAL MEDIATION ³	BOARD OF ANIMAL HEALTH FUNDING ⁴	FEDERAL GRANT ⁵	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,021,129	\$239,040	\$ (9,043)		\$(102,969)		\$ 127,028	\$3,148,157
Operating expenses	1,494,831	87,721	(8,900)			\$(200,000)	(121,179)	1,373,652
Equipment	26,006	3,000					3,000	29,006
Grants	1,061,720		(500,000)			250,000	(250,000)	811,720
Ag mediation	1,498,571			\$(300,000)			(300,000)	1,198,571
Ag in the classroom	25,000							25,000
Waterbank	214,000							214,000
Pride of Dakota	142,500							142,500
Safe Send	650,000							650,000
Noxious weeds	<u>921,438</u>							<u>921,438</u>
Total	\$9,055,195	\$329,761	\$(517,943)	\$(300,000)	\$(102,969)	\$ 50,000	\$(541,151)	\$8,514,044
General fund	\$4,952,185	\$199,761	\$(517,943)	\$(207,120)	\$(33,715)		\$(559,017)	\$4,393,168
Special funds	<u>4,103,010</u>	<u>130,000</u>		<u>(92,880)</u>	<u>(69,254)</u>	<u>\$ 50,000</u>	<u>17,866</u>	<u>4,120,876</u>
Total	\$9,055,195	\$329,761	\$(517,943)	\$(300,000)	\$(102,969)	\$ 50,000	\$(541,151)	\$8,514,044
FTE	47	4			(1)		3	50

- ¹ Provides funding from the following sources for registration program administrative costs (Senate Bill No. 2075 transfers this program to the Agriculture Department from the Health Department):

General fund	\$199,761
Federal funds	40,000
Environment and rangeland protection fund	<u>90,000</u>
Total	\$329,761

- ² Salaries and wages and operating expenses reductions relate to per diem and expense reimbursement for seven Soil Conservation Committee members. The grants reduction relates to the soil conservation technician grants program.
- ³ Reduces funding for mediation services by \$300,000, \$100,000 of which is from the general fund and \$200,000 of federal funds. In addition, general fund support is reduced by \$107,120 and other funds are increased by \$107,120. The other funds are available from unspent mediation fee collections from the 1991-93 and 1993-95 bienniums.
- ⁴ Removes one FTE administrative position for the Board of Animal Health (\$55,917) and adds one FTE accountant position for the board at \$65,637. In addition, one FTE veterinarian position is removed, including \$112,689, \$43,435 of which is from the general fund and \$69,254 of special funds from the Game and Fish Department.
- ⁵ Reflects a \$250,000 federal grant that the department will be receiving and providing to the Agricultural Products Utilization Commission. The executive budget recommended that \$200,000 of this federal grant be used for Agriculture Department operating costs. As a result of this change, operating expenses are reduced by \$200,000 of federal funds.

DEPARTMENT 710 - SOIL CONSERVATION COMMITTEE

SENATE - This amendment provides for continuation of the Soil Conservation Committee as a state agency. The executive budget recommended the committee continue operating but that staff services be provided by the Agriculture Commissioner. The following schedule compares the Senate version to the executive budget recommended amounts relating to Soil Conservation Committee activities included in the Agriculture Commissioner's appropriation:

	EXECUTIVE BUDGET	SENATE VERSION	INCREASE (DECREASE)
Salaries and wages	\$ 9,043	\$456,782	\$ 447,739
Operating expenses	8,900	58,533	49,633
Grants	<u>500,000</u>	<u>0¹</u>	<u>(500,000)</u>
Total general fund	\$517,943	\$515,315	\$ (2,628)
FTE	0	6	6

¹ The amendment eliminates the soil conservation technician grants program.

The 1993-95 legislative appropriation for the Soil Conservation Committee totals \$1,233,228 from the general fund, including six FTEs.

REPORT OF STANDING COMMITTEE

SB 2012: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2012 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "and" with a semicolon

Page 1, line 3, after "institutions" insert "; to rename the developmental center the developmental center at westwood park, Grafton; to create and enact a new section to chapter 25-04 and two new sections to chapter 50-06 of the North Dakota Century Code, relating to the westwood park assets management committee, to developmental disabilities service providers and to the administration of the mental health division; to amend and reenact sections 25-04-01 and 50-24.5-06 of the North Dakota Century Code and section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws, relating to renaming the developmental center the developmental center at westwood park, Grafton, the state basic care program, and extending an appropriation from the lands and minerals trust fund to the department of human services for capital improvements or demolition of existing buildings at the developmental center at westwood park, Grafton; to encourage a waiver of federal medicaid requirements; and to provide an effective date"

Page 2, line 9, replace "6,956,881" with "6,942,387"

Page 2, line 10, replace "12,573,985" with "12,798,985"

Page 2, line 13, replace "21,472,632" with "21,683,138"

Page 2, line 14, replace "14,414,075" with "14,624,581"

Page 2, line 22, replace "126,129,922" with "127,065,685"

Page 2, line 23, replace "151,360,101" with "152,295,864"

Page 2, line 24, replace "129,244,000" with "129,452,250"

Page 2, line 25, replace "22,116,101" with "22,843,614"

Page 3, line 3, replace "556,349,256" with "557,678,078"

Page 3, line 4, replace "564,062,056" with "565,390,878"

Page 3, line 5, replace "403,485,391" with "404,334,959"

Page 3, line 6, replace "160,576,665" with "161,055,919"

Page 3, line 9, replace "4,321,637" with "5,355,667"

Page 3, line 10, replace "12,958,373" with "13,533,736"

Page 3, line 11, replace "269,705" with "293,185"

Page 3, line 12, replace "56,984,073" with "78,217,413"

Page 3, remove lines 13 through 15

Page 3, line 16, replace "96,058,428" with "97,400,001"

Page 3, line 17, replace "68,610,106" with "68,646,723"

Page 3, line 18, replace "27,448,322" with "28,753,278"

Page 3, replace line 21 with:

"Salaries and wages	\$ 3,596,734
Operating expenses	2,660,498
Equipment	288,510
Grants	13,616,993
Capital improvements	<u>2,626</u>

Page 3, line 22, replace "20,198,854" with "20,165,361"

Page 3, line 23, replace "17,033,634" with "16,904,141"

Page 3, line 24, replace "3,165,220" with "3,261,220"

Page 3, line 27, replace "57,504,807" with "58,004,998"

Page 3, line 28, replace "10,475,748" with "10,570,530"

Page 4, line 2, replace "11,648,079" with "11,668,599"

Page 4, remove lines 3 and 4

Page 4, line 5, replace "81,392,096" with "81,123,615"

Page 4, line 6, replace "42,284,392" with "42,015,911"

Page 4, line 10, replace "43,941,975" with "43,263,472"

Page 4, line 13, replace "52,376,241" with "51,697,738"

Page 4, line 14, replace "17,758,882" with "15,880,379"

Page 4, line 15, replace "34,617,359" with "35,817,359"

Page 4, line 25, replace "305,203,902" with "309,011,625"

Page 4, line 26, replace "721,216,240" with "720,244,704"

Page 4, line 27, replace "1,026,420,142" with "1,029,256,329"

Page 5, after line 23, insert:

"SECTION 6. AMENDMENT. Section 25-04-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

25-04-01. Developmental center - Name - Administration and control. A facility for developmentally disabled persons must be maintained at or near the city of Grafton in Walsh County. The facility must also be available for a person who is determined to be a person who may benefit from the facility's services. The facility must be known and designated as the developmental center at westwood park, Grafton. The department of human services has administrative authority and control of the developmental center at westwood park, Grafton, and westwood park.

SECTION 7. A new section to chapter 25-04 of the North Dakota Century Code is created and enacted as follows:

Westwood park assets management committee. The westwood park assets management committee consists of eleven members appointed by the governor as follows: three members of the senate, two from the majority faction and one from the minority faction, and three members of the house of representatives, two from the majority faction and one from the minority faction; a representative of the department of human services; a representative of the department of economic development and finance; a representative of the attorney general's office; the mayor of Grafton; and the governor or the governor's designee. The officers of the westwood park assets management committee must be elected annually. Any state agency may serve in an advisory capacity to the westwood park assets management committee at the discretion of the committee. The committee shall meet at least twice each year and at other times as the committee or its chairman may direct. The legislative members of the committee are entitled to receive the same compensation per day as provided in section 54-35-10 for members of the legislative council and the necessary mileage and travel expenses provided in sections 44-08-04 and 54-06-09 while attending committee meetings or in the performance of such special duties as the committee may direct. The compensation provided for in this section may not be paid to any member of the committee who received salary or other compensation as a regular employee of the state, or any of its political subdivisions, or any institution or industry operated by the state. The westwood park assets management committee shall act when the legislative assembly is not in session to sell, lease, and otherwise manage the property of westwood park, subject to prior budget section approval. The department of human services shall provide staff services for the westwood park assets committee. Any conveyance made by the committee under this section is exempt from sections 54-01-05.2 and 54-01-05.5.

SECTION 8. AMENDMENT. Section 4 of chapter 561 of the 1991 Session Laws as amended by section 18 of chapter 2 of the 1993 Session Laws is amended and reenacted as follows:

SECTION 4. PROCEEDS - APPROPRIATION. The proceeds from the sale of land, property, and equipment at the ~~developmental center at Grafton westwood park~~ must be deposited in the lands and minerals trust fund. There is hereby appropriated \$200,000, or so much thereof as may be necessary, from the lands and minerals trust fund, to the department of human services for capital improvements or demolition of existing buildings at the ~~developmental center at Grafton westwood park~~ for the period beginning July 1, 1991, and ending June 30, ~~1995~~ 1997.

SECTION 9. STATUTORY REFERENCES RELATING TO THE DEVELOPMENTAL CENTER AT WESTWOOD PARK, GRAFTON. The legislative council may insert

appropriate references in the sections of law listed in this section, consistent with usages contained in this Act. References inserted may be adjusted to suit the contexts and grammar of the sections and must be inserted so as to harmonize existing law with regard to the name changes provided by this Act. Sections of the North Dakota Century Code to which the authority of this section applies are sections 12.1-04-06, 12.1-04-08, 15-39.1-04, 15-47-34, 15-59-05.1, 20.1-03-04, 25-01-01, 25-01-01.1, 25-01-02, 25-01-06, 25-04-00.1, 25-04-02, 25-04-02.2, 25-04-03, 25-04-04, 25-04-05, 25-04-05.1, 25-04-06, 25-04-11, 25-04-11.1, 25-04-11.2, 25-04-14, 25-04-15, 25-04-16, 25-04-17, 25-04-19, 25-16-07, subsection 14 of 50-06-05.1, sections 54-14-03.2, and 57-51.1-08.

SECTION 10. STATUTORY REFERENCES RELATING TO WESTWOOD PARK. The legislative council may insert appropriate references in the sections of law listed in this section, consistent with usages contained in this Act. References inserted may be adjusted to suit the contexts and grammar of the sections and must be inserted so as to harmonize existing law with regard to the name changes provided by this Act. Sections of the North Dakota Century Code to which the authority of this section applies are subsection 24 of section 50-06-05.1 and sections 50-06-06.6 and 50-06-06.7.

SECTION 11. MEASURES ENACTED BY THE FIFTY-FOURTH LEGISLATIVE ASSEMBLY RELATING TO THE DEVELOPMENTAL CENTER AT WESTWOOD PARK, GRAFTON. The legislative council may insert appropriate references in any measure enacted by the fifty-fourth legislative assembly which refers to the terms "developmental center", "state developmental center", or "state developmental center at Grafton" consistent with usages contained in this Act. References inserted may be adjusted to suit context and grammar of the sections and must be inserted so as to harmonize the legislative measure with regard to the name changes provided by this Act.

SECTION 12. Two new sections to chapter 50-06 of the North Dakota Century Code are created and enacted as follows:

DEVELOPMENTAL DISABILITIES SERVICE PROVIDERS. The department of human services shall allow providers of service to the developmentally disabled to transfer funds received from the department between budget categories and line items.

MENTAL HEALTH DIVISION - ADMINISTRATION. The Department of Human Services shall administratively restructure the Mental Health Division to require the division to develop and revise, when necessary, the state mental health plan and provide the mental health division the authority to assure human service centers' delivery and operation of mental health services is in accordance with the state plan.

SECTION 13. AMENDMENT. Section 50-24.5-06 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-24.5-06. Appropriation of county funds - Reimbursement by department - Reimbursement by county agency. The board of county commissioners of each county annually shall appropriate and make available to the human services fund an amount sufficient to pay the county's share of the cost of supplements provided and expenses of administration of this chapter. Upon certification of the costs of administration by each county, the department shall reimburse each county for one-half of the county's costs of administration. Upon claim being made by the department, ~~the each~~ county agency shall reimburse the department for ~~fifty percent the first year of the 1993-95 biennium and thirty~~ the county's share of twenty percent thereafter of the cost of supplementing the income of ~~any every~~

eligible beneficiary ~~who is a resident of the county for purposes of chapter 50-02.~~

SECTION 14. MEDICAID DENTAL SERVICES - FEDERAL WAIVERS. The legislative assembly encourages the department of human services to apply for a waiver from the federal government's medical assistance freedom of choice requirements to allow the department, on a pilot program basis, to contract for dental services with providers to improve the availability of dental services for medical assistance recipients.

SECTION 15. EFFECTIVE DATE. Section 13 of this Act is effective on January 1, 1996."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - The attached schedule details the Senate changes to Senate Bill No. 2012.

DEPARTMENT OF HUMAN SERVICES - SENATE CHANGES TO SENATE BILL NO. 2012

	1995-97 EXECUTIVE BUDGET	REMOVE VACANT FTE POSITIONS	RESTORE OBJECT CODE LINE ITEMS*	ADJUST GRANTS	OTHER ADJUSTMENTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
SUBDIVISION 1 - EXECUTIVE OFFICE							
Salaries and wages	\$ 623,549						\$ 623,549
Operating expenses	516,562						516,562
Equipment	<u>4,874</u>						<u>4,874</u>
Total all funds	\$1,144,985						\$1,144,985
Less estimated income	425,248						425,248
Total general fund appropriation	\$ 719,737						\$ 719,737
FTE positions	5						5
SUBDIVISION 2 - DD COUNCIL							
Salaries and wages	\$119,695						\$119,695
Operating expenses	75,614						75,614
Grants	<u>667,278</u>						<u>667,278</u>
Total all funds	\$862,587						\$862,587
Less estimated income	840,240						840,240
Total general fund appropriation	\$ 22,347						\$ 22,347
FTE positions	1.5						1.5
SUBDIVISION 3 - MANAGERIAL SUPPORT							
Salaries and wages	\$ 6,956,881	\$(14,494)				\$(14,494)	\$ 6,942,387
Operating expenses	12,573,985				\$225,000 ¹	225,000	12,798,985
Equipment	100,810						100,810
DD loan fund	<u>1,840,956</u>						<u>1,840,956</u>
Total all funds	\$21,472,632	\$(14,494)			\$225,000	\$210,506	\$21,683,138
Less estimated income	14,414,075	(14,494)			225,000	210,506	14,624,581
Total general fund appropriation	\$ 7,058,557	\$ 0			\$ 0	\$ 0	\$ 7,058,557
FTE positions	95.25	(.45)				(.45)	94.8
¹ Fund indirect costs to be paid to the Office of Management and Budget.							
SUBDIVISION 4 - ECONOMIC ASSISTANCE							
Salaries and wages	\$ 4,411,704						\$ 4,411,704
Operating expenses	20,747,136						20,747,136
Equipment	69,615						69,615
Grants	126,129,922			\$935,763 ²		\$935,763	127,065,685
Capital improvements	<u>1,724</u>						<u>1,724</u>
Total all funds	\$151,360,101			\$935,763		\$935,763	\$152,295,864
Less estimated income	129,244,000			208,250		208,250	129,452,250
Total general fund appropriation	\$ 22,116,101			\$727,513		\$727,513	\$ 22,843,614
FTE positions	55.3						55.3

² Adds funds for basic care rate equalization and continued 70 percent state funding. (Total cost \$935,763, of which \$655,034 is from the general fund.) On January 1, 1996, the state's share will be increased to 80 percent (\$72,479 general fund cost).

DEPARTMENT OF HUMAN SERVICES - SENATE CHANGES TO SENATE BILL NO. 2012

	1995-97 EXECUTIVE BUDGET	REMOVE VACANT FTE POSITIONS	RESTORE OBJECT CODE LINE ITEMS*	ADJUST GRANTS	OTHER ADJUSTMENTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
SUBDIVISION 5 - MEDICAL ASSISTANCE							
Salaries and wages	\$ 3,171,349						\$ 3,171,349
Operating expenses	4,528,532						4,528,532
Equipment	12,100						12,100
Grants	556,349,256			\$ 1,328,822 ³		\$ 1,328,822	557,678,078
Capital improvements	819						819
Total all funds	\$564,062,056			\$1,328,822		\$1,328,822	\$565,390,878
Less estimated income	403,485,391			849,568		849,568	404,334,959
Total general fund appropriation	\$160,576,665			\$ 479,254		\$ 479,254	\$161,055,919
FTE positions	46						46

³ Reduces the long-term care Medicaid budget to provide funds for a long-term care ombudsman program funded in subdivision 6 (\$111,000 total reduction, \$30,000 from the general fund) and adds funds for 3.5 percent annual inflation rather than 2.6 percent for DD providers (\$1,439,822 total cost, \$509,254 from the general fund).

SUBDIVISION 6 - PROGRAM AND POLICY							
Salaries and wages	\$ 4,321,637	\$(23,481)	\$ 1,057,511			\$ 1,034,030	\$ 5,355,667
Operating expenses	12,958,373		412,274		\$ 163,089 ⁴	575,363	13,533,736
Equipment	269,705		23,480			23,480	293,185
Grants	56,984,073		20,031,375	\$ 1,201,965 ⁵		21,233,340	78,217,413
Aging home/community service	20,031,375		(20,031,375)			(20,031,375)	
Aging protective service	226,787		(226,787)			(226,787)	0
Aging administration	1,266,478		(1,266,478)			(1,266,478)	0
Total all funds	\$96,058,428	\$(23,481)	\$ 0	\$ 1,201,965	\$ 163,089	\$ 1,341,573	\$97,400,001
Less estimated income	68,610,106		(23,481)	60,098		36,617	68,646,723
Total general fund appropriation	\$27,448,322	\$ 0	\$ 0	\$ 1,141,867	\$ 163,089	\$ 1,304,956	\$28,753,278
FTE positions	68.15		(.5)			(.5)	67.65

⁴ Operating expenses. This amendment anticipates the use of \$30,000 of federal substance abuse funds for a fetal alcohol syndrome program to study prenatal alcohol use at the UND Medical Center; adds \$30,000 from the general fund for a long-term care ombudsman program; and adds \$133,809 from the general fund to increase the funding for the corporate guardianship program to \$591,206, the 1993-95 level.

⁵ Grants. This amendment increases the funding for the SPED program to \$8,463,278, including \$8,040,114 from the general fund.

SUBDIVISION 7 - VOCATIONAL REHABILITATION							
Salaries and wages	\$ 0	\$(129,493)	\$ 3,726,227			\$ 3,596,734	\$ 3,596,734
Operating expenses	0		2,660,498			2,660,498	2,660,498
Equipment	0		288,510			288,510	288,510
Grants	0		13,520,993	\$96,000 ⁶		13,616,993	13,616,993
Capital improvements	0		2,626			2,626	2,626
Vocational rehabilitation services	20,198,854		(20,198,854)			(20,198,854)	0

DEPARTMENT OF HUMAN SERVICES - SENATE CHANGES TO SENATE BILL NO. 2012

	1995-97 EXECUTIVE BUDGET	REMOVE VACANT FTE POSITIONS	RESTORE OBJECT CODE LINE ITEMS*	ADJUST GRANTS	OTHER ADJUSTMENTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
Total all funds	\$20,198,854	\$ (129,493)	\$ 0	\$96,000		\$ (33,493)	\$20,165,361
Less estimated income	17,033,634	(129,493)				(129,493)	16,904,141
Total general fund appropriation	\$ 3,165,220	\$ 0	\$ 0	\$96,000		\$ 96,000	\$ 3,261,220
FTE positions	53	1.5				(1.5)	51.5

* Grants. Funding is provided for the independent living councils.

SUBDIVISION 8 - HUMAN SERVICE
CENTERS

Salaries and wages	\$57,504,807	\$ (268,481)	\$768,672			\$500,191	\$58,004,998
Operating expenses	10,475,748		94,782			94,782	10,570,530
Equipment	649,275						649,275
Grants	11,648,079		20,520			20,520	11,668,599
Capital improvements	230,213						230,213
Northeast aging services	85,208		(85,208)			(85,208)	
Northeast vocational rehabilitation	<u>798,766</u>		<u>(798,766)</u>			<u>(798,766)</u>	
Total all funds	\$81,392,096	\$ (268,481)	\$ 0			\$ (268,481)	\$81,123,615
Less estimated income	42,284,392	(268,481)				(268,481)	42,015,911
Total general fund appropriation	\$39,107,704	\$ 0	\$ 0			\$ 0	\$39,107,704
FTE positions	817.75	(5)				(5)	812.75

SUBDIVISION 9 - STATE HOSPITAL

Salaries and wages	\$43,941,975	\$ (678,503)				\$ (678,503)	\$43,263,472
Operating expenses	8,081,279						8,081,279
Equipment	<u>352,987</u>						<u>352,987</u>
Total all funds	\$52,376,241	\$ (678,503)				\$ (678,503)	\$51,697,738
Less estimated income	17,758,882	(678,503)			\$ (1,200,000)	(1,878,503)	15,880,379
Total general fund appropriation	\$34,617,359	\$ 0			\$ 1,200,000	\$ 1,200,000	\$35,817,359
FTE positions	639.6	(9.5)				(9.5)	630.1

Adds general fund moneys to replace unanticipated income at the State Hospital.

SUBDIVISION 10 - DEVELOPMENTAL
CENTER

Salaries and wages	\$29,392,308						\$29,392,308
Operating expenses	7,644,021						7,644,021
Equipment	132,558						132,558
Capital improvements	<u>323,275</u>						<u>323,275</u>
Total all funds	\$37,492,162						\$37,492,162
Less estimated income	27,120,272						27,120,272
Total general fund appropriation	\$10,371,890						\$10,371,890
FTE positions	501.8						501.8

DEPARTMENT OF HUMAN SERVICES - SENATE CHANGES TO SENATE BILL NO. 2012

	1995-97 EXECUTIVE BUDGET	REMOVE VACANT FTE POSITIONS	RESTORE OBJECT CODE LINE ITEMS*	ADJUST GRANTS	OTHER ADJUSTMENTS	TOTAL SENATE CHANGES	SENATE RECOMMENDED AMOUNTS
GRAND TOTAL DEPARTMENT OF HUMAN SERVICES							
Salaries and wages	\$ 150,443,905	\$(1,114,452)	\$ 5,552,410			\$ 4,437,958	\$ 154,881,863
Operating expenses	77,601,250		3,167,554		\$ 388,089	3,555,643	81,156,893
Equipment	1,591,924		311,990			311,990	1,903,914
Grants	751,778,608		33,572,888	\$3,562,550	\$ 388,089	37,135,438	788,914,046
DD loan fund	1,840,956						1,840,956
Capital improvements	556,031		2,626			2,626	235,382
Other line items	<u>42,607,468</u>		<u>(42,607,468)</u>			<u>(42,607,468)</u>	<u>323,275</u>
Total all funds	\$1,026,420,142	\$(1,114,452)	\$ 0	\$3,562,550	\$ 388,089	\$ 2,836,187	\$1,029,256,329
Less estimated income	721,216,240	\$(1,114,452)	\$ 0	1,117,916	\$ (975,000)	(971,536)	720,244,704
Total general fund appropriation	\$ 305,203,902	\$ 0	\$ 0	\$2,444,634	\$1,363,089	\$ 3,807,723	\$ 309,011,625
FTE positions	2,283.35	(16.95)	0	0	0	(16.95)	2,266.4

* This restores object code line items rather than program-based line items as included in the executive budget.

REPORT OF STANDING COMMITTEE

SB 2013: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2013 was placed on the Sixth order on the calendar.

- Page 1, line 17, replace "9,964,590" with "9,853,211"
- Page 1, line 18, replace "6,218,731" with "6,254,219"
- Page 1, line 22, replace "407,040,662" with "432,506,833"
- Page 2, remove line 1
- Page 2, remove line 4
- Page 2, line 11, replace "672,779,041" with "672,440,091"
- Page 2, line 12, replace "192,479,724" with "192,403,833"
- Page 2, line 13, replace "480,299,317" with "480,036,258"
- Page 2, line 19, replace "4,000" with "175,000"
- Page 2, line 23, replace "3,938,676" with "4,109,676"
- Page 2, line 24, replace "1,251,828" with "1,297,828"
- Page 2, line 25, replace "2,686,848" with "2,811,848"
- Page 2, line 29, replace "822,949" with "828,949"
- Page 3, line 3, replace "4,565,252" with "4,571,252"
- Page 3, line 5, replace "3,845,353" with "3,851,353"
- Page 3, line 9, replace "519,615" with "515,615"
- Page 3, line 12, replace "2,837,239" with "2,833,239"
- Page 3, line 14, replace "2,241,039" with "2,237,039"
- Page 3, line 15, replace "489,072,557" with "488,936,498"
- Page 3, line 16, replace "195,047,651" with "195,017,760"
- Page 3, line 17, replace "684,120,208" with "683,954,258"
- Page 4, after line 17, insert:

SECTION 6. INTENT. It is the intent of the legislative assembly that the superintendent of public instruction negotiate with the director of the central personnel division to reclassify special education regional coordinator positions to a higher position classification level and to allow the positions to be filled at a salary level higher than the minimum salary range specified by the central personnel division for that position classification.

SECTION 7. INTENT. It is the intent of the legislative assembly that special education regional coordinator positions included within the department of public instruction be located in the eight special education regions of the state to the extent possible, by June 30, 1997. No fewer than four special education regional coordinator positions must be located within the corresponding regions of the state as of June 30, 1997, not to include the regional coordinator located in

Bismarck, North Dakota, for the region that includes Bismarck, North Dakota. The superintendent of public instruction shall report to the budget section of the legislative council no later than October 31, 1996, on the department's progress in locating the regional coordinator positions in the eight regions of the state.

SECTION 8. INTENT. It is the intent of the legislative assembly that the superintendent of public instruction receive input from local school districts and department of public instruction employees located in the eight regions of the state regarding the distribution of federal grants and the implementation of federally required programs.

SECTION 9. INTENT. It is the intent of the legislative assembly that an educational program assistant director position to work as a curriculum specialist and an administrative secretary II position to provide clerical assistance in curriculum development be located at the division of independent study building."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - PUBLIC INSTRUCTION

SENATE - This amendment removes a recommended .5 FTE programmer/analyst II position and decreases salaries and wages by \$35,488 of federal funds and increases operating expenses by \$35,488 of federal funds for contracted programming services. This amendment also eliminates a vacant program assistant director position (position No. 3805) and reduces salaries and wages by \$75,891 of federal funds. This amendment also eliminates the efficiency grants line item of \$263,059 from the state general fund, eliminates the guaranteed tax base equalization line item, and increases the foundation aid and transportation line item by \$25,466,171 from the state general fund. The portion of this amendment that affects the Department of Public Instruction is summarized as follows:

ANALYSIS OF SENATE CHANGES TO THE 1995-97 EXECUTIVE BUDGET

	1995-97 EXECUTIVE RECOMMENDATION	ELIMINATE REQUESTED .5 FTE PROGRAMMER/ANALYST POSITION AND INCREASE OPERATING EXPENSES FOR CONTRACTED SERVICES	REMOVE VACANT PROGRAM ASSISTANT DIRECTOR POSITION	REMOVE EFFICIENCY GRANTS	ELIMINATE GUARANTEED TAX BASE EQUALIZATION LINE ITEM AND INCREASE FOUNDATION AID AND TRANSPORTATION LINE ITEM ¹	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 9,964,590	\$(35,488)	\$(75,891)			\$ (111,379)	\$ 9,853,211
Operating expenses	6,218,731	35,488				35,488	6,254,219
Equipment	559,315						559,315
Capital improvements	35,000						35,000
Geographic education	50,000					50,000	
Grants - Foundation aid and transportation	407,040,662				\$ 25,466,171	25,466,171	432,506,833
Grants - Guaranteed tax base equalization	25,466,171				(25,466,171)	(25,466,171)	0
Grants - Tuition apportionment	46,017,000					46,017,000	
Grants - Special education	36,850,000					36,850,000	
Grants - Efficiency grants	263,059			\$(263,059)		(263,059)	
Grants - Other grants	138,069,345					138,069,345	
Educational network	340,000					340,000	
Teacher certification	399,251					399,251	
Center for innovation and instruction	297,250					297,250	
SENDIT Network	756,000					756,000	
Prairie Public Broadcasting	452,667					452,667	
Total	\$672,779,041	\$ 0	\$(75,891)	\$(263,059)	\$ 0	\$ (338,950)	\$672,440,091
General fund	\$480,299,317	\$ 0	\$ 0	\$(263,059)	0	\$ (263,059)	\$480,036,258
Special funds	192,479,724	0	(75,891)	0	0	(75,891)	192,403,833
Total	\$672,779,041	\$ 0	\$(75,891)	\$(263,059)	\$ 0	\$ (338,950)	\$672,440,091
FTE	136.45	(.5)	(1)			(1.5)	134.95
<u>Per Student Payments</u>							
First year	\$1,652				\$ 83	\$ 83	\$1,735
Second year	\$1,668				\$150	\$150	\$1,818

¹ Corresponds to the statutory changes included in Senate Bill No. 2519 for per student payments, which increases per student payments from the 1994 appropriated level of \$1,570 and the 1995 appropriated level of \$1,636.

DEPARTMENT 250 - STATE LIBRARY

SENATE - This amendment removes \$46,000 general fund authority from the salaries and wages line item for the Dakota Radio Information Service radio broadcaster position and adds \$46,000 other funds authority to salaries and wages for this position. This amendment increases the multitype library authority line item by \$171,000 from the general fund. The portion of this amendment that affects the State Library is summarized as follows:

ANALYSIS OF SENATE CHANGES TO THE 1995-97 EXECUTIVE BUDGET

	1995-97 EXECUTIVE RECOMMENDATION	REDUCE GENERAL FUND AUTHORITY FOR RADIO BROADCASTER POSITION AND INCREASE GENERAL FUND AUTHORITY FOR HLA	INCREASE SPECIAL FUND AUTHORITY FOR RADIO BROADCASTER POSITION	INCREASE GENERAL FUND AUTHORITY FOR HLA	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,660,013	\$(46,000)	\$46,000			\$1,660,013
Operating expenses	893,892					893,892
Equipment	22,500					22,500
Multitype library authority	4,000	46,000		\$125,000	\$171,000	175,000
Talking Book program	235,271					235,271
Grants to school libraries	75,000					75,000
Grants	<u>1,048,000</u>					<u>1,048,000</u>
Total	\$3,938,676	\$ 0	\$46,000	\$125,000	\$171,000	\$4,109,676
General fund	\$2,686,848	\$ 0	\$ 0	\$125,000	\$125,000	\$2,811,848
Special funds	<u>1,251,828</u>	<u>0</u>	<u>46,000</u>	<u>0</u>	<u>46,000</u>	<u>1,297,828</u>
Total	\$3,938,676	\$ 0	\$46,000	\$125,000	\$171,000	\$4,109,676
FTE	29				0	29

DEPARTMENT 252 - SCHOOL FOR THE DEAF

SENATE - This amendment increases operating expenses for food and clothing by \$6,000 from the general fund. The increase restores the food and clothing line item to the requested level. The portion of this amendment that affects the School for the Deaf is summarized as follows:

ANALYSIS OF SENATE CHANGES TO THE 1995-97 EXECUTIVE BUDGET

	1995-97 EXECUTIVE RECOMMENDATION	INCREASE GENERAL FUND AUTHORITY FOR FOOD AND CLOTHING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$3,698,393			\$3,698,393
Operating expenses	822,949	\$6,000	\$6,000	828,949
Equipment	26,410			26,410
Capital improvements	<u>17,500</u>			<u>17,500</u>
Total	\$4,565,252	\$6,000	\$6,000	\$4,571,252
General fund	\$3,845,353	\$6,000	\$6,000	\$3,851,353
Special funds	<u>719,899</u>			<u>719,899</u>
Total	\$4,565,252	\$6,000	\$6,000	\$4,571,252
FTE	52.27		0	52.27

DEPARTMENT 253 - SCHOOL FOR THE BLIND

SENATE - This amendment reduces operating expenses for leased equipment by \$11,000 from the general fund and increases operating expenses for contracted lawn care and snow removal by \$7,000 from the general fund. The net decrease to the operating expenses line item is \$4,000 from the general fund. The portion of this amendment that affects the School for the Blind is summarized as follows:

ANALYSIS OF SENATE CHANGES TO THE 1995-97 EXECUTIVE BUDGET

	1995-97 EXECUTIVE RECOMMENDATION	REDUCE GENERAL FUND AUTHORITY FOR LEASE/RENTALS - EQUIPMENT	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,956,624			\$1,956,624
Operating expenses	519,615	\$(4,000)	\$(4,000)	515,615
Equipment	93,000			93,000
Capital improvements	<u>268,000</u>	<u> </u>	<u> </u>	<u>268,000</u>
Total	\$2,837,239	\$(4,000)	\$(4,000)	\$2,833,239
General fund	\$2,241,039	\$ 6,000	\$ 6,000	\$2,237,039
Special funds	<u>596,200</u>	<u> </u>	<u> </u>	<u>596,200</u>
Total	\$2,837,239	\$ 6,000	\$ 6,000	\$2,833,239
FTE	28		0	28

REPORT OF STANDING COMMITTEE

SB 2014: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2014 was placed on the Sixth order on the calendar.

Page 1, line 2, after "the" insert "committee on" and remove "project"

Page 1, line 7, after "the" insert "committee on"

Page 1, line 8, remove "project" and replace "its various" with "protection and advocacy"

Page 1, line 9, replace "divisions" with "services"

Page 1, remove lines 11 through 13

Page 1, line 14, replace "2,937,973" with "1,699,854"

Page 1, line 16, replace "1,338,119" with "100,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 360 - PROTECTION AND ADVOCACY COMMITTEE

SENATE - This amendment provides a total appropriation to the protection and advocacy committee in the amount of \$1,699,854, of which \$100,000 is from the general fund. This represents a reduction of \$1,238,119 from the general fund. It is anticipated the committee will contract with a private nonprofit organization to carry out its responsibilities.

REPORT OF STANDING COMMITTEE

SB 2015: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2015 was placed on the Sixth order on the calendar.

Page 1, line 5, after the second "to" insert "provide a statement of legislative intent relating to program-based performance budgeting"

Page 1, line 6, remove "authorize grant line item transfers"

Page 1, line 8, after the semicolon insert "to direct a study of statewide emergency communication needs;"

Page 1, replace lines 20 through 22 with:

"Salaries and wages	\$ 7,928,835
Operating expenses	6,141,788
Equipment	112,743
Capital improvements	639,000
Grants	38,643,000
State memberships	149,000
State contingencies	500,000
Firemen's association	63,000
Capital planning	25,000
Capitol building contingency	100,000
Homeless grants	<u>40,000</u> "

Page 2, remove lines 1 through 3

Page 2, line 4, replace "55,380,378" with "54,342,366"

Page 2, line 6, replace "14,490,612" with "13,452,600"

Page 2, replace line 9 with:

"Salaries and wages	\$11,637,012
Operating expenses	22,833,344
Equipment	4,800,000
Communications impaired	<u>432,400</u> "

Page 2, replace line 13 with:

"Salaries and wages	\$ 1,510,700
Operating expenses	2,796,673
Equipment	<u>40,925</u> "

Page 2, line 14, replace "4,486,430" with "4,348,298"

Page 2, line 15, replace "4,198,855" with "4,060,723"

Page 2, line 20, replace "1,530,411" with "1,910,411"

Page 2, line 22, replace "3,933,492" with "4,313,492"

Page 2, line 23, replace "679,270" with "1,059,270"

Page 2, line 25, replace "18,032,409" with "16,994,397"

Page 2, line 26, replace "85,470,647" with "85,712,515"

Page 2, line 27, replace "103,503,056" with "102,706,912"

Page 2, remove lines 28 and 29

Page 3, remove lines 1 through 4

Page 3, after line 17, insert:

"SECTION 4. EXEMPTION. The state radio communications salaries and wages, information services, operating expenses, and equipment appropriation contained in section 1 of chapter 5 of the 1993 Session Laws is not subject to the provisions of North Dakota Century Code section 54-44.1-11, and the unexpended funds from this appropriation shall be available for the installation of radio consoles and any other costs associated with the installation of the consoles, during the biennium beginning July 1, 1995, and ending June 30, 1997."

Page 4, after line 9, insert:

"SECTION 6. INTENT - PROGRAM-BASED PERFORMANCE BUDGETING. It is the intent of the fifty-fourth legislative assembly that the office of management and budget continue the 12 agency program-based performance budgeting pilot project through the 1997-99 biennium. Periodic reports shall be made to the budget section during the 1995-97 biennium of actual to planned expenditures by program and comparisons of planned to actual outcome, output, and efficiency and effectiveness measures. The budget section shall make a recommendation to the fifty-fifth legislative assembly regarding the continuance or expansion of program-based performance budgeting. Appropriation bills for pilot agencies shall be in the same form as appropriation bills for other state agencies and institutions, and be supported by documents containing program expenditure and performance measures information."

Page 4, line 12, after "treasury" insert "after it has been determined that sufficient funds have been retained in the state aid distribution fund to make payments pursuant to all appropriations and other transfers

from the state aid distribution fund for the biennium beginning July 1, 1995, and ending June 30, 1997"

Page 5, after line 10, insert:

"SECTION 12. STATEWIDE EMERGENCY COMMUNICATION. Three hundred eighty thousand dollars of other funds or such other amount that may become available contained in subdivision 4 of section 1 of this Act are to be used by state radio communications for a statewide comprehensive review of state and local emergency communication needs to develop a plan for the program's future."

Page 5, line 11, replace "8" with "9"

Page 5, line 13, replace "6" with "7" and replace "8" with "9"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 110 - OFFICE OF MANAGEMENT AND BUDGET

SENATE - This amendment provides object code-based line items for the Office of Management and Budget's appropriation rather than program-based line items. The funding provided for each of the Office of Management and Budget programs is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Administration	\$ 4,147,942	\$(1,000,000)	\$ 3,147,942
Fiscal management	3,629,186		3,629,186
Facility Management	6,659,488	(38,012)	6,621,476
Central Personnel	1,006,062		1,006,062
Intergovernmental Assistance	39,686,974		39,686,974
Salary and benefits adjustment	<u>250,726</u>	<u> </u>	<u>250,726</u>
Total	\$55,380,378	\$(1,038,012)	\$54,342,366

Although the line items contained in the bill are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

The amendment makes the following line item changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	REMOVE SOVEREIGN IMMUNITY FUNDING	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 7,966,847	\$(38,012)		\$ (38,012)	\$ 7,928,835
Operating expenses	6,141,788				6,141,788
Equipment	112,743				112,743
Capital improvements	639,000				639,000
Grants	38,643,000				38,643,000
Sovereign immunity	1,000,000		\$(1,000,000)	(1,000,000)	
State memberships	149,000				149,000
State contingencies	500,000				500,000
Firemen's association	63,000				63,000
Capital planning	25,000				25,000
Capitol building contingency	100,000				100,000
Homeless grants	40,000				40,000
Total all funds	\$55,380,378	\$(38,012)	\$(1,000,000)	\$(1,038,012)	\$54,342,366
Less estimated income	40,889,766				40,889,766
Total general fund	\$14,490,612	\$(38,012)	\$(1,000,000)	\$(1,038,012)	\$13,452,600
FTE	112.6	(1)	0	(1)	111.6

The amendment also adds language to clarify that the transfer from the state aid distribution fund to the general fund on June 30, 1995, is less than the amount needed for the July 1995 distribution of funds from the state aid distribution fund to political subdivisions.

The amendment also adds a section of legislative intent relating to the program-based performance budgeting pilot project.

DEPARTMENT 112 - INFORMATION SERVICES DIVISION

SENATE - This amendment provides object code-based line items for the Information Services Division's appropriation rather than program-based line items. The funding provided for the Information Services Division program is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Information resource management	\$39,702,756	\$0	\$39,702,756

Although the line items contained in the bill are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

DEPARTMENT 118 - CENTRAL SERVICES

SENATE - This amendment provides object code-based line items for Central Services appropriation rather than program-based line items. The funding provided for the Central Services program is as follows:

	EXECUTIVE BUDGET	LEGISLATIVE CHANGES	LEGISLATIVE APPROPRIATION
Central Services	\$4,486,430	\$(138,132)	\$4,348,298

Although the line items continued in the bill are changed to object code-based line items, the agency is expected to monitor and strive to achieve its performance measure goals and objectives.

The amendment makes the following line item changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$1,648,832	\$(138,132)	\$(138,132)	\$1,510,700
Operating expenses	2,796,673			2,796,673
Equipment	<u>40,925</u>	<u> </u>	<u> </u>	<u>40,925</u>
Total all funds	\$4,486,430	\$(138,132)	\$(138,132)	\$4,348,298
Less estimated income	<u>4,198,855</u>	<u>(138,132)</u>	<u>(138,132)</u>	<u>4,060,723</u>
Total general fund	\$ 287,575	\$ 0	\$ 0	\$ 287,575
FTE	28	(2)	(2)	26

DEPARTMENT 506 - STATE RADIO COMMUNICATIONS

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	STATEWIDE EMERGENCY COMMUNICATION NEEDS STUDY	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$2,300,080			\$2,300,080
Operating expenses	1,530,411	\$380,000	\$380,000	1,910,411
Equipment	<u>103,001</u>	<u> </u>	<u> </u>	<u>103,001</u>
Total all funds	\$3,933,492	\$380,000	\$380,000	\$4,313,492
Less estimated income	<u>679,270</u>	<u>380,000</u>	<u>380,000</u>	<u>1,059,270</u>
Total general fund	\$3,254,222	\$ 0	\$ 0	\$3,254,222
FTE	34			34

The amendment also adds a section directing State Radio Communications to conduct a statewide comprehensive review of state and local emergency communication needs.

The amendment also adds a section allowing State Radio Communications to carry over any unexpended amount from the 1993-95 biennium's appropriation for the installation of new radio consoles.

REPORT OF STANDING COMMITTEE

SB 2017: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2017 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "2,623,889" with "2,435,834"

Page 1, line 17, replace "373,950" with "410,720"

Page 1, line 19, replace "6,738,800" with "6,395,570"

Page 1, line 21, replace "5,082,300" with "4,235,227"

Page 1, line 22, replace "18,171,953" with "16,830,365"

Page 2, line 1, replace "11,072,180" with "9,940,126"

Page 2, line 2, replace "7,099,773" with "6,890,239"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment makes the following changes:

	1995-97 EXECUTIVE RECOMMENDATION	REMOVE VACANT POSITIONS	ADD CIVIL AIR PATROL	TOTAL CHANGES	SENATE VERSION
Salaries and wages	\$ 2,623,889	\$ (243,739)	\$55,684	\$ (188,055)	\$ 2,435,834
Operating expenses	2,350,464				2,350,464
Equipment	52,800				52,800
Capital improvements	25,000				25,000
Grants	373,950		36,770	36,770	410,720
Inauguration	1,500				1,500
Army Guard contract	6,738,800	(343,230)		(343,230)	6,395,570
Tuition and enlistment compensation	923,250				923,250
Air Guard contract	<u>5,082,300</u>	<u>(847,073)</u>	<u> </u>	<u>(847,073)</u>	<u>4,235,227</u>
Total all funds	\$18,171,953	\$(1,434,042)	\$92,454	\$(1,341,588)	\$16,830,365
Less estimated income	<u>11,072,180</u>	<u>(1,132,054)</u>	<u> </u>	<u>(1,132,054)</u>	<u>9,940,126</u>
Total general fund	\$ 7,099,773	\$ (301,988)	\$92,454	\$ (209,534)	\$ 6,890,239
FTE	134	(23)	1	(22)	112

REPORT OF STANDING COMMITTEE

SB 2030: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (12 YEARS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2030 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide for the use of funds in the public transportation fund;"

Page 2, line 9, replace "407,586" with "377,586"

Page 2, after line 9, insert:
"International peace garden 30,000"

Page 2, line 13, replace "500,000" with "2,500,000"

Page 2, line 14, replace "500,000" with "2,500,000"

Page 2, replace line 15 with:

Subdivision 7.

NORTH DAKOTA STATE UNIVERSITY

Capital improvements \$2,145,000
Total general fund appropriation \$2,145,000

Subdivision 8.

STATE INDUSTRIAL SCHOOL

Capital improvements \$ 311,300
Total general fund appropriation \$ 311,300

Subdivision 9.

STATE PENITENTIARY

Capital improvements \$ 188,000
Total general fund appropriation \$ 188,000

Subdivision 10.

ADJUTANT GENERAL

Capital improvements \$ 336,000
Total general fund appropriation \$ 336,000

Subdivision 11.

NORTH CENTRAL RESEARCH CENTER

Capital improvements \$ 600,000
Total general fund appropriation \$ 600,000

Subdivision 12.

DEPARTMENT OF PARKS AND RECREATION

Capital improvements \$ 325,000
Total general fund appropriation \$ 325,000"

Page 3, remove lines 6 through 9

Page 3, line 13, replace "6" with "5"

Page 3, line 17, replace "7" with "6"

Page 3, line 21, replace "8" with "7"

Page 3, line 25, replace "9" with "8"

Page 3, line 29, replace "10" with "9"

Page 4, line 4, replace "11" with "10"

Page 4, line 8, replace "12" with "11"

Page 4, line 12, replace "13" with "12"

Page 4, line 16, replace "14" with "13"

Page 4, after line 19, insert:

"Grand total general fund appropriation S.B. 2030 \$8,326,153"

Page 4, line 20, replace "section 2" with "S.B. 2030" and replace "17,920,169" with "33,212,938"

Page 4, line 21, replace "20,341,022" with "41,539,091"

Page 4, line 23, replace "may issue evidences of indebtedness" with "shall arrange for the funding of the projects authorized in this section, hereby declared to be in the public interest, through the issuance of evidences of indebtedness under chapter 54-17.2, during the biennium beginning July 1, 1995, and ending June 30, 1997. The proceeds of the evidences of indebtedness and other available funds are hereby appropriated during the biennium beginning July 1, 1995, and ending June 30, 1997, for the following projects:"

Page 4, remove lines 24 through 28

Page 4, line 29, replace "8,060,000" with "\$8,060,000"

Page 5, remove lines 4 and 5

Page 5, remove lines 14 through 24

Page 6, line 1, remove "Any"

Page 6, remove lines 2 and 3

Page 6, line 5, replace "bonds" with "evidences of indebtedness"

Page 6, replace lines 6 through 10 with "a total of \$3,058,169 must be available from nongeneral fund sources to assist in the retirement of the evidences of indebtedness, issued for the project costs associated with construction of the projects authorized by this Act:"

Page 6, line 17, after the second period insert "Such payments of local matching amounts must be deposited in a special industrial commission account from which the industrial commission, acting as the North Dakota building authority, shall use the funds in making principal and interest payments."

SECTION 5. PUBLIC TRANSPORTATION FUND. Of the total highway patrol funds of \$1,400,000 in section 2 of this Act, \$630,000 are to come from the public transportation fund. Any funds in excess of the \$630,000 in the public transportation fund at the end of each fiscal year are to be transferred to the highway fund."

Page 6, line 28, after the period insert "A legislative measure may not be introduced or amended in either house to change the percentage limitation in this section unless it is accompanied by a report concerning the change from the budget section of the legislative council and such a measure may not be approved by the legislative assembly except by a two-thirds vote of the members elected to each house."

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 215 - NORTH DAKOTA UNIVERSITY SYSTEM

SENATE - This amendment reduces and changes the funding source of the system projects from \$5,000,000 of bonding to \$2,000,000 from the general fund.

DEPARTMENT 231 - UND REHABILITATION HOSPITAL

SENATE - This amendment removes \$125,000 of special funds for projects located at the UND Rehabilitation Hospital because the hospital has been leased to United Hospital of Grand Forks, effective July 1, 1995.

DEPARTMENT 235 - NORTH DAKOTA STATE UNIVERSITY

SENATE - This amendment changes the funding source of the power plant emission control project from \$2,145,000 of bonding to \$2,145,000 of general fund moneys.

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - This amendment removes \$580,500 of bonding for boiler repairs at the State Hospital.

DEPARTMENT 405 - INDUSTRIAL COMMISSION

SENATE - This amendment adds language requiring a two-thirds vote of the members of each house before any future changes can be made to the State Building Authority lease payment guidelines. The current guidelines limit general fund payments to an amount equivalent to 12.5 percent of a one percent sales, use, and motor vehicle tax.

DEPARTMENT 504 - HIGHWAY PATROL

SENATE - This amendment changes the funding source of the Law Enforcement Training Academy building addition from \$1.4 million of unspecified special funds to \$630,000 from the public transportation fund and \$770,000 from the highway fund.

The amendment also provides that any excess funds in the public transportation fund after the \$630,000 has been used for the Law Enforcement Training Academy are to be transferred to the highway fund at the end of each fiscal year.

DEPARTMENT 533 - STATE INDUSTRIAL SCHOOL

SENATE - This amendment changes the funding source of the various safety projects from \$311,300 of bonding to \$311,300 of general fund moneys.

DEPARTMENT 534 - STATE PENITENTIARY

SENATE - This amendment changes the funding source of the west tower from \$188,000 of bonding to \$188,000 of general fund moneys.

DEPARTMENT 540 - ADJUTANT GENERAL

SENATE - This amendment changes the funding source of the building renovation project from \$336,000 of bonding to \$336,000 of general fund moneys.

DEPARTMENT 645 - NORTH CENTRAL RESEARCH CENTER

SENATE - This amendment changes the funding source of the addition to the headquarters building from \$600,000 of bonding to \$600,000 of general fund moneys.

DEPARTMENT 701 - HISTORICAL SOCIETY

SENATE - This amendment reduces the Historical Society's capital improvement line item by \$30,000 from the general fund, from \$407,586 to \$377,586. The remaining \$377,586 from the general fund is provided for the following:

The 1883 Stutsman County Courthouse project	\$200,000
Replacement of the heating system in the former Governor's mansion	30,000
Purchase and renovation of a storage facility	<u>147,586</u>
Total	<u>\$377,586</u>

Funding of \$30,000 from the general fund is provided for a grant to the International Peace Garden for replacement of the cement mosaic pattern on the upper terrace at the Peace Garden.

DEPARTMENT 750 - DEPARTMENT OF PARKS AND RECREATION

SENATE - This amendment changes the funding source of the various park projects from \$325,000 of bonding to \$325,000 of general fund moneys.

REPORT OF STANDING COMMITTEE

SB 2031, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2031 was placed on the Sixth order on the calendar.

Page 1, line 13, replace "\$15,000" with "\$8,000"

Page 1, after line 16, insert:

"SECTION 3. APPROPRIATION. There is hereby appropriated out of any moneys in the noxious weed educational fund the sum of \$8,000, or so much of the sum as may be necessary, to the commissioner of agriculture for the purpose of purchasing and providing services and materials necessary for providing noxious weed and integrated pest management educational programs for the biennium beginning July 1, 1995, and ending June 30, 1997."

Page 2, line 3, replace "60,000" with "34,000"

Page 2, line 5, replace "15,000" with "8,000"

Page 2, line 7, replace "75,000" with "42,000"

ReNUMBER accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

SENATE - Funding from the environment and rangeland protection fund is reduced as follows:

- The transfer to the noxious weed educational fund is reduced by \$7,000, from \$15,000 to \$8,000.
- Noxious weed cost-share program funding is reduced by \$26,000, from \$60,000 to \$34,000.

Biological control program funding is reduced by \$7,000, from \$15,000 to \$8,000. An appropriation of \$8,000 from the noxious weed educational fund is provided to allow the Agriculture Commissioner to spend the moneys transferred to the fund for educational programs.

REPORT OF STANDING COMMITTEE

SB 2038, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2038 was placed on the Sixth order on the calendar.

Page 3, line 17, replace "\$410,000" with "\$230,000"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 301 - DEPARTMENT OF HEALTH AND CONSOLIDATED LABORATORIES

SENATE - This amendment reduces funding from the general fund for grants for community visitation centers and domestic violence support services by \$180,000, from \$410,000 to \$230,000. The \$230,000 is provided for:

Community visitation center grants	\$100,000
Domestic violence support services grants	<u>130,000</u>
Total general fund	\$230,000

REPORT OF STANDING COMMITTEE

SB 2044, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (11 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2044 was placed on the Sixth order on the calendar.

Page 1, line 2, remove ", a new section to chapter 50-01," and replace "five" with "three"

Page 1, line 5, after the comma insert "and"

Page 1, line 7, remove ", a child care assistance program, and diagnostic crisis beds for"

Page 1, line 8, remove "children", after the first semicolon insert "and" and remove "; and to provide an effective date"

Page 1, remove lines 16 through 21

Page 2, line 1, replace "Five" with "Three"

Page 2, line 4, replace "four" with "each"

Page 2, line 5, replace "centers" with "center"

Page 2, line 15, replace "two" with "each" and replace "reservations" with "reservation"

Page 2, line 17, after "program" insert "in at least three human service regions" and remove "up to six months of"

Page 2, remove lines 26 through 28

Page 3, replace lines 1 through 14 with:

"SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated

out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds or other income to the department of human services for the purpose of providing technical assistance to Indian tribes establishing in-home family preservation services and for providing treatment services for severely emotionally disturbed children in at least three human service regions for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 76,000
Operating expenses	8,000
Grants	<u>1,000,000</u>
Total all funds	\$1,084,000
Less estimated income	<u>542,000</u>
Total general fund appropriation	\$ 542,000"

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 325 - DEPARTMENT OF HUMAN SERVICES

SENATE - This amendment makes the following changes:

- Removes provisions requiring counties to provide in-home family preservation services.
- Removes provisions establishing, in statute, a program to provide child care assistance to parents in school.
- Removes provisions establishing diagnostic crisis beds for children in each human service region.
- Provides that each human service center establish a children and family unit rather than only four of the eight.
- Provides that treatment services for severely emotionally disturbed children be provided in at least three regions and provides a \$1,000,000 appropriation, \$500,000 of which is from the general fund, for providing these services.
- Provides an \$84,000 appropriation, \$42,000 of which is from the general fund, for one FTE position within the department and operating expenses to provide technical assistance to the four Indian reservations to establish in-home family preservation services.
- Removes the \$2,830,000 appropriation, \$1,300,000 of which is from the general fund, for:
 - Diagnostic crisis beds.
 - Child care services for parents attending school.
 - Additional in-home family preservation services.
- Removes the delayed effective date provision of July 1, 1996.

REPORT OF STANDING COMMITTEE

SB 2075, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). Engrossed SB 2075 was placed on the Sixth order on the calendar.

Page 1, line 21, remove "; and to"

Page 1, line 22, remove "provide an appropriation"

Page 39, remove lines 5 through 11

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2080, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). Engrossed SB 2080 was placed on the Sixth order on the calendar.

Page 24, replace lines 10 through 15 with:

"SECTION 13. APPROPRIATION. There is hereby appropriated out of any moneys in the state risk management fund the sum of \$525,000, or so much of the sum as may be necessary, to the office of the attorney general for the purpose of defraying the costs of providing the defense of the state or an employee of the state pursuant to chapter 32-12.1 for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 14. APPROPRIATION. There is hereby appropriated out of any moneys in the state risk management fund the sum of \$400,000, or so much of the sum as may be necessary, to the insurance commissioner for the purpose of administering the state risk management fund for the period beginning with the effective date of this Act and ending June 30, 1997.

SECTION 15. APPROPRIATION. The following sums, or so much of the sums as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury or from federal or other funds as indicated to the state agencies and institutions named for the purpose of paying liability insurance premiums for the period beginning with the effective date of this Act and ending June 30, 1997:

AGENCY OR INSTITUTION	GENERAL FUND	SPECIAL FUNDS	TOTAL
Governor	\$ 5,808		\$ 5,808
Secretary of state	8,068		8,068
Office of management and budget	39,238		39,238
Information services division		\$ 44,206	44,206
State auditor	11,287	5,559	16,846
Central services	992	6,638	7,630
State treasurer	3,442		3,442
Attorney general	52,469	9,259	61,728
Tax commissioner	50,342		50,342
Office of administrative hearings	552	940	1,492
Retirement and investment office		6,132	6,132
Public employees retirement system		5,578	5,578
Legislative council	1,000		1,000
Supreme court	20,220		20,220
Judicial conduct commission	2,152		2,152
Trial courts	81,748		81,748
Department of public instruction	19,232	23,506	42,738
State library	9,520		9,520
School for the deaf	16,556		16,556
School for the blind	11,278		11,278
State board for vocational and technical education	4,980	5,184	10,164
North Dakota university	6,390		6,390

system office			
Bismarck state college	34,718		34,718
University of North Dakota - Lake Region	17,944		17,944
University of North Dakota - Williston	3,874		3,874
University of North Dakota rehabilitation hospital		2,446	2,446
University of North Dakota medical center	77,798	91,328	169,126
North Dakota state university	136,744		136,744
North Dakota state college of science	60,128		60,128
Dickinson state university	21,534		21,534
Mayville state university	9,044		9,044
Minot state university	77,240		77,240
Valley City state university	31,766		31,766
North Dakota state university - Bottineau	6,720		6,720
North Dakota forest service	7,026		7,026
Department of health and consolidated laboratories	85,779	85,779	171,558
Indian affairs commission	560		560
Department of veterans affairs	3,024		3,024
Children's services coordinating committee	646		646
Department of human services	410,711	45,635	456,346
Protection and advocacy project	13,766		13,766
Insurance commissioner		16,098	16,098
Industrial commission	19,820	2,962	22,782
Labor commissioner	2,582		2,582
Public service commission	10,008	5,878	15,886
Department of banking and financial institutions		10,324	10,324
Securities commissioner	3,012		3,012
Bank of North Dakota		67,766	67,766
North Dakota housing finance agency		16,458	16,458
North Dakota mill and elevator association		53,350	53,350
Job service North Dakota		144,662	144,662
Workers compensation bureau		50,178	50,178
Highway patrol		19,908	19,908
State radio communications	9,242		9,242
Division of emergency management	1,807	7,227	9,034
Department of corrections and rehabilitation	171,344	37,612	208,956
Adjutant general	22,133	51,643	73,776
Department of economic development and finance	9,680		9,680
Agriculture department	10,467	3,489	13,956
Soil conservation committee	1,936		1,936
Agricultural products utilization commission	323	323	646
Seed department		7,400	7,400
Upper great plains transportation institute	542	3,330	3,872
North Dakota state university extension service	44,531	29,687	74,218
Northern crops institute	2,582		2,582
Main research station	70,950	38,204	109,154
Dickinson research center	4,116		4,116
Central grasslands research center	1,616		1,616
Hettinger research center	2,453	129	2,582

Langdon research center	1,962	218	2,180
North central research center	1,936		1,936
Williston research center	2,582		2,582
Carrington research center	3,415	1,263	4,678
Agronomy seed farm		970	970
Land reclamation research center		6,698	6,698
State historical society	12,031	1,337	13,368
Council on the arts	1,421	355	1,776
Game and fish department		26,970	26,970
Department of tourism	3,226		3,226
Department of parks and recreation	8,688		8,688
State water commission	34,534		34,534
Department of transportation		<u>635,616</u>	<u>635,616</u>
Total	\$1,803,235	\$1,572,245	\$3,375,480"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 125 - ATTORNEY GENERAL

SENATE - An appropriation of \$525,000 from the state risk management fund is provided for two FTE attorney positions, one FTE paralegal position, and one FTE support position to provide legal defense services under North Dakota Century Code Chapter 32-12.1.

An appropriation of \$400,000 from the state risk management fund is provided to the Insurance Commissioner for administering the state risk management fund. The funding is provided for three FTE positions and other operating costs (\$300,000) and for contracting with a third-party administrator for claims handling (\$100,000).

An appropriation of \$3,375,480, \$1,803,235 of which is from the general fund, is provided to all state agencies needing to pay liability insurance premiums to the state risk management fund. Additional funding appropriated in agency appropriation bills for liability insurance premiums is to be paid to the state risk management fund rather than for other liability insurance policies, except for policies relating to medical malpractice and aviation liability.

REPORT OF STANDING COMMITTEE

SB 2094: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2094 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "or"

Page 1, line 4, after "employee" insert ", or a child"

Page 1, line 9, remove "or", after "employee" insert ", or a child", and after the period insert:

"1."

Page 1, after line 19, insert:

"2. Notwithstanding any other provision of this title, the court shall impose a term of life imprisonment upon a person if the person is guilty of class AA murder under subdivision b or c of subsection 1 of section 12.1-16-01 and the victim is a child under fourteen years of age.

3."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2181: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2181 was placed on the Sixth order on the calendar.

Page 1, line 2, after the semicolon insert "and"

Page 1, remove line 3

Page 1, line 4, after the first comma insert "50-26-01, 50-26-02, 50-26-03, 50-26-05,"

Page 1, line 6, remove "; and to"

Page 1, remove line 7

Page 1, line 8, remove "governor's council on human resources"

Page 1, remove lines 10 through 22

Page 2, remove lines 1 through 13

Page 2, line 17, remove the overstrike over "the", after the second overstruck comma insert "committee on", and remove the overstrike over "employment of"

Page 2, remove the overstrike over lines 18 and 19

Page 2, line 20, remove the overstrike over "women;"

Page 5, after line 6, insert:

"SECTION 3. AMENDMENT. Section 50-26-01 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-26-01. ~~Establishment of governor's~~ Governor's council on human resources - Certain committees to constitute Committees - Appointment. There is hereby established a The governor's council on human resources. ~~The council must consist~~ consists of a committee on aging, ~~a committee on children and youth,~~ a committee on employment of people with disabilities, a commission on the status of women, and other committees having a related interest in human resources as may be appointed. The committee on employment of people with disabilities must consist of three members and the commission on the status of women must consist of five members. The commission on the status of women and the ~~committees on aging, children and youth,~~ committee on employment of people with disabilities, and other committees having a related interest in human resources appointed by the governor must be maintained in the department of human services. Each committee member must be appointed by the governor for a term of three years, staggered so that the terms of one-third of the members of each committee expire July first of each year, except that initial appointments to the committees must be made on the basis of a one-year term for one-third of the members of each committee; a two-year term for one-third of the members of each committee; and a full three-year term for the remaining members of each committee. ~~At least one third of the members appointed to the committee on children and youth must have expertise in the prevention of child abuse and neglect.~~ Each of the committees of the governor's council on human resources may appoint to their committee

the chairman of the mayor's committee or the chairman's designated representative. A vacancy occurring other than by reason of the expiration of a term must be filled in the same manner as original appointments, except that the appointment may be made for the remainder of the unexpired term only.

SECTION 4. AMENDMENT. Section 50-26-02 of the North Dakota Century Code is amended and reenacted as follows:

50-26-02. Powers and duties of governor's council on human resources. The council on human resources shall ~~have the responsibility for coordinating~~ coordinate the activities of the various governor's committees and ~~servng~~ serve as a clearinghouse for information related to these committees:

1. In the fields of ~~aging, employment of the handicapped, children and youth,~~ and related fields designated by the governor, to prepare for and perform followup duties in connection with state, regional, and national conferences; to encourage citizen interest, participation, and cooperation with state departments, agencies, and other organizations in developing needed services, facilities, and opportunities; and to provide consultant help to local organizations created for the purpose of coordinating activities in their respective fields; and
2. To carry on ~~such~~ any other activities as may appear desirable in related fields.

SECTION 5. AMENDMENT. Section 50-26-03 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-26-03. Human resources committees - Organization - Expenses. The governor's ~~committees~~ committee on ~~aging, children and youth,~~ employment of people with disabilities, the commission on the status of women, and such other committees ~~who~~ that have a related interest in human resources, at their first meetings after July first of each year, shall elect from their committee membership a chairman and vice chairman. Every meeting of each committee must be called by the chairman of the committee and must be presided over by the chairman unless the chairman is unable to act, in which case the vice chairman shall succeed to the powers and duties of the chairman. Each of the committee members is entitled to be paid for all necessary mileage and other actual expenses incurred in the performance of their official duties as members of such committees in the same amount and in the same manner as other state officials are paid.

SECTION 6. AMENDMENT. Section 50-26-05 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

50-26-05. Expenses of council - Payment - Offices. All expenses of any member of any committee of the governor's council on human resources or any employee thereof and any other expenses of the council must be paid by voucher. Upon approval of such vouchers by the office of the budget, warrant-checks must be prepared by the office of management and budget. Suitable office space must be made available to the governor's council on human resources in the state capitol ~~building.~~ Expenses of the members of the commission on the status of women ~~and of~~ the members of the ~~committees on aging, children and youth,~~ committee on employment of persons with disabilities, and other related committees established by the governor must be paid from the appropriation for the department of human services, and expenses of the members of the executive committee, when meeting as the executive committee, must be paid from the appropriation for the governor's office."

Page 7, line 9, remove the overstrike over "50-26-01" and insert immediately thereafter an underscored comma

Page 8, line 2, remove the overstrike over "~~governor's council on human resources~~" and remove "committee on aging"

Page 8, line 4, after "t." insert "The committee on aging.

u."

Page 8, line 5, overstrike "u." and insert immediately thereafter "v."

Page 8, line 6, overstrike "v." and insert immediately thereafter "w."

Page 8, line 7, overstrike "w." and insert immediately thereafter "x."

Page 8, remove lines 8 and 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2229: Appropriations Committee (Sen. Nething, Chairman) recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2229 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2231: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2231 was placed on the Sixth order on the calendar.

Page 1, line 1, after "enact" insert "a new subsection to section 11-19.1-01 and"

Page 1, line 2, after "to" insert "definitions and to"

Page 1, after line 9, insert:

"SECTION 1. A new subsection to section 11-19.1-01 of the North Dakota Century Code is created and enacted as follows:

"Suspicious circumstances" means the existence of one or more of the following factors:

- a. Self-inflicted injury;
- b. Firearm injury;
- c. Severe, unexplained injury;
- d. Pedestrian driveway injury;
- e. An injury to a child which is not witnessed by the individual responsible for the child at the time the injury occurred;
- f. Inadequate supervision;
- g. Malnutrition or delay in seeking medical care;
- h. Confinement;
- i. Bathtub or bucket drowning;

- j. Suffocation or strangulation;
- k. Poisoning;
- l. Prior child abuse or neglect assessment concerns;
- m. Open child protection service case on the victim;
- n. Victim is in the custody of the department of human services, county social services, or the division of juvenile services;
- o. Unexplained death or death in an undetermined manner;
- p. Suspected sexual assault; or
- q. Any other suspicious factor."

Page 1, line 16, after "notify" insert "law enforcement and"

Page 1, line 21, remove "one or more of the"

Page 1, line 22, remove "described in rules adopted by the department of human services"

Page 2, line 2, after the underscored period insert "The law enforcement agency shall investigate the death and notify the state's attorney of the findings."

Page 3, line 6, after "infant" insert "at the state's expense"

Page 5, line 29, after "months" insert "and to identify trends or patterns in the deaths of minors" and remove "The panel shall"

Page 6, remove lines 1 and 2

Page 6, line 3, remove "relative to each death."

Page 6, line 23, remove ", or a child protection services representative or public health"

Page 6, line 24, replace "representative who is a member of" with "or" and after "the" insert "presiding officer of a"

Page 6, line 28, after the underscored period insert "The person submitting the request shall reimburse the disclosing entity for the actual costs of assembling and disclosing the information."

Page 7, line 1, replace "records" with "documentation"

Page 7, line 3, replace "records" with "documentation"

Page 7, line 6, replace "records" with "documentation"

ReNUMBER accordingly

REPORT OF STANDING COMMITTEE

SB 2264: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2264 was placed on the Sixth order on the calendar.

Page 20, line 15, overstrike "fourteen or more years of age"

Page 21, line 4, remove ". Upon petition and after"

Page 21, remove line 5

Page 21, line 6, replace "a fingerprint record to" with "and must"

Page 21, line 15, replace "upon a child reaching twenty-one years of age if" with "in accordance with section 27-20-54"

Page 21, remove lines 16 through 19

Page 21, line 20, remove "maintaining fingerprints of the individual"

Page 21, line 27, overstrike "If the"

Page 21, overstrike lines 28 and 29

Page 22, line 1, overstrike "delivered to the court for disposition."

Page 22, line 4, overstrike "Without the consent of the judge, a" and insert immediately thereafter "A" and overstrike "not"

Page 22, line 5, overstrike "after", remove "the child", and overstrike "is taken into custody unless the case is"

Page 22, line 6, overstrike "transferred to another court for prosecution." and replace "However, if" with "by a law enforcement officer at the time of arrest for the crimes of murder, manslaughter, gross sexual imposition, robbery, aggravated assault, burglary, theft, forgery, or unlawful possession or use of a handgun. The photograph must be destroyed if the child is not referred to the juvenile court. If"

Page 22, line 20, replace "when the child reaches the age of" with "in accordance with section 27-20-54."

Page 22, remove lines 21 through 23

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2297: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2297 was placed on the Sixth order on the calendar.

Page 4, line 3, remove "at"

Page 4, line 4, remove "retirement"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2308: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2308 was placed on the Sixth order on the calendar.

Page 1, line 6, remove "1."

Page 1, line 8, replace "any" with "a specific"

Page 1, line 9, after "respond" insert "within the prior twelve months. If the document is copyrighted or if for any other legal or contractual reason may not be released, the principal shall allow a parent or legal guardian to review the document at the school"

Page 1, remove lines 10 through 12

Page 1, line 13, remove "of the county in which the student's school is located."

Page 1, line 14, replace the second comma with "or" and remove the third comma

Page 1, remove line 15

Page 1, line 16, remove "nonacademic," and remove "or an oral"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2309: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2309 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "; and to amend and reenact sections 37-19.1-01 and 37-19.1-02 of"

Page 1, remove line 4

Page 1, line 5, remove "preference for veterans"

Page 1, remove the overstrike from line 5

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 29

Page 3, remove lines 1 through 29

Page 4, remove lines 1 through 28

Page 5, remove lines 1 through 21

Page 5, remove the underscore under lines 24 through 28

Page 6, remove the underscore under lines 1 and 2

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2312: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2312 was placed on the Sixth order on the calendar.

Page 1, line 11, after the semicolon insert "and"

Page 1, line 13, remove "; and to provide an appropriation"

Page 26, remove lines 25 through 29

Page 27, remove lines 1 through 17

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2323, as engrossed: Finance and Taxation Committee (Sen. Tennefos, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended,

recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2323 was placed on the Sixth order on the calendar.

Page 1, line 1, remove "to create and enact section 15-10-12.3 of the North Dakota"

Page 1, remove lines 2 and 3

Page 1, line 15, replace "incur any liability or" with "issue bonds"

Page 1, line 16, remove "indebtedness"

Page 2, remove lines 1 through 9

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2324: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2324 was placed on the Sixth order on the calendar.

Page 1, line 8, after "by" insert "removing,", after "planting" insert a comma, and replace the comma with "and"

Page 1, line 9, replace ", and" with "by"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2332: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2332 was placed on the Sixth order on the calendar.

Page 1, line 3, remove "16.1-10-04.1,"

Page 9, remove lines 8 through 29

Page 10, remove lines 1 through 3

Page 10, line 7, overstrike "The following certificates of nomination must be filed with the"

Page 10, line 8, overstrike "secretary of state"

Page 10, line 10, overstrike the colon

Page 10, line 11, overstrike "a."

Page 10, line 12, overstrike the period

Page 10, overstrike lines 13 through 15

Page 10, line 17, after "~~offices~~" insert "must be filed with the secretary of state" and remove the overstrike over the period

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2335, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (12 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2335 was placed on the Sixth order on the calendar.

Page 1, line 2, after "allowance" insert "; and to provide an appropriation"

Page 1, after line 13, insert:

"SECTION 2. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the department of human services for the purpose of funding this Act for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

General fund	\$246,038
Special funds	<u>545,590</u>
Total appropriation	\$791,628"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 330 - MEDICAL ASSISTANCE

SENATE - This amendment adds a section appropriating \$246,038 of general fund moneys and \$545,590 of special funds to the Department of Human Services for the funding of the community spouse resource allowance for individuals on the Medicaid waiver program.

REPORT OF STANDING COMMITTEE

SB 2348: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2348 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "a new chapter to title 54" with "two new sections to chapter 54-03"

Page 1, line 3, remove "; and to provide a penalty"

Page 1, remove lines 5 through 22

Page 2, remove lines 1 through 11

Page 2, after line 11, insert:

"SECTION 1. Two new sections to chapter 54-03 of the North Dakota Century Code are created and enacted as follows:"

Page 2, line 13, remove "1."

Page 2, line 15, remove "and unrelated to the member's"

Page 2, line 16, remove "legislative position"

Page 2, line 18, remove "for out-of-state travel"

Page 2, line 19, replace "if the chairman of the" with a period

Page 2, remove lines 20 through 29

Page 3, remove lines 1 through 11

Page 3, remove lines 18 and 19

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2349: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2349 was placed on the Sixth order on the calendar.

Page 5, line 6, remove "The secretary of state, or any employees or legal representatives of"

Page 5, remove lines 7 through 11

Re-number accordingly

REPORT OF STANDING COMMITTEE

SB 2372: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (14 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2372 was placed on the Sixth order on the calendar.

Page 1, line 1, after "provide" insert "legislative intent regarding the expenditure of funds appropriated by the fifty-third legislative assembly for telecommunications grants; to provide"

Page 1, line 2, after "service" insert "; to provide an exemption; and to declare an emergency"

Page 1, line 4, replace "APPROPRIATION. There is hereby appropriated out of any" with "INTENT. It is the intent of the fifty-fourth legislative assembly that"

Page 1, remove line 5

Page 1, line 6, replace "\$230,000" with "\$200,000" and replace "necessary" with "available from the amount appropriated by the fifty-third legislative assembly"

Page 1, line 7, after the second "of" insert "providing telecommunications grants during the biennium beginning July 1, 1993, and ending June 30, 1995, be used for"

Page 1, line 9, after "Dakota" insert "for the period beginning with the effective date of this Act and ending June 30, 1997"

Page 1, line 14, after "Dakota" insert "for the period beginning with the effective date of this Act and ending June 30, 1997"

Page 1, line 16, after "moneys" insert "made available in section 1 and the moneys" and replace "sections 1 and" with "section"

Page 1, line 20, after "moneys" insert "made available in section 1 and the moneys" and replace "sections 1 and" with "section"

Page 2, after line 2, insert:

"SECTION 4. EXEMPTION. The funds appropriated in the telecommunications line item in subdivision 1 of 1993 House Bill No. 1003, as approved by the fifty-third legislative assembly, are not subject to the provisions of section 54-44.1-11 and any unexpended funds from that appropriation are available for the purposes of this Act.

SECTION 5. EMERGENCY. This Act is declared to be an emergency measure."

Re-number accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 201 - DEPARTMENT OF PUBLIC INSTRUCTION

SENATE - This amendment allows unexpended funds appropriated by the Fifty-third Legislative Assembly to the Department of Public Instruction for telecommunications grants to be used to match federal funds available and be used to expand the area receiving public radio services in North Dakota. The estimated amount of unexpended appropriation authority is approximately \$200,000. This amendment also declares this Act to be an emergency measure.

REPORT OF STANDING COMMITTEE

SB 2410: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2410 was placed on the Sixth order on the calendar.

Page 1, line 6, replace "any organization, public or private, that" with "a domestic violence organization as defined in section 14-07.1-18"

Page 1, line 7, remove "provides counseling, crisis, or treatment services to minors"

Page 1, line 13, replace "any person, government agency, or" with "the parent, guardian, or custodian of the minor"

Page 1, line 14, remove "law enforcement agency"

Page 1, line 15, after "information" insert "or the disclosure of the information is necessary for a party reasonably believed to be in need of protection"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2420: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2420 was placed on the Sixth order on the calendar.

Page 1, line 2, after "contributions" insert ", to limit campaign contributions to candidates for the legislative assembly, and to provide for the use of unexpended campaign contributions"

Page 2, line 18, after "3." insert "Charitable organization" means any nonprofit organization that is operated for the relief of poverty, distress, or other condition of public concern within this state and which has been so engaged within this state for two years.

4."

Page 3, line 9, replace "4" with "5"

Page 3, line 11, replace "5" with "6"

Page 3, line 20, replace "6" with "7"

Page 3, line 23, replace "7" with "8"

Page 3, line 26, replace "8" with "9"

Page 4, line 1, replace "9" with "10"

Page 4, line 7, replace "10" with "11"

Page 4, line 12, replace "11" with "12"

Page 4, after line 21, insert:

"SECTION 4. Campaign contributions to candidates for the legislative assembly - Limits - Penalty. A political committee may not make any campaign contribution exceeding one thousand dollars in the aggregate to a candidate for the legislative assembly. A person who willfully makes a contribution in violation of this section is guilty of a class B misdemeanor."

Page 13, after line 2, insert:

"SECTION 12. Campaign contributions - Use of unexpended contributions. A candidate may use a contribution only for a political purpose, except a person who ceases to be a candidate may return unexpended contributions to contributors; use unexpended contributions as a contribution to any political party or for other political purposes; use unexpended contributions as a donation to any charitable organization; or, if the person is elected to a public office, use unexpended contributions to further the purposes of the office to which the person was elected."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2421: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2421 was placed on the Sixth order on the calendar.

Page 2, line 10, replace "paying" with "separate facility other than a facility for drive-in" and replace "receiving station or branch" with "walkup service which is located within the city limits of a city in which the financial institution maintains a banking house"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2422: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2422 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 section 6-01-17.1, subsection 8 of section 6-03-02, sections 6-03-13.1, 6-03-13.3, 6-03-13.4, 6-07-04.2, and 6-10-03 of the North Dakota Century Code, relating to the establishment of multiple offices of a bank; and to repeal sections 6-03-14, 6-03-14.1, 6-03-15, 6-03-16, 6-03-17, 6-03-18, and 6-03-19 of the North Dakota Century Code, relating to banking.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 6-01-17.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-01-17.1. Application fees - Cost of transcript. The following fees must accompany an application presented to the state banking board, state credit union board, or commissioner and must be paid by the commissioner into the financial institutions regulatory fund:

1. For a certificate of authority to organize a banking association, a fee of five thousand dollars, paid by the applicants.
2. A banking association's application for authority to remove its business to some place within the state other than the town in which it is presently located and to change its name, a fee of two thousand five hundred dollars.
3. National bank conversion to a state bank, a fee of two thousand five hundred dollars.
4. Application by two or more banks to merge or consolidate, a fee of one thousand five hundred dollars ~~for each merging bank.~~
5. Application by a person to sell, dispose, or purchase an association, banking institution, or holding company, a fee of five hundred dollars unless a hearing is held before the board in which case the fee is two thousand dollars.
6. A banking association's application to establish and operate a separate facility ~~for drive-in and walkup service,~~ a fee of one thousand five hundred dollars.
7. ~~A banking association's application to establish and operate a paying and receiving station, a fee of one thousand five hundred dollars.~~
- ~~8.~~ A banking association's application to establish customer electronic funds transfer centers, a fee not to exceed five hundred dollars.
- ~~9.~~ 8. For a certificate of authority to organize an annuity, safe deposit, surety or trust company, a fee of five thousand dollars.
- ~~10.~~ 9. A banking association's application for authority to exercise trust powers, a fee of one thousand five hundred dollars.
- ~~11.~~ 10. Application to organize a credit union, a fee of three hundred dollars, paid by the applicants.
- ~~12.~~ 11. Application for a credit union to establish a branch, a fee of three hundred dollars.
- ~~13.~~ 12. Application by a credit union to expand its field of membership, a fee of one hundred fifty dollars.
- ~~14.~~ 13. Application by a federal credit union to convert to a state credit union, a fee of three hundred dollars.
- ~~15.~~ 14. For a certificate of authority to organize a savings and loan association, a fee of five thousand dollars.
- ~~16.~~ 15. A savings and loan association's application to establish and operate a branch office, a fee of one thousand five hundred dollars.

The commissioner may cause a certified transcript to be prepared for any hearing conducted on an application. The costs for the original and up to six copies of the transcript must be paid by the applicant.

SECTION 2. AMENDMENT. Subsection 8 of section 6-03-02 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

8. To exercise, by its board of directors or duly authorized officers or agents subject to law, all ~~such~~ incidental powers as are necessary to carry on the business of banking, including: discounting and negotiating promissory notes, bills of exchange, drafts, and other evidences of debt; receiving deposits; buying and selling exchange, coin, and bullion; and loaning money upon real or personal security, or both; soliciting and receiving deposit in the nature of custodial accounts funded only in savings accounts or certificates of deposit for the purpose of retirement fund contracts or pension programs, and such custodial accounts are exempt from the provisions of chapter 6-05; providing services to its customers involving electronic transfer of funds to the same extent that other financial institutions chartered and regulated by an agency of the federal government are permitted to provide such services within this state. A bank which provides electronic funds transfer equipment and service to its customers, at premises separate from its main banking house or duly authorized paying and receiving station or facility approved by the state banking board, must make such equipment and service available for use by customers of any other bank upon the request of such other bank to share its use and the agreement of such other bank to share pro rata all costs incurred in connection with its installation and operation, and such electronic operations are not deemed to be the establishment of a branch, ~~nor of a paying and receiving station, nor of a separate facility.~~ Such electronic operations at premises separate from its banking house or duly authorized ~~paying and receiving station or facility,~~ must be considered a customer electronic funds transfer center and may be established subject to rules ~~and regulations~~ that the state banking board shall adopt.

SECTION 3. AMENDMENT. Section 6-03-13.1 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-13.1. Separate facilities authorized. Upon compliance with section 6-03-13.3, any bank ~~organized under chapter 6-02 and under the supervision of the state banking board, and any national bank doing business in this state, may establish, maintain, and operate separate and apart from its banking house facilities for drive-in and walkup service, one or more facilities or places of business, in addition to such service at its main banking house, and at its paying and receiving stations, if any. A separate facility must be within the corporate city limits of the main banking house or within three miles [4.02 kilometers] of such city but may not be within the corporate limits of another city. Any activity incidental to the business of banking may be transacted at a separate facility including receiving deposits of every kind and nature, cashing checks or orders to pay, issuing exchange, making loans, renting safe deposit boxes, exercising fiduciary powers if authorized by the board, and receiving payments payable at the bank is authorized to conduct at its main banking house may be conducted at any of its facilities.~~

SECTION 4. AMENDMENT. Section 6-03-13.3 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-13.3. Facts considered for approval. Whenever any bank desires to maintain and operate a facility separate and apart from its banking house, pursuant to section 6-03-13.1, or to move a facility previously established to another location, it shall apply to the state

banking board or the comptroller of the currency, as the case may be, for such authority and provide the board with such relevant information as the board may reasonably request. In determining whether or not to approve the application for such facility, the banking board shall take into consideration the following facts:

1. The convenience, needs, and welfare of the people of the community and area served.
2. The financial strength of the bank in relation to the cost of establishing and maintaining such separate facility.
3. Whether other banks will be seriously injured by the approval of the application will have a material impact on other financial institutions in the area.

SECTION 5. AMENDMENT. Section 6-03-13.4 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-03-13.4. Effect of authority. ~~Nothing in sections 6-03-13.1 and 6-03-13.3 authorizes the maintenance or operation of a branch bank, but a facility authorized under those sections may be supplementary or in addition to paying and receiving stations permitted under section 6-03-14. Every bank facility or paying and receiving station existing on the effective date of this Act must be considered to be a facility approved by the state banking board or the comptroller of the currency under sections 6-03-13.1 and 6-03-13.3. A bank operating a facility deemed by this section to be an approved facility may continue to provide from the facility those services or functions as were permitted to be provided before August 1, 1995. National banking associations banks located in this state have the same, but no greater right by virtue of sections 6-03-13.1 and 6-03-13.3 as banks organized under the laws of this state.~~

SECTION 6. AMENDMENT. Section 6-07-04.2 of the 1993 Supplement to the North Dakota Century Code is amended and reenacted as follows:

6-07-04.2. Acquisition of an institution. The receiver of an insolvent institution or the state banking board, when it has acquired possession of the institution for the purpose of acquisition pursuant to section 6-07-10, may permit the acquisition of the financial institution. The state banking board may grant approval under this chapter for applications for the organization of a state bank, ~~establishment of a paying and receiving station, or establishment of a drive-in facility facilities.~~ The receiver of an insolvent institution or board, when acting under the provisions of this section, may reject any and all bids.

The procedures may be modified by the state banking board to the extent the board deems necessary under the circumstances. No notice of application need be given and no public hearing need be held. ~~Notwithstanding sections 6-03-14 and 6-03-18, a paying and receiving station may be authorized. A paying and receiving station established by acquisition under this section shall not be required to discontinue operation by commencement of business by a banking institution at the same place.~~

SECTION 7. AMENDMENT. Section 6-10-03 of the North Dakota Century Code is amended and reenacted as follows:

6-10-03. Limit on license. No license may be granted for the purpose of conducting such business in any city wherein there already is operating a ~~state or national bank, or an authorized paying and receiving station or a separate facility.~~ In the event that a ~~national or state bank or an authorized paying and receiving station~~ separate

facility is authorized to do, and does commence doing business in any city where a license has been granted to operate a business under this section, such license may not thereafter be renewed.

SECTION 8. REPEAL. Sections 6-03-14, 6-03-14.1, 6-03-15, 6-03-16, and 6-03-18 of the North Dakota Century Code and sections 6-03-17 and 6-03-19 of the 1993 Supplement to the North Dakota Century Code are repealed."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2425: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2425 was placed on the Sixth order on the calendar.

Page 1, line 16, replace "the" with "a" and after "commissioners" insert "with a population greater than one hundred"

Page 1, line 17, remove ", except if the population of the city is one hundred or"

Page 1, line 18, replace "less," with "and the governing body of a city with a population of one hundred or less"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2428, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (9 YEAS, 5 NAYS, 0 ABSENT AND NOT VOTING). Engrossed SB 2428 was placed on the Sixth order on the calendar.

Page 1, line 7, after the first semicolon insert "and" and remove "; and to provide an appropriation"

Page 10, remove lines 14 through 19

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 602 - AGRICULTURE COMMISSIONER

SENATE - This amendment removes the \$160,000 general fund appropriation for licensing, regulating, and inspecting anhydrous ammonia storage facilities.

REPORT OF STANDING COMMITTEE

SB 2443: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2443 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "five" with "four"

Page 1, line 3, after the first comma insert "and"

Page 1, line 8, replace "a penalty" with "an effective date"

Page 1, line 18, replace "Federal" with "federal"

Page 2, line 26, remove "CI or CT level"

Page 3, underscore lines 1 through 5

Page 3, line 6, underscore "definition of "qualified interpreter" in the", replace "Federal" with "federal", and underscore "Americans with"

Page 3, underscore lines 7 through 8

Page 3, line 11, overstrike "Immediately" and insert immediately thereafter "Within a reasonable time"

Page 3, line 14, after "interpreter" insert "or other person selected by the deaf person to assist in communication"

Page 3, line 16, after "interpreter" insert "or other person selected by the deaf person"

Page 3, line 17, replace the period with "or other person selected."

Page 3, line 19, remove the underscore under the period

Page 4, line 5, overstrike the first "the"

Page 4, after line 12, insert:

"3. A deaf person may waive the requirements of this section by written waiver."

Page 4, underscore lines 15 through 20

Page 4, line 21, underscore "chapter." and after the period insert "This section does not prevent a person selected by a deaf person from acting as an interpreter for that person."

Page 4, line 22, after "section" insert "to chapter 28-33"

Page 4, underscore lines 24 through 27

Page 4, remove lines 28 and 29

Page 5, remove lines 1 through 8

Page 5, line 9, after "section" insert "to chapter 28-33"

Page 5, underscore lines 11 through 25

Page 5, after line 25, insert:

"5. The practice of interpreting by a person selected by a deaf person."

Page 5, after line 27, insert:

"SECTION 9. EFFECTIVE DATE. This Act becomes effective on August 1, 1997."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2453: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2453 was placed on the Sixth order on the calendar.

Page 1, line 20, after the second "or" insert "judicial"

Page 2, line 29, after "ballot" insert "for that office"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2455: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2455 was placed on the Sixth order on the calendar.

Page 9, line 3, after "must" insert "may" and remove the overstrike over "~~include the stated reason for the recall and~~"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2458: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2458 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "sections" with "section" and remove "and 32-03-39"

Page 1, line 2, remove "and"

Page 1, line 3, remove "parental responsibility"

Page 1, remove lines 14 through 22

Page 2, remove lines 1 through 7

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2463, as engrossed: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 0 NAYS, 6 ABSENT AND NOT VOTING). Engrossed SB 2463 was placed on the Sixth order on the calendar.

Page 1, line 3, after the semicolon insert "to provide an appropriation;"

Page 2, after line 21, insert:

"SECTION 3. APPROPRIATION. The funds provided in this section, or so much of the funds as may be necessary, are hereby appropriated out of any moneys in the general fund in the state treasury, not otherwise appropriated, and from special funds derived from federal funds and other income, to the state water commission for the purpose of defraying the expenses of a Devils Lake office, for the biennium beginning July 1, 1995, and ending June 30, 1997, as follows:

Salaries and wages	\$ 95,200
Operating expenses	17,000
Equipment	5,000
Total all funds	\$117,200
Less estimated income	58,600
Total general fund appropriation	\$ 58,600"

Renumber accordingly

STATEMENT OF PURPOSE OF AMENDMENT:

DEPARTMENT 770 - STATE WATER COMMISSION

SENATE - This amendment establishes a Devils Lake office of the State Water Commission at a total cost of \$117,200, of which \$58,600 is from the general fund.

REPORT OF STANDING COMMITTEE

SB 2477: Political Subdivisions Committee (Sen. Urlacher, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO PASS** (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2477 was placed on the Sixth order on the calendar.

Page 1, line 1, replace "23-05-01" with "23-05-02"

Page 1, line 2, replace "local" with "county"

Page 1, line 5, replace "23-05-01" with "23-05-02"

Page 1, line 8, replace "The director must be a registered nurse" with "The board may assign to the director the duties of the county health officer under sections 23-03-07 and 23-03-08. The director shall perform the duties under the direction of the county health officer."

Page 1, remove line 9

Page 1, line 11, replace "and of" with "under"

Page 1, line 12, after "chapter" insert "and chapter 23-03"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2483: Human Services Committee (Sen. Thane, Chairman) recommends **AMENDMENTS AS FOLLOWS** and when so amended, recommends **DO NOT PASS** (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2483 was placed on the Sixth order on the calendar.

Page 1, line 1, after "A BILL" replace the remainder of the bill with "for an Act to create and enact a new section to chapter 12.1-32, chapter 25-03.3, and two new sections to chapter 25-04 of the North Dakota Century Code, relating to mandatory sentencing to sexual offender treatment programs, right to treat, and the commitment of persons in need of care, custody, and habilitation; to amend and reenact section 25-04-00.1 of the North Dakota Century Code, relating to definitions; and to provide a penalty.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. A new section to chapter 12.1-32 of the North Dakota Century Code is created and enacted as follows:

Mandatory sentence to sexual offender treatment program - Penalty. In addition to any other penalty provided by law, a person convicted as a sexual offender as defined by section 12.1-32-15 must be sentenced to a sexual offender treatment program that is approved by the department of corrections and rehabilitation.

SECTION 2. Chapter 25-03.3 of the North Dakota Century Code is created and enacted as follows:

25-03.3-01. Definitions. In this chapter, unless the context requires otherwise:

1. "Committed person" means an individual who has been committed for custody and treatment pursuant to this chapter.

2. "Court" means the district court in the county in which the person who is the subject of a petition pursuant to this chapter is located or the county in which that person resides.
3. "Mental disorder" means a congenital or acquired condition which affects a person's emotional or volitional capacity and which is manifested by a personality disorder or a personality change due to a general medical condition.
4. "Qualified expert" means a psychiatrist or psychologist trained in a clinical program and licensed pursuant to North Dakota law, or a psychologist who has been approved for exemption by the North Dakota board of psychology examiners.
5. "Respondent" means a person subject to commitment pursuant to this chapter.
6. "Sexual act" means sexual contact between human beings consisting of contact between the penis and the vulva, the penis and the anus, the mouth and the penis, or the mouth and the vulva; or in the use of an object which comes in contact with the victim's anus, vulva, or penis. For the purposes of this chapter, sexual contact between the penis and the vulva, or between the penis and the anus or an object and the anus, vulva, or penis of the victim, occurs upon penetration, however slight. Emission is not required.
7. "Sexual contact" means any touching of the sexual or other intimate parts of the person for the purpose of arousing or satisfying sexual or aggressive desires.
8. "Sexually dangerous person" means any person who is shown to have engaged in sexually predatory conduct and who has a mental disorder which makes the person likely to engage in further acts of sexually predatory conduct thereby constituting a danger to the health and safety of others. Sexually dangerous person does not include a mentally retarded person.
9. "Sexually predatory conduct" means:
 - a. Engaging or attempting to engage in a sexual act or sexual contact with another person, or causing or attempting to cause another person to engage in a sexual act or sexual contact, if:
 - (1) The victim is compelled to submit by force or by threat of imminent death, serious bodily injury, or kidnapping directed toward the victim or any human being, or the victim is compelled to submit by any threat that would render a person of reasonable firmness incapable of resisting;
 - (2) The victim's power to appraise or control the victim's conduct has been substantially impaired by the administration or employment without the victim's knowledge of intoxicants or other means for purposes of preventing resistance;
 - (3) The actor knows that the victim is unaware that a sexual act is being committed upon the victim;
 - (4) The victim is less than fifteen years old;

- (5) The actor knows or has reasonable cause to believe that the victim suffers from a mental disease or defect which renders the victim incapable of understanding the nature of the victim's conduct;
 - (6) The victim is in official custody or detained in a hospital, prison, or other institution and is under the supervisory authority or disciplinary control of the actor; or
 - (7) The victim is a minor and the actor is an adult; or
- b. Engaging in or attempting to engage in sexual contact with another person, or causing or attempting to cause another person to have sexual contact, if:
- (1) The actor knows or has reasonable cause to believe that the contact is offensive to the victim; or
 - (2) The victim is a minor, fifteen years of age or older, and the actor is the minor's parent, guardian, or is otherwise responsible for general supervision of the victim's welfare.
10. "Superintendent" means the state hospital superintendent or the superintendent's designee.
11. "Treatment facility" means any hospital, including the state hospital at Jamestown, or any treatment facility, that can provide directly, or by direct arrangement with other public or private agencies, evaluation and treatment of sexually dangerous persons.

25-03.3-02. Jurisdiction and venue. The district courts have original jurisdiction over the proceedings governed by this chapter. Proceedings pursuant to this chapter must be tried in the county in which the respondent resides or is located.

25-03.3-03. Sexually dangerous persons - Petition. If it appears that a person is a sexually dangerous person within the meaning of this chapter, the state's attorney may file a petition in the district court of the county in which the person is a resident, or in which the person is located, alleging that the person is a sexually dangerous person and stating sufficient facts to support the allegation.

25-03.3-04. Retention of records. Notwithstanding any other provision of law, all adult and juvenile case files and court records in which an offense pursuant to section 12.1-20-03, 12.1-20-04, 12.1-20-05, 12.1-20-06, or 12.1-20-07 is alleged must be retained for fifty years and must be made available to any state's attorney for purposes of investigation or proceedings pursuant to this chapter.

25-03.3-05. Abrogation of confidentiality statutes. Notwithstanding any other provision of law requiring confidentiality of information about persons receiving care, custody, education, treatment, or any other services from the state or any political subdivision, any confidential information about a respondent or committed person must be made available to a state's attorney for purposes of investigation or proceedings pursuant to this chapter. The provision of any such confidential information to the state's attorney does not render the state, any political subdivision, or any state or political subdivision official or employee liable pursuant to any criminal or civil statutes relating to confidentiality.

25-03.3-06. Use of confidential records. Any confidential records provided to the state's attorney pursuant to this chapter shall be made available, upon request, to the respondent or committed person, the attorney of the respondent or committed person, qualified experts charged with examining the respondent or committed person, and the court.

25-03.3-07. Sexually dangerous persons - Procedure on petition - Detention. Upon the filing of a petition pursuant to this chapter, the court shall determine whether to issue an order for detention of the respondent who is named in the petition. The petition may be heard ex parte. The court shall issue an order for detention if there is cause to believe that the respondent is a sexually dangerous person. If the court issues an order for detention, the order must direct that the respondent be taken into custody and transferred to an appropriate treatment facility to be held for evaluation and subsequent hearings pursuant to this chapter.

25-03.3-08. Right to counsel - Waiver.

1. Every respondent under this chapter is entitled to legal counsel. Unless an appearance has been entered on behalf of the respondent, the court shall, within twenty-four hours from the time the petition was filed, exclusive of weekends or holidays, appoint counsel to represent the respondent. If a respondent retains counsel, the retained counsel shall immediately notify the court of that fact.
2. If, after consultation with counsel, the respondent wants to waive the right to counsel or the right to any of the hearings provided for pursuant to this chapter, the respondent may do so by notifying the court in writing. The notification must clearly state the respondent's reasons for the waiver and must also be signed by counsel.
3. If the court determines that the respondent is indigent, the court shall order that appointed counsel be compensated from county funds of the county that is the respondent's place of residence in a reasonable amount based upon time and expenses. After notice and hearing, the court may order a respondent with appointed counsel to reimburse the county for expenditures made on the respondent's behalf.
4. If the state's attorney of a county that has expended sums pursuant to subsection 3 on behalf of a respondent who is liable to reimburse the county determines that the respondent may have funds or property to reimburse the county, the state's attorney may seek civil recovery of those sums. Commencement of the action must occur within six years after the date the sums were paid.

25-03.3-09. Notice. If a respondent is detained pursuant to section 25-03.3-07, the state's attorney shall provide the respondent, or the respondent's guardian, if appropriate, with a copy of the petition filed with the court. The state's attorney shall also provide the respondent with written notice of the respondent's right to a preliminary hearing and a commitment hearing, if probable cause is found to exist; the right to counsel and that counsel will be appointed for the respondent if he is indigent; and the right to have an expert of the respondent's choosing conduct an evaluation and testify on the respondent's behalf. The notice must also state the date, time, and place for the preliminary hearing.

25-03.3-10. Preliminary hearing - Probable cause. The respondent is entitled to a preliminary hearing within seventy-two

hours of the respondent being taken into custody pursuant to an order of the court, excluding weekends and holidays, unless the respondent chooses to waive the preliminary hearing pursuant to section 25-03.3-08. The respondent must be afforded an opportunity to testify and to present and cross-examine witnesses at any preliminary hearing. If the court determines after a preliminary hearing that there is probable cause to believe the person named in the petition is a sexually dangerous person, the court shall order that the person be transferred to an appropriate facility for an evaluation as to whether the person is a sexually dangerous person. If the court determines that probable cause does not exist to believe that the respondent is a sexually dangerous person, the court shall dismiss the petition. If the respondent waives the preliminary hearing, then the respondent must be immediately transferred to an appropriate facility for an evaluation pursuant to section 25-03.3-11 as to whether the respondent is a sexually dangerous person.

25-03.3-11. Sexually dangerous persons - Evaluation. The evaluation must be conducted by one or more experts chosen by the state's attorney. Whenever a respondent is subject to an evaluation pursuant to this chapter, the respondent may retain an expert to perform an evaluation or testify on the respondent's behalf. In the case of a respondent who is indigent, the court shall appoint a qualified expert of the respondent's choice to perform an examination or participate in the commitment proceeding on the respondent's behalf. Any expert appointed on behalf of an indigent respondent must be compensated by the department of human services in a reasonable amount based on time and expenses. An expert retained on behalf of the respondent must have reasonable access to the respondent for the purpose of the examination, as well as to all relevant medical, psychological, and court records and reports.

25-03.3-12. Sexually dangerous persons - Commitment proceeding - Report of findings. Within fourteen days after the finding of probable cause, the court shall conduct a commitment proceeding to determine whether the respondent is a sexually dangerous person. The court may extend the time for hearing for good cause. At the commitment proceeding, any testimony and reports of a qualified expert who conducted an examination are admissible, including risk assessment evaluations. Any proceedings pursuant to this chapter must be tried to the court and not a jury. At the commitment proceeding, the state's attorney shall present evidence in support of the petition, and the burden is on the state to show by clear and convincing evidence that the respondent is a sexually dangerous person. The respondent must be afforded an opportunity to testify and to present and cross-examine witnesses. All persons not necessary for the conduct of the proceeding must be excluded, except that the court may admit persons having a legitimate interest in the proceeding. If the respondent is found to be a sexually dangerous person, the court shall commit the respondent to the care, custody, and control of the superintendent. The superintendent shall place the respondent at the state hospital at Jamestown or another appropriate treatment facility or program for detention, care, and treatment. If the respondent is found not to be a sexually dangerous person, the court shall discharge the respondent.

25-03.3-13. Preliminary, commitment, and postcommitment proceedings - Evidence. Notwithstanding any other provision of law, in any proceeding pursuant to this chapter, evidence of prior sexually predatory conduct or criminal conduct, including records of the juvenile court, are admissible. Any privilege arising pursuant to law between the respondent and the respondent's spouse or between any professional person and the respondent, except between attorney and client, is abrogated and does not constitute grounds for preventing a report to be made to the court or for excluding evidence in any proceeding pursuant to this chapter. Nothing in this chapter may be

construed to prevent the respondent, the respondent's attorney, or the court on its own motion from producing evidence and witnesses at any court proceeding pursuant to this chapter.

25-03.3-14. Construction of chapter - Law relating to criminal trials and mentally unfit defendants. Any determination made pursuant to this chapter regarding whether a respondent is a sexually dangerous person or has an existing mental disorder is irrelevant to and inadmissible in any criminal proceeding against the respondent, including any criminal proceeding to determine whether the respondent is fit to stand trial, incapable of forming requisite intent, or not guilty by reason of lack of responsibility because of mental disease or defect.

25-03.3-15. Postcommitment proceeding, discharge, and further disposition.

1. A sexually dangerous person committed pursuant to this chapter must be retained by the superintendent until, in the superintendent's opinion, the committed person is safe to be at large and the committed person either has received the maximum benefit of inpatient treatment or can be treated appropriately in the community.
2. Each committed person pursuant to this chapter must have an examination of the committed person's mental condition made at least once a year. A report regarding the examination must be provided to the court that committed the person pursuant to this chapter. At the time of the annual examination, the committed person has the right to have an expert of the committed person's choice examine the committed person, or if the committed person is indigent and so requests, the court shall appoint a qualified expert to examine the committed person and report to the court. Any qualified expert appointed by the court must be compensated by the department of human services in a reasonable amount based on time and expenses. The expert must have access to all records, including confidential records, concerning the committed person.
3. After any report pursuant to this section is provided to the court, the court may order further examination and investigation of the committed person as the court considers necessary. The court, at its discretion, may set the matter for a hearing. At the hearing the committed person is entitled to be present and to the benefit of all protections that were afforded to the committed person at the commitment proceeding. The state's attorney shall represent the state at any such hearing. After any such hearing, the court shall determine whether the committed person is to be discharged or retained in the care of the state hospital as a sexually dangerous person.
4. The superintendent may only discharge a sexually dangerous person pursuant to a court order. The superintendent, in the superintendent's discretion, may petition the committing court at any time for the discharge of the committed person. The superintendent shall give the state's attorney notice of any petition for discharge the superintendent files with the court.

25-03.3-16. Petition for discharge.

1. Once annually the superintendent shall provide the committed person with written notice that the committed person has a

right to petition the court for discharge. The superintendent shall forward a copy of the notice to the committing court. If the committed person has not had a hearing pursuant to section 25-03.3-15 during the preceding twelve months and the committed person files a petition for discharge, the committed person has a right to a hearing on the petition.

2. At the hearing on the petition for discharge, the committed person is entitled to be present and to the benefit of all protections that were afforded to that person at the commitment proceeding. The state's attorney shall represent the state and has a right to have the committed person evaluated by experts chosen by the state. The committed person is entitled to have an expert of the committed person's choice conduct an evaluation, and the court shall appoint a qualified expert if the committed person is indigent and requests any such appointment. Any qualified expert appointed by the court must be compensated by the department of human services in a reasonable amount based on time and expenses.
3. The burden of proof is on the state to show by clear and convincing evidence that the committed person remains a sexually dangerous person.

25-03.3-17. Appeal. The respondent has the right to an appeal from an order of commitment or an order denying a petition for discharge. Upon entry of an appealable order, the court shall notify the respondent of the right to appeal and the right to counsel. The notice of appeal must be filed within thirty days after the order has been entered. The appeal must be limited to a review of the procedures, findings, and conclusions of the lower court. The name of the respondent may not appear on the record on appeal. Pending a decision on appeal, the order appealed from remains in effect.

25-03.3-18. Limitation of liability. A person acting in good faith upon either actual knowledge or reliable information who provides information to the state's attorney or the court pursuant to this chapter is not subject to civil or criminal liability.

SECTION 3. AMENDMENT. Section 25-04-00.1 of the North Dakota Century Code is amended and reenacted as follows:

25-04-00.1. Definitions. For the purposes of this chapter:

1. "Mentally retarded person" means an individual who has significantly subaverage general intellectual functioning that originates during the developmental period and is associated with impairment in adaptive behavior.
2. "Nonresident patient at the developmental center at Grafton" includes:
 - a. Any patient at the developmental center who is under eighteen years old and whose responsible relative is not a bona fide resident of this state.
 - b. Any Indian patients for whom the United States government has, through its statutes and regulations, a responsibility for their care.
- ~~2.~~ 3. "Nonresident responsible relative" includes the patient's nonresident spouse, father, or mother. It includes the bureau of Indian affairs in those cases involving Indian

patients for whom the United States government has, through its statutes and regulations, a responsibility for their care.

4. "Person in need of care, custody, and habilitation" means:
 - a. A mentally retarded person;
 - b. Who presents a serious risk of harm to that person or to others; and
 - c. For whom appropriate custody, care, and habilitation can be provided at the developmental center at Grafton or in alternative noninstitutional facilities.
5. "Serious risk of harm" means a substantial likelihood of:
 - a. Suicide, as manifested by suicidal threats, attempts, or significant depression relevant to suicidal potential;
 - b. Killing or inflicting serious bodily harm on another person or inflicting significant property damage, as manifested by acts or threats;
 - c. Substantial deterioration in physical health, or substantial injury, disease, or death, based upon recent poor self-control or judgment in providing one's shelter, nutrition, or personal care; or
 - d. Committing an act that would constitute a sexual assault or lewd and lascivious conduct with a person.

SECTION 4. A new section to chapter 25-04 of the North Dakota Century Code is created and enacted as follows:

Right to treat. The magistrate may place the person in need of care, custody, and habilitation, under the care, custody, and control of the superintendent of the developmental center at Grafton who may place the individual at the developmental center at Grafton or into appropriate less restrictive alternative treatment.

SECTION 5. A new section to chapter 25-04 of the North Dakota Century Code is created and enacted as follows:

District court commitment of person in need of care, custody, and habilitation.

1. In any proceeding in district court, the court may make an order committing the person to the developmental center at Grafton or alternative facilities whenever it appears to the satisfaction of the court that the person in the proceeding is a person in need of care, custody, and habilitation and is a candidate for services at the developmental center or alternate facilities.
2. If the court is in doubt as to whether the person is a candidate for services offered at the developmental center or alternate facilities, the court may make an order committing the person to the developmental center at Grafton for observation only by the authorities of the institution for a period not to exceed seven days. If it is ascertained as a result of the observation that the person is a candidate for services offered at the developmental center or alternate facilities, a report to that effect must be made by the

authorities of the developmental center at Grafton to the court.

3. The court thereupon shall make an order fixing a time for hearing upon the report showing the person to be in need of care, custody, and habilitation. Notice of the hearing must be given to the parents, custodian, or guardian of the person in the manner prescribed by law for the giving of notice in other proceedings in district court. The hearing must occur within seven days of the person's commitment for observation as in subsection 2.
4. Upon the hearing, the court shall make such orders as it may deem proper, which may be for a period not to exceed one year. Every individual subject to an order of care, custody, and habilitation has the right to legal counsel and to petition the court for discharge once annually. Any person may take an appeal from the order made by the court in the manner now prescribed by law for the taking of appeals from decisions of the district court."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2488: Government and Veterans Affairs Committee (Sen. Krebsbach, Chairman) recommends DO NOT PASS (4 YEAS, 3 NAYS, 0 ABSENT AND NOT VOTING). SB 2488 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2496: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends DO PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2496 was placed on the Eleventh order on the calendar.

REPORT OF STANDING COMMITTEE

SB 2499: Human Services Committee (Sen. Thane, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (7 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2499 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "care" with "provider"

Page 1, remove lines 7 through 22

Page 2, remove lines 1 through 10

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

Page 2, remove lines 12 through 18

Page 2, line 19, replace "6" with "2" and replace "a" with "any" and replace "who provides health care to" with "or institution licensed to provide services in this state"

Page 2, line 20, remove "enrollees of a health care cooperative"

Page 2, line 21, replace "7" with "3"

Page 2, line 23, replace "8" with "4"

Page 2, line 26, replace "9" with "5" and remove the colon

Page 2, remove lines 27 and 28

Page 3, remove lines 1 and 2

Page 3, line 3, replace "b. In the case of a health provider cooperative, the" with "a"

Page 3, line 4, replace the first comma with "or organization owned, controlled, or affiliated with a health care provider, including without limitation, a"

Page 3, line 5, remove "hospital," and replace "licensed institution" with "similar organization"

Page 3, remove lines 6 through 18

Page 3, line 19, replace "care" with "provider"

Page 3, line 21, replace "care" with "provider"

Page 3, line 23, remove "A health care"

Page 3, remove lines 24 through 29

Page 4, line 1, replace "a mutual" with "an"

Page 4, line 4, replace "network" with "cooperative"

Page 4, line 7, replace "care" with "provider"

Page 4, line 11, remove "licensed"

Page 4, line 12, replace "requiring" with "permitting"

Page 4, line 14, remove "health care network"

Page 4, line 15, remove "cooperative,"

Page 4, line 18, replace "may" with "shall"

Page 4, line 21, replace "A health care" with "The commissioner may not approve more than two contracts before July 1, 1997, and shall disapprove any contract in which the consideration paid for health services is unreasonably high in relationship to the services provided. Any actuarial costs incurred by the department in review of that filing must be borne by the cooperative"

Page 4, remove lines 22 and 23

Page 4, line 24, remove "enrollees"

Page 5, remove lines 1 through 3

Page 5, replace lines 14 through 29 with:

"State and federal governmental participation. The state or federal government, or any entity or political subdivision of the state or federal government, may be a member of a health care cooperative. Any state or federal governmental hospital may be a member of a health care provider cooperative. With respect to federal governmental participation:

1. A health care provider cooperative may limit its enrollment to those persons entitled to care under the federal program responsible for the health care provider cooperative.
2. A health care provider cooperative may request that the state health council waive the eligibility requirements for

participation that are contrary to federal law or regulations.

3. The health council shall consult with federal officials to develop procedures to allow a health care provider cooperative to use the federal government as a guaranteeing organization.
4. In developing and implementing initiatives to expand access to health care, the health council must recognize the unique problems of veterans and consider methods to reach underserved portions of the veteran population.

Prohibited practices.

1. It is unlawful for any person, company, or corporation or any agent, officer, or employee thereof, to coerce or require any person to agree, either in writing or orally, not to join or become or remain a member of any health provider cooperative as a condition of securing or retaining a contract for health care services with the person, firm, or corporation.
2. It is unlawful for any person, company, or corporation, or any combination of persons, companies, or corporations, or any agents, officers, or employees thereof, to engage in acts of coercion, intimidation, or boycott of, or any refusal to deal with, any health care providing entity arising from that entity's actual or potential participation in a health provider cooperative.
3. It is unlawful for any health provider cooperative to engage in any acts of coercion, intimidation, or boycott of, or any concerted refusal to deal with any health plan company seeking to contract with the cooperative on a competitive, reasonable, and nonexclusive basis."

Page 6, remove lines 1 through 29

Page 7, remove lines 1 through 28

Page 8, remove lines 1 through 29

Page 9, remove lines 1 through 29

Page 10, remove lines 1 through 29

Page 11, remove lines 1 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2505: Agriculture Committee (Sen. Bowman, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (3 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2505 was placed on the Sixth order on the calendar.

Page 1, line 5, remove "36-05-11.1,"

Page 2, line 1, remove the overstrike over "~~to cooperate~~"

Page 2, line 2, remove the overstrike over "~~with the board of animal health in~~"

Page 6, line 3, overstrike "of" and remove "commissioner and state veterinarian"

Page 6, line 11, after the period insert "Any matter relating to the health and welfare of domestic animals and nontraditional livestock and not specifically assigned by statute to another entity is deemed to be within the authority of the board."

Page 11, remove the overstrike over line 7

Page 11, line 8, remove the overstrike over "~~from the~~", after "health" insert "state veterinarian", and remove the overstrike over the period

Page 12, line 22, remove the overstrike over "~~board of animal health~~" and remove "commissioner"

Page 12, line 27, remove the overstrike over "~~board of animal health~~"

Page 12, line 28, remove "commissioner"

Page 13, line 2, remove the overstrike over "~~board~~" and remove "commissioner"

Page 13, line 4, remove the overstrike over "~~board of animal health~~"

Page 13, line 5, remove "commissioner"

Page 13, remove lines 13 through 27

Page 14, line 23, remove the overstrike over "~~state~~"

Page 14, line 24, replace "commissioner of agriculture" with "veterinarian"

Page 14, line 27, remove the overstrike over "~~state~~"

Page 14, line 28, replace "commissioner of agriculture" with "veterinarian"

Page 15, line 23, remove the overstrike over "~~state~~" and replace "commissioner of agriculture" with "veterinarian"

Page 16, line 3, overstrike "an accredited agent of"

Page 16, line 4, remove the overstrike over "~~state~~" and replace "commissioner of agriculture" with "veterinarian"

Page 18, line 2, remove the overstrike over "~~state~~"

Page 18, line 3, replace "commissioner of agriculture" with "veterinarian"

Page 18, line 5, replace "commissioner" with "state veterinarian"

Page 18, line 24, overstrike "an agent of the"

Page 18, line 25, replace "commissioner of agriculture" with "a licensed veterinarian"

Page 20, line 23, remove the overstrike over "~~board~~" and insert immediately thereafter "or"

Page 21, line 27, remove "commissioner" and overstrike "may" and insert immediately thereafter "commissioner shall"

Page 23, line 6, overstrike "employed or" and remove the overstrike over "~~board~~"

Page 23, line 7, remove "commissioner"

Page 24, line 4, remove the overstrike over "~~board~~"

Page 24, line 5, remove "commissioner"

Page 24, line 18, remove the overstrike over "~~board~~" and remove "commissioner"

Page 24, line 19, after "and" insert "the commissioner"

Page 24, line 24, remove the overstrike over "~~board~~" and insert immediately thereafter ", the", after "commissioner" insert an underscored comma, and after "~~its~~" insert "any"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2506: Appropriations Committee (Sen. Nething, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (8 YEAS, 6 NAYS, 0 ABSENT AND NOT VOTING). SB 2506 was placed on the Sixth order on the calendar.

Page 1, line 15, replace "president of the senate" with "legislative council" and replace "one member" with "two members"

Page 1, line 16, replace "senate" with "legislative assembly", replace "speaker" with "members appointed by the legislative council must represent each of the two major political parties and both houses", and replace "house of" with "legislative assembly"

Page 1, remove line 17

Page 1, line 18, remove "odd-numbered year"

Page 1, line 22, after "The" insert "mental health consumer advocates of" and replace "special education study council" with ", inc.,"

Page 2, line 1, after the underscored period insert "The members appointed by the North Dakota association for retarded citizens, the mental health association, and the mental health consumer advocates of North Dakota, inc., must include individuals with disabilities who are eligible for services or parents, family members, guardians, advocates, or authorized representatives of individuals with disabilities who are eligible for services."

Page 2, line 3, after the underscored period insert "A member may not serve more than two consecutive terms."

Page 2, line 5, after "term" insert ", but if the federal government designates a member ineligible, the legislative council shall fill the vacancy for the unexpired term in a manner that is consistent with federal eligibility requirements" and replace "The" with "No later than January 1, 1996, the"

Page 2, line 9, after the period insert "The committee shall develop a formal process to review complaints from providers or other persons concerning protection and advocacy activities."

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2507: Industry, Business and Labor Committee (Sen. Mutch, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (5 YEAS, 2 NAYS, 0 ABSENT AND NOT VOTING). SB 2507 was placed on the Sixth order on the calendar.

Page 1, line 3, replace "department of economic" with "legislative council"

Page 1, line 4, remove "development and finance"

Page 1, replace lines 5 through 22 with "A state agency providing economic development assistance or investment moneys for economic development shall establish guidelines to provide financial incentives for projects that offer quality jobs. A political subdivision or other economic development authority that works with local agencies may establish guidelines for quality jobs in the political subdivision or authority."

Page 2, remove lines 1 through 8

Page 2, line 9, remove "2."

Page 2, line 11, replace "and required under subsection 1 to establish jobs" with "shall report on its activities to an appropriate committee designated by the legislative council."

Page 2, remove lines 12 through 16

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2517: Education Committee (Sen. Freborg, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (6 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SB 2517 was placed on the Sixth order on the calendar.

Page 2, line 1, after "No" insert "public"

Page 2, line 2, remove the overstrike over "~~August thirty first~~" and remove "September eighth"

Page 2, line 6, overstrike "persons operating the"

Page 2, line 7, overstrike "kindergarten" and insert immediately thereafter "school district"

Page 2, line 9, after "kindergarten" insert "in a public or a private school"

Page 2, line 21, remove the overstrike over "~~August thirty first~~"

Page 2, line 22, remove "September eighth" and overstrike "an" and insert immediately thereafter "a public"

Page 2, line 28, after "grade" insert "in a public or a private school"

Page 3, line 1, remove the overstrike over "~~August thirty first~~" and remove "September eighth"

Page 3, line 2, after "kindergarten" insert "in a public school"

Page 3, line 7, after "kindergarten" insert "in a public or a private school"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SB 2536: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO NOT PASS (5 YEAS, 0 NAYS, 0 ABSENT AND NOT VOTING). SB 2536 was placed on the Sixth order on the calendar.

Page 1, line 7, replace "on behalf or in opposition to" with "promoting or opposing"

Page 1, line 9, replace ", if requested by" with "identify to"

Page 1, line 10, remove ", identify"

Renumber accordingly

REPORT OF STANDING COMMITTEE

SCR 4043: Judiciary Committee (Sen. W. Stenehjem, Chairman) recommends AMENDMENTS AS FOLLOWS and when so amended, recommends DO PASS (4 YEAS, 1 NAY, 0 ABSENT AND NOT VOTING). SCR 4043 was placed on the Sixth order on the calendar.

Page 1, line 2, replace "problems and concerns" with "issues" and remove "the scope and expansion of"

Page 1, after line 5, insert:

"WHEREAS, one of the purposes of the federal Indian Gaming Regulatory Act of 1988 is to promote tribal economic development, tribal self-sufficiency, and strong tribal government; and"

Page 1, line 9, replace "new" with "complex"

Page 1, after line 11, insert:

"WHEREAS, the Legislative Assembly is uncertain about the future of Indian gaming and its possible expansion in the state; and"

Page 1, line 12, replace "is concerned over the lack of control" with "believes the federal government has the broad responsibility to ensure that Indian gaming activities within the state are in the best interests of both the state and the Indian tribes;"

Page 1, remove lines 13 through 16

Page 1, line 20, replace "problems and concerns regarding" with "complex legal issues related to the federal Indian Gaming Regulatory Act of 1988, including the positive and negative impacts of Indian gaming on the state and tribes"

Page 1, remove line 21

Page 1, line 22, remove "negotiation process, and a state's lack of control over the Indian gaming"

Page 2, line 2, after "Delegation" insert ", the Majority and Minority leaders of the United States House of Representatives and the United States Senate, and all Tribal Chairmen in North Dakota"

Renumber accordingly

FIRST READING OF SENATE CONCURRENT RESOLUTION

Sens. Nalewaja, Mushik, St. Aubyn and Reps. Boucher, Gunter, Svedjan introduced:

SCR 4058: A concurrent resolution directing the Legislative Council to study the feasibility and desirability of providing out-of-home mental health services to severely emotionally disabled children without requiring the relinquishment of custody by parents.

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

FIRST READING OF HOUSE BILLS

HB 1089: A BILL for an Act to create and enact a new section to chapter 28-32 of the North Dakota Century Code, relating to duties of hearing officers; to amend and reenact sections 54-57-02, 54-57-03, 54-57-04, subsection 1 of section 54-57-05, and section 54-57-07 of the North

Dakota Century Code, relating to duties of administrative hearing officers; and to repeal section 54-57-06 of the North Dakota Century Code, relating to transfer and transition provisions for the office of administrative hearings.

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

HB 1178: A BILL for an Act relating to the expulsion of a student for possessing a firearm on school property; and to amend and reenact subsection 13 of section 15-29-08 of the North Dakota Century Code, relating to the suspension or expulsion of a student from school.

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

HB 1249: A BILL for an Act to create and enact a new section to chapter 37-07.1 of the North Dakota Century Code, relating to tuition reimbursement payments; to amend and reenact sections 37-07.1-03 and 37-07.2-01 of the North Dakota Century Code, relating to tuition waivers and grants; and to repeal section 37-07.1-06 of the North Dakota Century Code, relating to tuition payments.

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

HB 1260: A BILL for an Act to amend and reenact sections 15-05-10 and 38-09-18 of the North Dakota Century Code, relating to modification of oil and gas leases for public lands.

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

HB 1362: A BILL for an Act to amend and reenact section 40-13-04 of the North Dakota Century Code, relating to salaries of city officers.

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

HB 1373: A BILL for an Act to amend and reenact sections 49-02-01.1 and 49-02-02 of the North Dakota Century Code, relating to the powers of the public service commission concerning public utilities and the sale of materials or services to a public utility by an affiliated company.

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

HB 1385: A BILL for an Act to amend and reenact subsections 4, 16, and 33 of section 54-03-01.9 of the North Dakota Century Code, relating to legislative redistricting.

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

HB 1423: A BILL for an Act to amend and reenact sections 54-23.3-03, 54-44.1-02, 54-44.2-01, 54-44.3-11, and 54-44.5-02 of the North Dakota Century Code, relating to the appointment of the director of the department of corrections and rehabilitation, the executive budget analyst, the director of the information services division, the director of the central personnel division, and the director of the office of intergovernmental assistance.

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

HB 1459: A BILL for an Act to amend and reenact section 49-02-01.1 of the North Dakota Century Code, relating to jurisdiction of the public service commission.

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

HB 1478: A BILL for an Act to amend and reenact subsection 5 of section 37-19.1-01 and subsection 1 of section 37-19.1-02 of the North Dakota Century Code, relating to the definition of veterans for the purpose of veterans' preferences and public employment preference to veterans.

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

HB 1493: A BILL for an Act to amend and reenact sections 24-02-03.3 and 24-02-03.4 of the North Dakota Century Code, relating to the central management system for state-owned motor vehicles and the transfer of titles.

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

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

William C. Parker, Secretary